LEGISLATIVE COUNCIL

Tuesday, September 21, 1965.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

SALES TAX.

The Hon. C. R. STORY: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. C. R. STORY: I have in my possession a letter from the Waikerie San José Scale Committee informing me that, although this is a statutory body set up under an Act, it has been refused exemption under the sales tax laws of this country. As it is levying growers in the area for the purchase of canvas fumigation tents, it seems that this is not quite consistent with other exemptions that are granted. Will the Minister representing the Minister of Agriculture ask his colleague to take up this matter with the Sales Tax Department and, if necessary, will the Government refer the matter to the Commonwealth authority to have the Act put in order so that these exemptions can be granted?

The Hon. S. C. BEVAN: The question involves the Commonwealth Government's policy on sales tax. However, I shall refer the matter to the Minister of Agriculture and request that he investigate it. I will report to the honourable member later.

COMPULSORY UNIONISM.

The Hon. R. A. GEDDES: Has the Chief Secretary a reply to a question I asked last Thursday about teachers?

The Hon. A. J. SHARD: Yes. My colleague the Minister of Education has furnished me with this reply:

Whilst it is not necessary for a teacher to be a member of the South Australian Institute of Teachers to receive appointment or promotion, nor is any preference given to institute members, the Government considers it desirable that teachers should be members of that institute.

TRANSPORT CO-ORDINATION.

The Hon. R. C. DeGARIS: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. C. DeGARIS: As it is the policy of the present Government to co-ordinate all forms of transport in South Australia, the executive members of the Road Users Conference Committee has sought information from the Minister of Transport about the Government's intention in regard to legislation on this matter. I understand that the Minister has said that the submissions made by the deputation had helped to clarify his thinking and that it was his responsibility to make a recommendation to Cabinet in due course but that at that particular time he was not in a position to do so. Will the Minister, when he is clear in his thinking on this matter, and before the introduction of legislation, discuss the question of the co-ordination of transport with the Road Users Conference Committee?

The Hon. A. F. KNEEBONE: In answer to the honourable member, I should like to say that I have given serious consideration to the co-ordination of transport. Amendments to the Act will be introduced within the next few weeks, as I said prior to the show adjournment. Cabinet has not finally decided that what I have suggested is right. The proposals will be introduced in the Chamber when the Bill has been drafted and I have no doubt that, during the debate, there will be ample time for all people interested in the co-ordination of transport to consider what is being proposed and there will also be opportunity for members to put forward amendments to the Bill. However, I think it would be an act of discourtesy to the Chamber for me to show a draft Bill to all and sundry outside Parliament before I introduced it, and I do not propose to do that; I think I owe it to Parliament to bring the draft Bill here and not make it available to everybody outside the Parliament who desires to see it.

POLICE.

The Hon. Sir LYELL McEWIN: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir LYELL McEWIN: My question relates to a report that appeared in last night's *News* on a remark made by a stipendiary magistrate when he commended the police for their bravery and for what they did in dealing with an infringement of the law. I have not the article with me, but I think that about 100 or 150 youths—

The Hon. A. J. Shard: I thought the figure was 60, but I might be wrong.

The Hon. Sir LYELL McEWIN: Even if it was only 50, it is a matter for concern, particularly with the type of Police Force we have, and I think the families of police officers are entitled to know that everything is being done to protect our police against the attacks of gangs. Will the Chief Secretary consider the

introduction of some deterrent to the behaviour of irresponsible gangs who threaten the police in the exercise of their duty?

The Hon. A. J. SHARD: The answer is "Yes". Prior to this disturbance, which caused Cabinet much concern, there had been a controversy over the powers of the police to deal with situations of this nature. I have discussed this matter with the Deputy Commissioner of Police and the Attorney-General, and it has been discussed in Cabinet. Amendments to the Police Offences Act have been suggested to deal with this situation, and the matter is now in the hands of the Commissioner of Police for him to give his views on the amendments. I assure the honourable member and the Council that the Government considers that the police should have ample powers to deal with a situation of this nature. When the legislation is introduced, I think the Leader of the Opposition will approve of it.

PESTICIDES.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. A. GEDDES: In the daily press on September 18 it was reported that, due to the use of pesticides containing organochlorine compounds in Great Britain, there was a great danger of the eventual extinction of wild birds there. Will the Minister of Local Government ask the Minister of Agriculture whether organochlorine compounds are used in pesticides in South Australia and, if they are, whether a similar danger to our wild life exists?

The Hon. S. C. BEVAN: I will make the necessary inquiries from my colleague and advise the honourable member later.

SOLDIER SETTLEMENT.

The Hon. C. R. STORY (on notice): What are the intentions of the Government in respect of placing approved applicants awaiting settlement on irrigation properties under the war service land settlement scheme?

The Hon. S. C. BEVAN: The policy of the Government in respect of placing approved applicants on irrigation properties under the war service land settlement scheme is identical with that pursued by the previous Government.

KINDERGARTEN UNION.

The Hon. G. J. GILFILLAN (on notice):

1. What financial assistance is available to kindergartens which are not members of the Kindergarten Union of South Australia?

2. How many of the 119 union kindergartens have qualified directors?

3. How many kindergartens without qualified directors receive financial assistance from the Kindergarten Union?

4. Has the number of graduates from the Kindergarten Training College increased at the same rate as the number of union kindergartens?

5. Are there any plans to increase the number of Kindergarten Training College graduates?

6. Is it planned to repeat the short (one year) course for mature, unqualified teachers-in-charge?

The Hon. A. F. KNEEBONE: The replies are:

1. None.

2. 113.

3. Six.

4. 109 of the 119 kindergartens have opened since 1946. In that time 241 teachers completed the three-year course and 78 completed the one-year course. Of these, 105 are still engaged in South Australian kindergartens.

5. Yes. The college council is constantly reviewing the situation.

6. No.

PERSONAL EXPLANATION: NEWSPAPER REPORT.

The Hon. D. H. L. BANFIELD: I ask leave to make a personal explanation.

Leave granted.

The Hon. D. H. L. BANFIELD: On September 15, following what was said in this Council the day before, a report appeared in the *Advertiser* in which I was referred to as "Mr. Banfield, L.C.P." I want to put honourable members' minds at rest; I am not a member of the Liberal and Country Party. I have always been a member of the Australian Labor Party, and I hope to remain so.

PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table the following final reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Forbes Primary School Additions,
Ingle Farm Primary School,
Kingscote and Central Kangaroo Island Water Supply (Modified Scheme).

LOCAL GOVERNMENT (DISTRICT COUNCIL OF EAST TORRENS) BILL.

Adjourned debate on second reading.

(Continued from September 16. Page 1540.)

The Hon. Sir NORMAN JUDE (Southern): I thank the Minister of Local Government for permitting an adjournment last Thursday to enable me to make a study of the Select Committee's report, which I have done. This is probably the most extraordinary Bill to have been brought before this Chamber in the 21 years in which I have been a member. It has only one merit—that it is a common-sense measure—and, admittedly, that is an important point. Beyond that, however, I regard it with much suspicion, as it may possibly be a most undesirable precedent. The basis of the common sense is that the passage of the Bill will give stability to affairs of the council, which, for reasons too numerous to mention, have got out of the control of the gentlemen who work in an honorary capacity as councillors. The need to maintain staff, roads, etc., is the main reason why the Bill should be passed. I believe it will deal appropriately with the situation. I hope it will enable the council to collect not only current rates but rates that are outstanding. I do not criticize people who give years of work in an honorary capacity as councillors, but sometimes they place implicit faith in an officer and then find themselves let down. It is a rare occurrence but, human nature being what it is, it does happen. If there is anything wrong with honorary workers on councils it is that they place too much faith in the type of official whose powers are not appreciated by them, and then there is difficulty in making a check when things get off the beaten track.

We have had cases, well known to members of both sides of the Council, where a great disservice has been done to ratepayers because of the machinations of the council's executive officer. It is difficult to blame the chairman for, say, signing cheques for wage payments, because he may not have been to the office for a fortnight or so because of harvesting or other work. I draw the attention of members to page 225 of the Auditor-General's Report dealing with the accounts of local government authorities. I remind honourable members that this is not the first occasion upon which the Auditor-General has made somewhat similar remarks. Naturally, of course, he has to report on any activities of an improper or illegal nature that have occurred during the year. We must remember that, with 140 or 150 councils, it is not unreasonable to find that one or two depart from the beaten track. That does not mean that we need to smear the dozens of others that conduct their affairs properly for the benefit of the people of the State. However, the Auditor-General on this occasion refers, on page 225, to the following:

> The list of irregularities and breaches shown below are considered to be of major significance.

Those are strong words for him to use. All honourable members, and particularly those associated with local government, should note this strong criticism. On page 226 there are listed six or seven specific cases of improper procedure in council affairs, particularly in regard to finance. If honourable members want further information on the point, I think I can tell them to which council each paragraph refers. However, unless all honourable members are fully aware of it (which I doubt), the Auditor-General is empowered to examine councils' accounts from time to time. With his comparatively small staff and many other duties, it is not possible for him to audit the accounts of some 140 or 150 councils annually. Therefore, he makes a snap check from time to time, and that is when he picks up some of these irregular proceedings. But, on the other hand, the forging of signatures and the falsification of wage sheets are things that are virtually impossible for his department to pick up except by mischance or by chance happening to play into his hands, when he smartly takes appropriate action. What concerns me is that over the past few years some of the councils of this State have been handling many tens of thousands of pounds, in particular, highways grants. If this is the case and we are to run the risk of the gross inefficiency that we see dealt with in this Bill, then I suggest to the Minister and his colleagues that the time may well be ripe to increase the Auditor-General's staff so that he may either make a biannual examination of council accounts or actually do their auditing for them. I make that statement because about 150 councils deal with Government money and, therefore, it gives food for thought whether this should be done.

I come back to the position of what actually happens with the local auditors. I have become aware during the last few years that many small, penurious councils have been in the habit of

paying their auditors just a slight increase on what they paid them some 40 or 50 years ago—in some cases, 10 or 20 guineas. Everyone knows today that that is a farcical fee if a proper audit is to be carried out of a council's funds. For a paltry 10 or 20 guineas we can expect to get only what we pay for. It would appear that councils should be notified by qualified auditors that they will be expected to pay more for their audit and, in turn, councils should tell their auditors that they will expect a much more thorough audit than has been done in the past.

The evidence taken by the Select Committee in another place is most enlightening, particularly from two councillors of the district. Then, of course, we naturally look to the Auditor-General's Report, but, unfortunately, the misfeasances and the eccentricities were so widespread in this instance that he was able to make only what could be called an interim report to this committee and tell it that the matter was still in his officers' hands and that he would give a further report later. Having read that, I examined the evidence and found problems that had obviously existed for many years. So I state emphatically that it is quite beyond my comprehension why this Select Committee did not call the council's auditors to get their information and ask them why, when the rates had been put up to the tune of £2,000 *in toto*, the collection of them for that year was £1,000 less than in the previous year. In this case the auditors should have been called before that committee. I know that the Minister appreciates that that was the sort of thing that I felt dubious about rushing through last Thursday until I had looked at the Select Committee's report. I have no hesitation in saying that that should have been done. I do not know the position: those auditors may have been out of the State, but no mention is made of the fact that they were unable to be called. Anybody reading the minutes of the proceedings will see immediately that there is a large omission in calling the evidence.

I am glad that in this Bill the guarantee is limited to one year only. I trust that the council in that time, with the assistance of the professional people, will get its affairs in order, those people who have assisted in an honorary capacity in the past will again be able to have trust in an executive officer of their choosing, and that the affairs of the council will prosper. In these circumstances, I hope that honourable members will support the Bill.

The Hon. R. C. DeGARIS (Southern): I have no intention of speaking at length on this Bill but I do thank the Minister of Local Government for his consideration in allowing the Hon. Sir Norman Jude to look at it closely. In his second reading statement the Minister said that this was a matter of urgency. With that we agree: the Bill is a matter of urgency. Its purpose is to allow the East Torrens District Council to borrow the sum of £9,000 under the guarantee of the Treasurer and with the approval of the Minister of Local Government.

The Hon. S. C. Bevan: It is an extension of the council's overdraft.

The Hon. R. C. DeGARIS: Yes. This increased borrowing will be allowed notwithstanding the present restrictions on borrowing in the Local Government Act. The amount of £9,000 that can be borrowed over and above the council's normal borrowing capacity must be repaid in one year from the passing of this legislation. Clause 4 (3) provides that any sum that becomes payable by the Treasurer under the guarantee will be paid out of the general revenue of the State and clause 5 provides that any amounts paid by the Treasurer can be collected from the council. I understand that the council has reached the stage where it can no longer carry on its affairs because it has reached the limit of its borrowing capacity.

It appears that over the past four, five or six years the council has not been collecting all the rates that it could have collected from its ratepayers. I daresay that it will be necessary to rewrite the assessment book and then to collect the backlog of rates. This is a hybrid Bill, as has been mentioned by the Hon. Sir Norman Jude, and has been reported on by a Select Committee from another place. I, like Sir Norman, wonder why the auditors of the council (I do not know who they were) were not called to give evidence to the Select Committee. Certain doubts must arise in any person's mind regarding this matter and I consider that Sir Norman has covered them well.

The first question one must ask is how circumstances arose where a council, over five or six years, did not collect some of the rates owing. It appears from what I have read that the clerk did not correctly keep the assessment book, that certain assessments were dropped out of the book and that notices were not sent out. Obviously, there was laxity on the part of the clerk of the council although, as far

as I can see, there has been no misappropriation of funds. The second question that arises is how an auditor could have missed the fact that over five or six years the council rate went up and the revenue went down. I realize that it is not an auditor's job to see that the assessment book is the same in one year as it was in the previous year, nor is it his job to see that all Lands Titles Office transfers are entered in the assessment book.

However, it rather staggers one to see that over five or six years the revenue was falling while the rate was being increased. How that could escape an auditor's attention is beyond my comprehension. Further, over a period of five years, when there was an increasing rate and a falling revenue, how did this escape the notice of officers of the Highways and Local Government Department? The fourth point is that the balance-sheets of a council must be published. How did this escape the notice of the people of the district?

As I have said, I can see no evidence of any misappropriation of funds and it is just a matter of laxity on the part of the council's officer. I think we can well question the fact that an auditor, in auditing the affairs of the council over that period, could not discover an obvious anomaly and we wonder why this anomaly has not been discovered before this. This is a matter of urgency and one that is disturbing, but, in the circumstances, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Power of Treasurer to guarantee loan."

The Hon. S. C. BEVAN (Minister of Local Government): There has been some slight criticism in relation to how these things happen to a council. Frankly, as far as I am concerned at the moment, how they happened in this case is beyond my comprehension. It appears from a report I have that this state of affairs has been going on for six years and was only recently noticed. The Hon. Sir Norman Jude was, I think, perhaps a little harsh when he asked why the Select Committee did not call the auditors before it and why it did not inquire why these things were going on.

The position at the moment is that an investigation of the affairs of this particular council is in progress and I do not know what will be the outcome of that investigation. As these investigations are in progress, there could be circumstances in relation to the auditors themselves on the matter of their not coming before this committee. If the auditors had been summoned before the committee, surely they would have wanted to protect themselves because of the investigation, anyhow. I cannot understand how an auditor, who must be a certificated local government auditor, would not know that these things had been going on for the time suggested. There is not only the matter of the laxity in collecting rates; other matters come into this, so much so that the former clerk refused to answer any questions on it.

Investigations are going on and the criticism levelled at the Select Committee may be a little unjust, because of the circumstances. The Hon. Mr. DeGaris asked how this matter escaped the notice of the Highways and Local Government Department. That department does not audit councils' books and has not access to the books. The department handles applications for grants to enable councils to do certain work and, if investigations reveal that the grants are justified, the department makes the money available. However, so far as the point raised by the honourable member is concerned, the matter would be beyond the jurisdiction of the department and is one purely between the council auditors and the Auditor-General. I, as Minister, hope to receive a full report on the outcome of the investigations.

Clause passed.

Title passed.

Bill read a third time and passed.

MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 16. Page 1532.)

The Hon. Sir NORMAN JUDE (Southern): This Bill is, in the main, an amending Bill of a machinery nature that merely expands the present area in which the Municipal Tramways Trust has the authority to operate bus services. It is a machinery measure in that, due to the rise in the general cost structure, it provides for fares in excess of 2s. 6d., which is the present limit. It has one clause that causes me some worry, however. I am not being critical of the Bill or of the Minister of Transport, but I should like him to enlighten the Council about clause 6, which refers to section 33. Section 33 deals with the necessity for the trust to maintain roads over which its buses travel. The trust pays the Highways Department one penny a running mile—I am subject to correction on this—with a limit of £30,000.

If, as the Minister has told me previously, the trust does not intend to run its juggernauts to the extended area but intends to license the type of bus at present being used, will the licensed bus operators have to pay a penny a mile compensation to the department? If they do not, and if the occasion arises (as it must at times) when heavy buses are used, will the trust have the responsibility of conferring with the Highways Commissioner about strengthening the roads? If it will, should not the Highways Department suggest to the trust that it should pay a little more for the roads it uses? Although I support the Bill, I should like to have some explanation of this provision.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

WILLS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 16. Page 1534.)

The Hon. C. D. ROWE (Midland): I wish to speak only about clause 6, which inserts new section 5 (1) in the principal Act. This provides:

No will made by any person under the age of 18 years shall be valid.

That means, of course, that any will made by any person who has testamentary capacity and who is over the age of 18 years will be valid. This is the only part of the Bill that causes me any anxiety. I endorse its other clauses, particularly clause 7, which provides that a will will be valid if it is made according to the law of the place where it was made, and clause 8, which provides that wills made in another State are to be admitted for probate if they are made according to local usage. In my own practice I had a case of a person who became desperately ill while travelling on a foreign ship. This person was born in England, had lived in India for many years, and was returning home to England at the time of his death, by which time the rest of his family had settled in Australia. In that case, the will was executed according to the law applicable to the country where the foreign ship was registered, but it was not executed so as to be valid according to Australian or English law. There was a difficulty about whether the will was valid or not.

In these days, when people move around much more freely than they used to do, it is important for it to be made easier for people to execute wills wherever they may be. The only thing certain about life is its uncertainty, and anyone contemplating travelling would be well advised to see that his will was in order before he left his own country. Some people overlook this matter altogether, and others overlook it until almost the last moment before leaving for an overseas trip. On occasions I have been called out at very short notice to make out a will for a person going overseas who has realized that his present will does not cover the situation. Frequently people realize when they are about to board a ship or an aircraft that both husband and wife are travelling together and are both liable to lose their lives in the event of an accident. It is therefore wise to see that a will is made according to the law of the land in which one lives before one embarks upon a trip overseas.

Rather than have the change contained in clause 6, I believe we would be better advised to leave the law as it stands, namely, that a will cannot be made by any person under the age of 21 years, except that I would agree to giving power to make a will to a person over 18 years who is married. I am fortified in this opinion by the excellent speech made on this Bill last week by the Hon. Mr. Potter. I thought he covered many important aspects, and I do not propose to go over them. I have had a look at the position regarding the disposition of property where there is an intestate estate. I think the position is met satisfactorily. In other words, if a person dies when under 21 years of age and has not made a will his estate is disposed of according to the laws of intestacy. In the main, the disposition would be more or less the same as we would expect someone to make if he had power to make a will. For instance, if a minor died leaving a father only, his estate would go to the father. If he left a mother only, the estate would go to the mother. If he left a father, brother and sister, everything would go to to the father, but if he left a mother, brother and sister the estate would be divided amongst them equally. It seems to me that these provisions are logical and what we would expect anyone to do. Consequently, I think it would be unwise to give a single person between 18 and 21 power to make a will.

We all know that the older we get the more responsible we become, and I think that is particularly true in the later teen years. I think the degree of maturity in most people, particularly in relation to the disposition of their property, rises quickly during those years. Although a person of 18 may be capable of doing certain things and

making certain judgments, he has had no experience regarding the disposition of property, and very little experience in the management of business affairs.

The Hon. A. J. Shard: He would not be compelled to make a will.

The Hon. C. D. ROWE: No, but at that age he is subject to being unduly influenced. He may make a will in favour of a girl friend with whom he is temporarily associated, and if he dies before he is 21 the estate given to him by his father will go to the girl friend. I believe that at present many people dispose of their property to their children at younger ages because they realize that the children will not have the right to dispose of it themselves until they reach 21. At that age they gather some degree of responsibility. If we were to put on our Statute Book a law giving a single minor of 18 the right to dispose of his property we would find in many instances that the father would say, "I do not propose to transfer property to my son until he reaches 21 years of age."

From my experience of 30 years in a practice with a fairly heavy probate content I believe that if a father suggested to me, after this Bill is passed, the transfer of property to a single son or daughter, I would say, "You will appreciate that once the child becomes 18 he or she will have the right to make a will and to dispose of the estate entirely as he or she wishes." I would also say, "He or she may do it without consulting you and you would know nothing about it until after he or she had died and a will turned up from somewhere else." When I compare that risk with the position under our intestacy laws at present, with the satisfactory method of disposition of property, I cannot support the clause. In my practice in probate law over 30 years I cannot remember an occasion when a client wanted power to be given to a minor between 18 and 21 to make a will. In view of that, I do not think there is substantial demand for the provision. There is a mistaken belief amongst people that if there is no will the amount of succession duty is greater than when a will is made. In this State, up to the present at any rate, the succession duties are the same whether there is a disposition under a will or intestacy. Whatever else happens to the Act, I hope this aspect will not be altered. I support the other provisions of the Bill, but I am opposed to clause 6.

The Hon. C. R. STORY secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

In Committee.

(Continued from September 16. Page 1549.)

Clause 11—"Power to erect flats for letting purposes."

The Hon. R. C. DeGARIS: This clause gives a council power to erect, on land owned by it, residential flats for letting purposes.

The Hon. F. J. Potter: Only for letting purposes.

The Hon. R. C. DeGARIS: Yes, and that is important. During the second reading debate I raised doubts about this clause, because I do not agree that local government in South Australia should have power to enter this field, which is a field for the State. I cannot believe that local government would want this power to become a landlord. It may be right that the requests have been made to the Minister for this provision to be inserted in the Act. But let us suppose that a council spends much of its revenue in building flats, its policy is not agreed to and it is defeated at the next election: what power has the next council to sell the buildings already erected? By this provision, once a council enters into the building of flats only for the purpose of letting them, it is committed to being a landlord until the Act is amended. In Australia the power for the building of houses should rest with the State or Commonwealth authorities, not with local government. Therefore, unless the Minister can give cogent reasons in support of the clause, I intend to oppose it.

The Hon. S. C. BEVAN (Minister of Local Government): The honourable member asks who requires this power. I thought I made it clear in my second reading explanation that the request has come specifically from the Adelaide City Council. That council has asked for this power to erect flats, not from a desire to provide housing but to meet the housing shortage and build up the State's population and prevent a decline in the importance of the city as a shopping centre. There appears to be no objection in principle to giving a city or metropolitan council the power to erect flats. It is not considered that councils should enter the business of building cottages for letting, as this is carried out by the Housing Trust.

The Hon. Sir Arthur Rymill: So it is with flats.

The Hon. S. C. BEVAN: Power should be limited to the erection of flats for letting purposes only. A council should not enter the home unit business of building flats and selling them.

It was the Hon. Mr. DeGaris who, when addressing himself to the second reading of this Bill, said that he considered that a council should not enter this field at all, that it was the field of the private developer and the council should have no power in it.

The Hon. R. C. DeGaris: Or the Housing Trust.

The Hon. S. C. BEVAN: The Housing Trust has all these powers and is implementing them. The purpose of this provision is to meet the objection that a council shall not enter this field of building houses or flats for the purpose of selling them and becoming a competitor with the private developer.

The Hon. F. J. Potter: Was it ever suggested that it wanted to do this?

The Hon. S. C. BEVAN: No; it has not been requested. The City Council has never requested that power.

The Hon. R. C. DeGaris: Did it make any request for a private developer to come in with it?

The Hon. S. C. BEVAN: At first it suggested that the Act should be extended to enable it to have the same powers as a private developer has with the Housing Trust. As the responsible Minister, I would not grant that power. This is ratepayers' money.

The Hon. Sir Arthur Rymill: Yes—that's my trouble.

The Hon. S. C. BEVAN: At the present time, as has already been pointed out in this debate, the Adelaide City Council has the power of subsidizing the trust for the purchase of land for the purpose of building flats up to an amount of £35,000 of the ratepayers' money. It still has that power, and this does not alter it.

The Hon. F. J. Potter: But it is limited to dealing with the trust.

The Hon. S. C. BEVAN: Yes. In these circumstances, the only return to the Adelaide City Council on the £35,000 in any one financial year (for it is a continuing process from year to year; it is not restricted to one specific subsidy; the Act states "in any one financial year") would be the rents derived from those flats. The council can still pay to the trust £35,000 of the ratepayers' money for the purpose of the trust's erecting flats within the boundaries of the City Council, and the council would not own a brick.

The Hon. F. J. Potter: That would not be the only return.

The Hon. S. C. BEVAN: What other source of return has it? It does not own even the land on which the flats are built.

The Hon. F. J. Potter: But it gets some very good indirect benefits.

The Hon. S. C. BEVAN: Yes, it might, but it would not own a brick. Under this proposed amendment the council owns the flats. It gets the rental from them for the purposes I have just outlined; they are the property of the council itself, so the initial capital outlay for building the flats and the interest on such outlay would be recovered by the council from rentals charged on the flats. The council should not have power to acquire a site compulsorily—that is another safeguard. The committee sees nothing wrong with extending the powers to a metropolitan council to enable it to build flats for development within its own area. Surely there is nothing amiss in this and I consider that so far as the Adelaide City Council is concerned, this amendment is far better than the present provision whereby the council may make a contribution of up to £35,000 and still does not own anything at all.

The Hon. F. J. POTTER: I have listened to the Minister's explanation of the need for this clause and have noted that he has repeated what he said on a former occasion, namely, that the Adelaide City Council is the council that has asked for this particular clause. However, during the adjournment I made certain inquiries and, from the information given to me by several members of that council, it seems to me that the Minister has misunderstood the position. My understanding is that, in fact, what the city council wants is the right to negotiate with private enterprise in the same way as it has the right to negotiate with the Housing Trust.

The Hon. R. C. DeGaris: Or, had negotiated with the Housing Trust.

The Hon. F. J. POTTER: Or had negotiated with the Housing Trust. We all remember that a scheme was entered into between the Housing Trust and the city council, which was ready to be put into effect when there was a change of Government and then the Housing Trust proposed a modification of that particular scheme to the council and to the Government, whereby it would compromise and would not go in for such a large-scale proposal; it would build smaller flats. This, too, was turned down flatly by Cabinet.

It is extremely important that in the area governed by the Adelaide City Council, in a capital city, we have some housing development so we can have living within the area controlled by the council a population, not necessarily of young people with children, but

of people who will be tenants or owners of home units or flats and will thereby increase the viability, shall I say, of the life of the city. Anyone who has travelled overseas will have noticed that the essential thing about the major capitals of the world is that they have living within their boundaries a large population that enjoys and enhances the life of the city.

It must not be forgotten that within the city of Adelaide area there are businesses, restaurants and theatres, all of which contribute to the life of the community. If this city of Adelaide is not to become a dead heart, something must be done to try to have people live within the city area. The only way in which this can be done is by large-scale development of flats and home units. Of course, let us not pretend that the cost of this will be anything other than enormous. It is a matter fraught with some risk, something that nobody is going to enter into in a big way until some project is carried out the units sold, rents ascertained and the public generally are interested in the proposition. Private developers would not rush into this and so, in order to interest private enterprise in this sort of development, the Adelaide City Council desires to get a pilot scheme going.

It had hoped to have that in the scheme contemplated with the Housing Trust but, unfortunately, that crashed. The council now wants to be able to treat with private enterprise and interest private enterprise in setting up a pilot scheme. It desires to grant some sort of subsidy to private enterprise, say, on the cost of the land. For instance, if the council purchased land within the city area for £75,000 the council might be prepared to sell it to a private developer for, say, £50,000, and so make a contribution of £25,000 towards the cost. That is the kind of thing that could be done and that is my understanding of what the council desires. If this clause becomes law, it will be of no use whatsoever to the Adelaide City Council or any other council.

The Hon. Sir Arthur Rymill: It would be an extremely dangerous precedent.

The Hon. F. J. POTTER: It would be a dangerous precedent so far as any smaller corporation than the Adelaide City Council was concerned. Accordingly, with the Hon. Mr. DeGaris, I consider that, if this clause is inserted, apart from being a dangerous precedent it will be a dead letter as far as the Adelaide City Council is concerned. That council has never been interested in building flats and becoming a landlord in perpetuity. That is the last thing it wants. This clause will not give it what it seeks, namely, a right to treat with private enterprise in the same way as it has the right (which has been frustrated by this Government) to treat with the Housing Trust. Accordingly, I propose to vote against this clause as it stands.

The Hon. C. D. ROWE: Two matters arise from the remarks made by the Hon. Mr. Potter. The first is that I should like to know exactly what request was made to the Government by the Adelaide City Council. According to the Hon. Mr. Potter's remarks, it was not along the lines indicated by the Minister. I should like to know whether the Minister has any correspondence or anything to indicate exactly what the council is asking for. Secondly, I should like to know what other councils or corporations in the metropolitan area, if any, have asked for this legislation.

The Hon. S. C. BEVAN: The answer to the Hon. Mr. Rowe's question is simple. I thought I made it plain on a previous occasion and again this afternoon that the request was from the Adelaide City Council.

The Hon. Sir Arthur Rymill: What request? For this particular clause?

The Hon. S. C. BEVAN: Just a moment, please. I think it was the Hon. Mr. DeGaris who said this afternoon, when I was on my feet previously, "Was this the only request that was made?" and I thought I explained then that it also requested the power to deal with private enterprise or with a private developer. The Hon. Mr. Potter has said that I am under a misapprehension. I am under no misapprehension. The powers the council is seeking in relation to private developers are the same as those it has in relation to the Housing Trust. The request was rejected because the council could make available ratepayers' money to the extent of £35,000, and there would be nothing to stop the developer from selling the property later at an inflated figure. If that is what the Hon. Mr. Potter wants, it is not what I want, and it will not be written into the Act if I have anything to do with it. At lunch time today the Lord Mayor told me that, although the clause was not entirely what the council wanted, it would assist the council, yet Mr. Potter said that I did not know what I was talking about. I hope I have made clear to honourable members what this clause means, who requested it, and why the Government will not agree to give power to the council to invest ratepayers' money in private development.

The Hon. Sir ARTHUR RYMILL: Although there is a difference of opinion between two honourable members on this side and the Minister, in the main I agree with all of them. I agree with the Hon. Mr. DeGaris and the Hon. Mr. Potter in that I understand that the part of the request the Government is prepared to grant is the part the council does not want. I accept what the Minister said about what constituted the request, which apparently was in two parts. The first part was a request by the council that it be able to erect flats for letting (I think this was asked for to establish a principle rather than that the council intended to do it) and the second part was to enable the council to co-operate with private developers in the same way as it intended before the State election to co-operate with the Housing Trust. The new Government in its wisdom or otherwise did not approve of this co-operation with the trust. I do not criticize the Government for this, as it is entitled to take whatever stand it wishes, but what do we do now? The Adelaide City Council has asked for a two-part clause, the first part being to establish the principle that it should be able to get into the housing business. However, I do not think it wants to exercise these powers; that would be a poor business proposition because the council would have no power of sale and would be pinned into this investment forever.

The Hon. C. D. Rowe: Rents will not always increase; they may go down some day.

The Hon. Sir ARTHUR RYMILL: I think they are more likely to go up than down, as we are in an era of sliding inflation and I cannot see our getting out of it for some time. The Minister has given a proper and good explanation about co-operation with private developers as against co-operation with a Government authority. He has pointed out dangers, and they are real dangers; I agree entirely with him. However, I do not think he should have given anything in this clause.

I think that, in the request of the Adelaide City Council, both parts formed an important ingredient in the whole, and instead of rejecting half of the request (for the valid reasons given) the Minister should have rejected the whole request. He has not rejected this part because I think he knows there is nothing detrimental to the Government or the State. However, there may be something detrimental in it not only to the Adelaide City Council but to all metropolitan councils. I have previously said in this Chamber that housing is properly, in our political set-up, a matter for State Government and not for local government. If this clause is passed it will establish an important principle—and this may become the thin edge of the wedge—that local government should enter into housing. I do not agree with the principle, and I think it is sufficiently important for me to be able, despite the opinions and precepts I have expressed, to vote against it, which I intend to do.

The Committee divided on the clause:

Ayes (6).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), R. A. Geddes, A. F. Kneebone, A. J. Shard, and C. R. Story.

Noes (10).—The Hons. Jessie Cooper, R. C. DeGaris (teller), G. J. Gilfillan, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter, C. D. Rowe, and Sir Arthur Rymill.

Majority of 4 for the Noes.

Clause thus negatived.

Clause 12—"Additional power for expenditure of revenue by municipal councils."

The Hon. Sir ARTHUR RYMILL: In the second reading debate I expressed some qualms about this clause because I felt that it could lead to the payment of councillors, which I believe is not Government policy. Will the Minister of Local Government confirm that the Government does not favour the principle of payment of members of councils?

The Hon. S. C. BEVAN: The Government would not approve the principle of payment of members of councils, but under no stretch of imagination does the matter mentioned in this clause refer to the payment of councillors for their services. It is merely a protection, and a necessary one. The matter has come forward as the result of a request from the Eyre Peninsula Local Government Association for power to insure council members. Civic-minded people enter local government, but unfortunately there is no protection for them other than their own life insurance. Some objection has been raised because it is believed that the clause goes some way towards the payment of members of councils for their services, but it cannot be interpreted as such. The Act contains provisions for the payment to councillors of travel and meal allowances in certain circumstances, and this is probably more of a payment to councillors for their services. The clause gives a protection to councillors when they are on council business. Surely it is reasonable that they should be insured. Recently, in the metropolitan area, a councillor died whilst on an official council inspection. I do not suggest that the death was caused by the inspection,

but the possibility was there. I was associated with the inspection and at its conclusion the councillors met for dinner at a hotel. The councillor, a young man, had a seizure and passed away at the table. He left a widow and five young children.

The Hon. R. C. DeGaris: Was this the responsibility of the ratepayers?

The Hon. S. C. BEVAN: No. The rest of the councillors thought he was in excellent health. I knew him not only as a councillor but as an officer of one of our Government departments. If the provision in the clause had been in existence the councillor would have been insured.

The Hon. F. J. Potter: It is not for personal injury?

The Hon. S. C. BEVAN: The provision deals with the insurance of a councillor when on council business.

The Hon. Sir Norman Jude: Suppose he were an elderly councillor, 75 years of age, who collapsed at a council meeting. What would be the position?

The Hon. S. C. BEVAN: If this clause were in existence that councillor would be protected. Councils want power to insure their members against accident or death whilst on council business. Sir Norman Jude suggested an extreme case, but under our workmen's compensation legislation if that man could carry out his duties at 75 years of age he would be insured. He would, accordingly, be entitled to his compensation. If a councillor is successful at an election, surely he is entitled to protection if something happens to him whilst he is on authorized duty for the council.

The Hon. C. C. D. Octoman: "Personal injury" would cover such things as a seizure?

The Hon. S. C. BEVAN: Personal injury or death.

The Hon. F. J. Potter: "Personal injury, whether fatal or not."

The Hon. S. C. BEVAN: Yes. He has not to be totally incapacitated.

The Hon. Sir Norman Jude: It is "personal injury" as stated in the clause?

The Hon. S. C. BEVAN: Yes.

The Hon. Sir Norman Jude: A heart attack is "personal injury"?

The Hon. S. C. BEVAN: Yes.

The Hon. Sir Norman Jude: I suggested previously that this was dealing with workmen's compensation.

The Hon. S. C. BEVAN: The legal aspect comes into this. Some procedures have already been laid down by the court. If this clause is written into the Act and a councillor suffers a heart attack, surely an insurance company would accept liability? It would inquire into the justness of the claim, in accordance with the Act. If it considered it was not a just claim, it would not pay out.

The Hon. F. J. Potter: You mean, in accordance with the terms of its policy.

The Hon. S. C. BEVAN: Yes; and, if there was a dispute, it would go to court and the court would determine the justness of the claim. The legal machinery would then be put into operation and a court decision obtained. Surely that is right? Insurance companies will have to be satisfied of the justness of a claim. An additional safeguard is that the councillor concerned must be carrying out an authorized duty when injured. This clause gives a general power to grant insurance cover. There is no question of malpractice here.

The Hon. Sir ARTHUR RYMILL: I am entirely satisfied with the Minister's answer. He went into a little more detail than I had anticipated he would or than I really wanted. Nevertheless, I wanted an assurance that this would not lead to the establishment of a different principle. I am now assured of that. As the point has been raised, I should like to touch on how far the words "insuring members of the council against personal injury, whether fatal or not, arising out of or in the course of their attendance . . ." should cover them against such things as a heart attack. The Chief Secretary seems to have some knowledge of this.

The A. J. Shard: I won one case.

The Hon. Sir ARTHUR RYMILL: The Chief Secretary has won one. I have won one, too.

The Hon. A. J. Shard: They are not easy.

The Hon. Sir ARTHUR RYMILL: We both did a good job in winning those cases! I can confirm the fact that in certain circumstances, though not all—and that is what the Chief Secretary meant when he said they were not easy—this could be construed as a personal injury (I know this from experience) arising out of or in the course of their attendance at a council meeting. In this case a predisposition has to exist, in the nature of what used to be known as arteriosclerosis but what is now known more accurately as atherosclerosis. The Minister was partly right in saying that in some cases these sorts of things could be covered. I am not averse to insuring councillors. They give their time for nothing. I see no reason why they should not be insured against accident going to or from a meeting,

or even against these things that come within normal insurance. I support this clause and the next.

The Hon. Sir NORMAN JUDE: On the second reading I said I did not like this clause because it was associated with what our friends opposite have always tried to get done under the Workmen's Compensation Act. I am not entirely opposed to the form of this, but the problems that I enunciated on second reading surely bear consideration. Will all councils take out the same policy for their councillors? Can they all afford the same policy? Is an Adelaide City councillor worth two Carrieton councillors? One man may go in a public conveyance from St. Peters to the Town Hall and another may travel 50 miles from Elliston to Lock, where he spends half a day at a council meeting, has dinner and goes to a cinema show in the evening with friends, returning home at 2 a.m. Is he in the course of attending to his duties as a councillor? Who is to make that decision?

The Hon. Sir Arthur Rymill: The insurance company.

The Hon. Sir NORMAN JUDE: That is all very well, but our friends opposite have tried to make it clear that it does not matter if a man calls in to have a few drinks on the way home: he is still in the course of his work while going home.

The Hon. F. J. Potter: An insurance company may not accept that.

The Hon. Sir NORMAN JUDE: No. If ever an argument was whittled down in the advancement of it, that occurred when the Minister tried to raise tears in my eyes. Naturally, there is nothing personal about the case of this young man, but if a person is on, perhaps, four hours' casual work a fortnight with a council and has a sudden collapse because of some body illness, how will one assess the type of policy that a council should take out to cover that position? The Minister is quite sincere in saying that he would like to see the widow and children compensated; we all would. However, are the ratepayers to be responsible for paying that type of premium?

There is the further example of a councillor injured in a motor car accident. If another person is to blame for the accident, the third party insurance covers him for a considerable amount. He is also covered through the nominal defendant provision in the event of being injured by a hit-and-run driver. However, a premium to cover a councillor for 24 hours a day would cost a considerable sum and councils are not in a position to fritter away funds. I know that the Eyre Peninsula Local Government Association asked for this but I ask the Minister whether the Local Government Association also requested it and whether it was recommended by the Local Government Advisory Committee, which was set up to deal with these questions.

The Hon. S. C. BEVAN: The matter was examined by the Local Government Advisory Committee, which saw nothing wrong with it. It was recommended by the Eyre Peninsula Local Government Association and, I understand, endorsed by the Local Government Association. The Hon. Sir Norman Jude asked whether councillors would be covered 24 hours of the day and whether councils could afford the premium. There is no suggestion in this clause that they will be covered for 24 hours a day, nor is there any suggestion that they must be insured. I suggest that the honourable member look at clause 12 and consider clause 13 in conjunction with it.

The Hon. Sir Norman Jude: What about the words, "or otherwise in the course of their duties"?

The Hon. S. C. BEVAN: The honourable member said that a councillor might attend a meeting and then call in at "the local", stay there for some time and then have an accident on his way home. Insurance companies will not be used for that purpose. Surely those factors would be looked at. The Hon. Sir Norman also asked whether there would be a common policy for all councils, what type of policy it would be and whether the councils could afford the premiums. This clause does not make it compulsory for councils to insure their members but merely gives them the power and right to insure their members. Beyond that, it is up to the councils.

The Hon. D. H. L. BANFIELD: In connection with the fears expressed by Sir Norman Jude regarding the expenditure that might be involved if a council decided to exercise this power to insure councillors, I ascertained from a major insurance company this morning that it has an extremely good policy that would give a cover of £1,000 in the event of the death of a councillor while attending his duties, or a compensation payment of £6 a week if he is injured and medical expenses of £25 a week. The premium for this policy is 22s. 3d. a councillor per annum. Of course, the cover could be increased by any multiple and it can be seen that a cover of £3,000

in the event of death, or compensation cover of £18 a week in the case of injury, would cost about £3 a year for each councillor.

The Hon. Sir Arthur Rymill: If you were a councillor, you would not want to cash in on that!

The Hon. D. H. L. BANFIELD: If I were a councillor, I would not want to be left high and dry if I were incapacitated for some time after carrying out council duties voluntarily.

The Hon. R. C. DeGaris: What if you were a member of a hospital board?

The Hon. D. H. L. BANFIELD: That is all right. He could get that in addition. There is provision for £25 medical expenses, which is not a large amount for a person in hospital, so perhaps some of the weekly payments would compensate the councillor for what he did not receive from the insurance company.

The Hon. Sir Lyell McEwin: You are speaking of hospital benefits but the Hon. Mr. DeGaris is referring to a member of a hospital board.

The Hon. R. C. DeGaris: I meant if he was serving on a hospital board and was injured in the course of that work.

The Hon. D. H. L. BANFIELD: I think members are "having a go at me" again, Mr. Chairman. In South Australia there are only 1,156 councillors, 68 aldermen and 43 mayors, a total of 1,267. These are divided among 142 councils, so the average number of mayors, aldermen and councillors on each council is 8.9. Therefore, a council would not have to pay much more than an average of £29 a year in order to cover its councillors for £3,000. One ratepayer's rates would cover the premium for all councillors for 12 months and I do not think ratepayers would object to that.

The Hon. R. C. DeGARIS: During my second reading speech I said I was not enamoured of this particular provision. It is not a matter of whether it costs a council £25 or £100 a year; what is fundamental is the principle involved. This is a departure from what is normally accepted, that a councillor gives his services completely free of reimbursement. In my area there are many people who do considerable voluntary work for the town or district or assist the Red Cross, Young Men's Christian Association, hospital boards, Legacy, and other bodies. People who serve on councils look upon their service as being similar to service with these other bodies, and this clause is a departure from the accepted principle that such service is given free of charge. Many council members do not do as much work as do people who give their services to other bodies.

The Hon. F. J. Potter: But some of those bodies insure voluntary workers.

The Hon. R. C. DeGARIS: That may be so. However, there will be no uniformity, as one council may insure its members for £10,000 each and another may insure for a lesser amount. Everyone serving on councils should have the same conditions.

The Hon. D. H. L. Banfield: Would you agree to making this compulsory for a set amount?

The Hon. R. C. DeGARIS: No, I do not think that can be done. Although I do not intend to vote against the clause, I think it contains difficulties.

The Hon. R. A. GEDDES: After hearing some honourable members oppose this clause when speaking on the second reading, I contacted as many councillors as I could, and most of them favoured insurance. I was most interested to find that an approach had already been made to the chairmen of some hospital boards requesting them to provide insurance for members.

The Hon. Sir Arthur Rymill: We have a similar scheme.

The Hon. R. A. GEDDES: That is so. Members of many country bowling clubs pay 2s. a week to cover them against accident while travelling to and from bowls. I cannot see anything wrong with the clause. It is unfortunate that most people either cannot afford to insure against accident or consider themselves immortal. Members of councils render a service, and they should be compensated if an accident occurs.

Clause passed.

Clause 13 passed.

Clause 14—"Power to apply parking meter revenue for car parks."

The Hon. R. C. DeGARIS: I move:

In subclause (*a*) to strike out "word".

I think my views, which were expressed during the second reading debate, are well-known. If the amendment is accepted, this clause will apply only to the Council of the Corporation of the City of Adelaide. If it is not accepted I will support the amendment foreshadowed by the Hon. Sir Arthur Rymill. Even if it is passed, however, I intend to vote against the clause. I think the clause should apply only to the Adelaide City Council because in other council areas there may be no call for money to be expended on traffic lights, works associated with traffic lights, or off-street parking.

The Hon. S. C. BEVAN: I cannot follow the amendment. If it is passed, the subclause will read:

by striking out the word "may" in subsection (2) thereof and inserting in lieu thereof the words "shall".

The CHAIRMAN: There are other words to go in later if this is agreed to.

The Hon. S. C. BEVAN: The honourable member is under a misapprehension if he thinks the Adelaide City Council is the only council that has parking meters; other councils have meters from which they obtain revenue. I suggest that the other councils have just as much entitlement as has the City Council. I cannot accept the amendment.

The Hon. Sir Norman Jude: Has the Minister a council in mind?

The Hon. S. C. BEVAN: What about Port Adelaide?

The Hon. Sir ARTHUR RYMILL: Under this clause it is obvious that all councils must use revenue from parking meters, subject to exemptions, for the purpose of establishing off-street parking. I can think of many councils that have no need whatsoever for off-street parking, yet have meters in one street. The money accumulated from those meters would have to be put into a fund and spent on the provision of off-street parking, which would be a complete waste.

The Hon. S. C. Bevan: This is not restricted to off-street parking.

The Hon. Sir ARTHUR RYMILL: I think it is. Millicent has a long main street and I know from experience that at times it is difficult to get parking space there. I do not know whether the town now has parking meters, but I imagine that it has. If that is so, it would be necessary to go only one street east or west from the main street to find much parking space. It has been said that the main object of getting revenue from parking meters is to provide parking space. I was on the Adelaide City Council when parking meters were installed and I voted for them. I pointed out at the time that they were not being installed for the purpose of getting revenue. I said that revenue from them would be a happy by-product, and that has proved to be so. I have never agreed to the segregation of revenue of a council. If we followed that out we would be segregating the fees for the registration of dogs for the purpose of providing homes for dogs, and there could be hundreds of ridiculous examples like that. I cannot see why people using space in streets for parking purposes cannot be obliged to pay a modest sum for it. Having got used to parking meters, I think motorists generally recognize their virtue. I do, and I would like to see the period for parking in the main streets of Adelaide made shorter. At present it is too long. I think the principle in this amendment is right. My views are very much the same as those of the Hon. Mr. DeGaris, and I propose to support his amendment.

The Hon. S. C. BEVAN: If the amendment is carried the other words proposed to be inserted by the Hon. Mr. DeGaris will have to be accepted. He proposes that the City Council shall do certain things, whereas other councils can please themselves. It would be unjust if the provision applied only to the City Council. When the by-law dealing with parking meters was made Parliament was in recess and the by-law was in operation for about six months before Parliament could look at it. Irrespective of what has been said, the intention in the installation of parking meters was to provide kerb parking space more quickly for motorists. When representations were made to the Subordinate Legislation Committee in support of the by-law, after it had been in operation for some time, one of the principal arguments advanced was that the revenue from the meters would be used in providing off-street parking. That principle is embodied in the Act and "may" is used and not "shall".

The Hon. Sir Arthur Rymill: "May" was deliberately used.

The Hon. S. C. BEVAN: That may be so, but only for a specific purpose. I have gone a little further and I say that the revenue shall be used to provide off-street parking. When an area in the city has been without meters we have seen it become popular for parking, with the result that meters have been installed. It was never intended that the revenue from the meters would be used only for the provision of off-street parking. The amendment that I have on the files certainly uses the word "shall"—the revenue shall be used for these specific purposes. But it goes much further, providing not only off-street parking facilities but also traffic lights, road markings, road signs and matters incidental to traffic lights, which things are not embodied in the Act at present. This money would be used for all those purposes. It is suggested that it should also be used for archipelagos and roundabouts. Why not go the whole hog and say that it should be used for road-making, and be done with it?

The Hon. Sir ARTHUR RYMILL: On a point of order, Mr. Chairman, the Minister is debating my amendment, not the one before the Committee.

The CHAIRMAN: The Minister must confine his explanation to the amendment before the Committee.

The Hon. S. C. BEVAN: I bow to your ruling, Mr. Chairman, but other amendments had to be inserted and therefore clause 14 loses its purpose. That is why I was discussing it. I consider I am in order because it is no good discussing it after this amendment is carried, if it is carried. I oppose it. It is contrary to the spirit of the clause before the Committee.

The Hon. R. C. DeGARIS: Section 290d (2) of the Local Government Act states:

In addition to the powers conferred by this Parliament, a municipal council may expend the whole or any part of its revenue.

Embodying the provisions of clause 14, it will read:

In addition to the powers conferred by this Part, a municipal council shall expend the whole of its revenue to which this section applies in providing a reserve fund or funds for all or any of the following purposes:

Then it sets out the purposes. I believe that, if this direction is given to every council that has parking meters at present, or may have them in future, we shall reach a stage where each will have a reserve fund with some revenue in it that it cannot spend because of the restrictions placed on it by the addition of new paragraph (*c*), which states that a council may expend the money on certain things, including the installing and maintaining of traffic lights and works associated therewith and providing and maintaining signs and marking lines.

The CHAIRMAN: We had better deal with the amendment of the Hon. Mr. DeGaris first.

The Hon. C. R. STORY: I had much to say on this on the second reading. I notice with interest the amendment that the Hon. Mr. DeGaris has on the file, but it still does not get over my earlier objection, that we are here dealing only with municipalities. Can the Minister say whether he considers that some of the larger district councils should not have been covered by this?

The Hon. S. C. BEVAN: In view of what you have said, Mr. Chairman, is this the appropriate time for me to deal with that, or should I do it later?

The CHAIRMAN: The Minister may deal with it now.

The Hon. S. C. BEVAN: I have considered this matter. It is not considered that there would be any necessity for a district council to install parking meters for the purposes mentioned. If at some time in the future it became necessary for a district council to install parking meters in accordance with the Act, surely it would not be a burden on it to consider this provision? My present information suggests that it does not seem that there will be any necessity for some time for any provision dealing with district councils.

The Hon. R. A. GEDDES: I understand that the Port Pirie council is considering, or has considered, installing parking meters. I saw a press statement the other day to the effect that an expert representing a parking meter firm had consulted the council at Port Pirie in that regard. If all the moneys from Port Pirie were to go into a special fund for a special purpose, would the Minister agree with me that it would be many years before sufficient moneys were raised to begin that project?

The Hon. S. C. BEVAN: I have not examined the position at Port Pirie. It is a municipality. It would not take years for sufficient revenue to accrue for the council to be able to embark on that project. I think the honourable member is suggesting that money would not be raised at Port Pirie on a basis comparable with that of the Adelaide City Council for the installation of parking meters. The money could be paid into a special fund, which would accumulate for the purpose of buying land for making an off-street parking area. I see no difficulty in the way of using that money. It could be used for the installation of traffic lights, road markings, warning signs and things incidental to that.

The Committee divided on the amendment:

Ayes (10).—The Hons. Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (6).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), Sir Norman Jude, H. K. Kemp, A. F. Kneebone, and A. J. Shard.

Majority of 4 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS moved:

In paragraph (*a*) to insert "words" before "shall".

The Committee divided on the amendment:

Ayes (10).—The Hons. Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes,

G. J. Gilfillan, Sir Lyell McEwin, C. C. D. Cctoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (6).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), Sir Norman Jude, H. K. Kemp, A. F. Kneebone, and A. J. Shard.

Majority of 4 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS moved:

In paragraph (*a*) before "shall" but within the quotation marks to insert "may, but in the case of the council of the corporation of the City of Adelaide".

Amendment carried.

The CHAIRMAN: In the next line, in the words "or any part of", I think the word "of" is surplus. Has the Minister seen that?

The Hon. S. C. BEVAN: Yes. I move:

In subclause (*b*) to strike out "of".

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

In subclause (*c*) to strike out "lights".

This, of course, raises the effect of the whole clause, which renders it obligatory on the Adelaide City Council to use its parking meter revenue for off-street parking. The Government has seen fit in its wisdom (and I totally agree with it) to permit the council to spend its revenue on installing or maintaining traffic lights and works associated therewith and providing and maintaining signs and marking lines. This recognizes the principle that parking meter revenue may be used not only to provide off-street parking but to provide certain traffic control devices. For some reason that I do not understand, only certain traffic control devices have been singled out. "Traffic control device" is defined by the Road Traffic Act, and the totality of my amendment is to incorporate in the Local Government Act the words of the Road Traffic Act. I see no logical reason why this should not be accepted. Under the Road Road Traffic Act "traffic control device" is defined as meaning:

(*a*) any traffic lights, signal, stop sign, give-way sign, sign indicating a speed limit, barrier line, line or mark indicating a course for turning vehicles, pedestrian crossing, safety island, safety zone, traffic island, roundabout or dividing strip; and

(*b*) any other sign, signal, device, mark or structure the purpose of which is to regulate traffic and which is of a class declared by proclamation to be traffic control devices within the meaning of this Act:

but does not include a device by which visible or audible warning is given of the approach of rolling stock to a level railway crossing.

The installation and maintenance of traffic lights and works associated therewith and signs and marking lines are included in the Road Traffic Act, but that Act includes other things such as pedestrian crossings. These things are essentially for the safety of the public, and everyone should facilitate their construction. An example of the incompleteness of the clause as drawn is the intersection of West Terrace, Anzac Highway and Goodwood Road. There are traffic lights there, and when they were installed the Adelaide City Council also installed safety islands, roundabouts, and so on. Under the clause as it stands this work, which was costly, could have been a deduction from parking meter revenue. However, if no traffic lights had been put there the council could not have used parking meter revenue for the work.

The Hon. Sir Norman Jude: That applies at the Britannia corner.

The Hon. Sir ARTHUR RYMILL: Yes, that is another good example. At the corner of Ward Street and Jeffcott Street, North Adelaide, is a traffic roundabout. If it were installed under this clause the expenditure could not be deducted from parking meter revenue, but if traffic lights were installed there as well it could be deducted. In its present form the clause is illogical. However, it would be logical and in line with the Road Traffic Act if my amendment were passed. Once the principle that parking meter revenue can be used for safety devices is established, surely it should cover the whole field and not just a few devices selected at random. I think it would be proper in the interests of public safety to include all these devices.

The Hon. Sir NORMAN JUDE: I support the amendment. Is it suggested that we should leave out the newly-installed pedestrian lights at the corner of Rundle and Hindley Streets? They are excluded, as they are not traffic lights within the definition of the Act.

The Hon. S. C. BEVAN: I oppose the amendment. If it is carried, this clause will lose its usefulness. Under the amendment anything associated with roadworks could come into the matter. A whole road could be dug up and charged for.

The Hon. Sir Arthur Rymill: That is quite incorrect.

The Hon. Sir Norman Jude: The maintenance of roads has nothing to do with this matter.

The Hon. S. C. BEVAN: If the amendment is carried the provision in the Act will have no significance. It might as well be struck out. Why should we worry about what will happen later? I have gone a little farther than is provided in the Act. If we include archipelagos, median strips, etc., as read out by Sir Arthur Rymill, we might as well include roadworks.

The Hon. Sir Arthur Rymill: That is different from what you said earlier.

The Hon. S. C. BEVAN: A line must be drawn somewhere; otherwise there would be no purpose in making the matter mandatory. I feel that these other works should be financed by councils from other revenue. Some roadworks have been included in the expenditure of this money, but only those associated with the installation of traffic lights. I would be more inclined to include these associated works than include archipelagos, etc. I have never suggested that parking meter revenue would be sufficient to cover all work. It was suggested when Sir Arthur was speaking that a council would spend more money than it received.

The Hon. Sir Arthur Rymill: This matter is likely to stand forever in the Act.

The Hon. S. C. BEVAN: I will be greatly surprised if this Act does not come up for amendment next year. Nothing in it can be regarded as being in perpetuity. It is always coming up for amendment.

The Hon. Sir ARTHUR RYMILL: I have heard a number of arguments in this Chamber but seldom have I heard an argument put up and then completely reversed later in the member's speech. I took down the words used by the Minister and he said that what I read out included anything associated with roadworks and that we might as well dig up a road and charge for it. Then at the end of his remarks he said that we might as well include roadworks. I cannot understand the Minister. It is clear that the definition in the Act relates to traffic control devices. The Minister said we should not worry about what happens later, but if I get an amendment accepted I want it to stand as long as the measure stands. It is a defeatist attitude to say, "Why worry about it, because the Act will be amended next session?" I feel strongly that my amendment should be carried.

Amendment carried.

The Hon. Sir ARTHUR RYMILL moved:

In paragraph (*c*) to strike out all words after "therewith".

Amendment carried.

The Hon. R. C. DeGARIS moved:

In paragraph (*d*) to strike out "word" second occurring and insert "words"; and before "shall" but within the quotation marks to insert "may, but in the case of the Council of the Corporation of the City of Adelaide".

Amendment carried.

A division on the clause, as amended, was called for.

While the division bells were ringing:

The Hon. S. C. BEVAN: Can we be clear what we are voting on? If the honourable member wants the whole clause out, I am with him.

The Hon. R. C. DeGARIS: I have indicated "No" right through the debate on this clause.

The Hon. Sir ARTHUR RYMILL: The Minister called for the division.

The Hon S. C. BEVAN: What is the question—that the clause as amended stand part of the Bill?

The CHAIRMAN: That the clause as amended stand. I shall put the question again. Those for? Those against? The Noes have it. I call off the division.

The Hon. Sir ARTHUR RYMILL: On a point of order, may I know, Mr. Chairman, what your declaration is? Is the clause defeated?

The CHAIRMAN: The clause is defeated.

Clause, as amended, negatived.

New clause 14a—"Cost of constructing public street."

The Hon. S. C. BEVAN: I move to insert the following new clause:

14a. Subsection (11) of section 319 of the principal Act is amended—

(*a*) by striking out the words "under any provision of this section" and inserting in lieu thereof the words "in relation to works described in this section"; and

(*b*) by inserting after the word "paid" (first occurring therein) the words "or payable".

This amendment results from a legal opinion on road moieties.

I interpret the intention of the present Act to be that the maximum charge of 10s. a foot will be taken into consideration in a case where a person is now called upon to pay a further charge. Section 319 of the principal Act deals with this matter and the relevant subclause uses the phrase, "within the meaning of" in relation to the section.

Many interpretations have been placed upon that phrase and it has been said that in terms

of the Local Government Act, 1934-1964, irrespective of any moiety that had been charged prior to 1934, the council was entitled to charge a road moiety of 10s. a foot. A legal opinion given by Piper Bakewell & Piper states that, in their opinion, the councils are within their rights in charging the maximum and that whatever occurred before 1934 has no relevance now. There are cases of people whose land abuts ratable property who paid 2s. a foot in respect of roadmaking and, at that time, 10½d. a foot for kerbing. In 1946 the provisions dealing with kerbing were placed within the part dealing with a footpath and kerbing. In all, these people had paid 2s. 10½d. in moieties. However, the councils said, "That no longer prevails, because of the phraseology of the present section. Therefore, you now have to pay the full amount of 10s. and, for footpath moiety, the full amount of 1s. 6d."

I consider this an imposition, especially when we look at the intention of section 4 of the Act. It provided for the repeal of certain provisions and stated that provisions contained in the Acts that had been repealed were to be embodied in the 1934 Act. The Schedule A. to the principal Act enumerates these various Acts, such as the Local Government Act, the District Councils and District Corporations Act, the Municipal Corporations Act, the Local Government Act of 1910, and the City of Adelaide and Municipal Loan Act. Now we have the position that the councils, having a legal opinion that they are entitled to do it, may charge ratepayers further amounts of 10s. and 1s. 6d., even though they might have already made a contribution of 3s.

The Hon. F. J. Potter: Is that even though no renewal of the work has been done?

The Hon. S. C. BEVAN: Under the present section, where there is a renewal of work, the ratepayer is charged the full maximum amount provided in the Act, irrespective of what has been paid previously. I consider that an imposition. It was never the intention that ratepayers should have to pay the maximum amount of road moiety after having paid some portion already.

The Hon. F. J. Potter: Do you say councils can charge that amount again if the kerbing or footpath is renewed?

The Hon. S. C. BEVAN: Yes, and I am not the only one saying it. Unfortunately for the ratepayers, Piper Bakewell & Piper have given a legal opinion to the effect that councils are quite within their rights in doing it. In fact, some councils are charging it, irrespective of what has been paid prior to 1934.

The Hon. F. J. Potter: What is wrong with that if the kerbing is being renewed?

The Hon. S. C. BEVAN: What is wrong is that the ratepayers have already made payments. We may say that if a council renews a road, irrespective of whether road moiety has been paid, that council is still free to charge the maximum amount. That is what the honourable member is suggesting.

The Hon. F. J. Potter: No. I was thinking more of kerbing.

The Hon. S. C. BEVAN: The same applies. Once a ratepayer has made a contribution towards kerbing, surely all the council is entitled to recover at some subsequent time is the difference between what he had been charged previously and the present maximum charge for kerbing.

The Hon. F. J. Potter: That is fair enough. I understood they could not claim anything if the person had paid previously.

The Hon. S. C. BEVAN: That is news to me. My council does not interpret it that way.

The Hon. F. J. Potter: Some think that is so.

The Hon. S. C. BEVAN: That is contrary to the Act, which gives power to councils to recover from ratepayers the difference between the maximum and the sum previously charged for road making, although what is being done is contrary to the intention of Parliament. The amendment is to clear up this matter, and I hope that it will be accepted.

The Hon. Sir NORMAN JUDE: I agree with the Minister but, as we have just had his interpretation of the amendment, I think it would be fair if he reported progress.

Progress reported; Committee to sit again.

REFERENDUM (STATE LOTTERIES) BILL.

Received from the House of Assembly and read a first time.

BUILDING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 14. Page 1432.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which makes a minor amendment to the principal Act. As explained by the Chief Secretary, it is to alter the Act to extend the regulation-making power in order to provide that building inspectors shall have a certificate of competency before being permitted to carry out their duties, and this is desirable. The Bill merely extends the regulation-making power so that it will be possible to provide for qualifications of building surveyors to be proclaimed. I am sure that

the matter need not delay this Chamber and that all honourable members will support it.

The Hon. C. R. STORY secured the adjournment of the debate.

REGISTRATION OF DOGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 14. Page 1433.)

The Hon. R. A. GEDDES (Northern): I support this Bill, and I agree that, if the Government is adamant that there is to be no discrimination between Aborigines and other members of the community, it is only fair that Aborigines living within local government areas shall have the privilege of having their dogs registered. On August 4 I asked a question in this Council whether the Government would consider legislating for the registration of dogs belonging to Aborigines, and the Minister said that the matter would be considered. The question I asked was the result of complaints made to the Stockowners Association by members of that association living in the Port Augusta area whose stock was being molested by a large pack of dogs from the Aboriginal camp near that city.

It has been hereditary, I understand, for the Aboriginal to have as part of his family numerous dogs of various breeds. Whether this was brought about because he did not have to register his dogs or because of his natural inclination to share his wealth with his family and his animals is more than I can say. However, if these people are to be assimilated into this community, it is obvious that they must be prepared also to render unto Caesar the things that are Caesar's. In this small instance they must not only name their dogs but must register them by June 30, 1966.

Clauses 4 and 5 make amendments to increase the fees payable by an owner of a stray dog that has been seized and for late registration. These charges in both cases apply whether the dogs belong to an Aboriginal or not, and the increase in both cases is from 5s. to 10s. Although I support these clauses, when I looked at them I considered that here again was another case of increasing costs. However, I do not think it is fair criticism to use that argument when it is virtually a fine for neglect on the owner of a dog when he does not do what he has to do at the right time.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

ALSATIAN DOGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 14. Page 1433.)

The Hon. R. A. GEDDES (Northern): I support the Bill and observe that the operative clause is clause 3, which states in relation to registration of an Alsatian dog that if the fee is not paid before the expiration of 31 days after the last day on which such Alsatian dog should have been registered the fee shall be increased by 10s. I appreciate the Minister's statement that the provision for the late registration was included in the Registration of Dogs Act but not in the Alsatian Dogs Act. I repeat what I said in relation to the Bill amending the former Act. I said that any increase in the licence fee must be looked at with a critical eye, but that the owner of a dog should be reminded forcibly of his late registration of the dog.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

ADJOURNMENT.

At 5.50 p.m. the Council adjourned until Wednesday, September 22, at 2.15 p.m.