LEGISLATIVE COUNCIL

Tuesday, February 4, 1969

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Aboriginal Lands Trust Act Amendment,
Aged and Infirm Persons' Property Act Amendment,
Boilers and Pressure Vessels,
Building Societies Act Amendment,
Bush Fires Act Amendment,
Companies Act Amendment,
Crown Lands Act Amendment,
Evidence Act Amendment,
Explosives Act Amendment,
Fruit and Plant Protection,
Gift Duty,
Harbors Act Amendment,
Health Act Amendment,
Licensing Act Amendment,
Licensing Act Amendment (No. 3),
Marine Act Amendment,
Nurses Registration Act Amendment,
Parkin Congregational Mission of South Australia Incorporated,
Pastoral Act Amendment,
Petroleum Act Amendment,
Police Pensions Act Amendment,
Public Examinations Board,
Public Service Act Amendment,
Public Service Arbitration,
Registration of Dogs Act Amendment,
Stamp Duties Act Amendment (No. 3),
Stock Diseases Act Amendment,
Swine Compensation Act Amendment,
Textile Products Description Act Amendment,
Veterinary Surgeons Act Amendment,
Weights and Measures Act Amendment.

QUESTIONS

CAVAN RAILWAY CROSSING

The Hon. S. C. BEVAN: I seek leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. S. C. BEVAN: Congestion occurs at the Cavan railway crossing from time to time through the operations of goods trains, some coming from or going to the abattoirs and some shunting over the crossing. As this invariably happens at peak traffic periods, it results in a considerable banking up of traffic, and sometimes it takes 10 to 15 minutes before trains clear the crossing and vehicles are allowed to cross. This causes a banking up of traffic on both sides of the crossing. This matter was investigated by the Labor Government when it was in office, and at that time it was planned to commence the building of an overway there in 1969. Although I do not know why complaints have been directed to me, I have received some complaints from people who have been delayed at this crossing for a considerable time. Can the Minister of Roads and Transport say what progress has been made in providing an overway with grade separation at the crossing?

The Hon. C. M. HILL: It is acknowledged that the crossing has been causing a good deal of concern in recent times and that the position there is worsening as a result of the increased volume of vehicular traffic using the crossing. No doubt the railway traffic in and out of the abattoirs sometimes causes considerable delays, and of course this means inconvenience to motorists.

Another honourable member raised a question in this Council last year along similar lines, and the answer I gave then was that the original plans for this crossing (which, as the honourable member says, were to make it a separate grade crossing, with cars travelling across it on a different grade from the rail traffic) were deferred because in the plans for the Metropolitan Adelaide Transportation Study it was envisaged that the crossing would be radically altered in that the Salisbury Freeway was planned to come from the junction of Martin's Road (north of Salisbury Highway) and the Port Wakefield Road.

From that intersection the freeway was to swing west in a big arc and travel south through the Islington sewage farm land, as we know it. If this main freeway from the north were to be approved and if it were to adopt that course then, of course, the great volume of traffic now passing over this Cavan crossing would use the freeway and the problem at the crossing point would not persist.

At present that plan remains, so we want to wait and see what is going to happen in regard to the Metropolitan Adelaide Transportation Study, in which this freeway has a high priority. However, in view of the concern expressed by the honourable member it may be possible to examine some short-term method by which the inconvenience being caused can be alleviated. I shall therefore see that

the question is examined and I will bring forward a further report on a short-term method by which we may be able to assist in overcoming the problem.

STAMP DUTIES ACT

The Hon. G. J. GILFILLAN: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. G. J. GILFILLAN: My question relates to the Stamp Duties Act Amendment Act that has just come into operation and, specifically, as it affects the transactions of money from one account to another where partners are involved: the transfer of moneys to and from partners' personal accounts and the partnership accounts. I understand that this was recently recognized in other States as virtually a transaction involving the money belonging to the people concerned. Can the Chief Secretary therefore say whether the Government has considered this problem in South Australia and, if it has not, will it examine it?

The Hon. R. C. DeGARIS: Cabinet has discussed this matter and the Treasurer made a statement on it today. There seem to be some differences of opinion among legal authorities whether receipts for partners' drawings of profits or other money from partnership funds were subject to the receipts duty or whether they were exempt as being for payments made in the course of the internal accounting of the financial affairs of the partnership business.

Cabinet has decided that in the light of these differences, and as the corresponding Statutes in New South Wales and Victoria are being interpreted so as not to impose duty on receipts for partners' drawings, the South Australian Administration will not enforce duty on such drawings in this State, or upon the recorded division of profits between partners.

INDUSTRIAL CODE

The Hon. A. F. KNEEBONE: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Labour and Industry.

Leave granted.

The Hon. A. F. KNEEBONE: Prior to the Council's adjourning before Christmas the Minister of Labour and Industry made a Ministerial statement in another place in which he announced the appointment of Mr. G. E. H. Bleby, O.B.E., E.D., Ll.B., as President of the State Industrial Court and Commission, and of Mr. L. T. Olsson, M.B.E., E.D., Ll.B., S.M., as Public Service Arbitrator and Chairman of the Teachers Salaries Board. When he made that statement he also referred to the fact that in this part of the session that we are now commencing amendments to the Industrial Code would be brought down. During my time as Minister of Labour and Industry, any amendments proposed to the Industrial Code were discussed with both the employer and the employee organizations, and during the term of office of the Hon. Mr. Colin Rowe, who was Minister of Labour and Industry prior to my occupation of that office, members of his department discussed with those employer and employee organizations any proposed amendments to the Industrial Code. I think this sort of procedure went a long way towards creating the atmosphere of good industrial relations that has existed in this State for a long time. Can the Minister say whether the proposed amendments to the Industrial Code that he has forecast have been discussed with the organizations to which I have just referred? If they have not, does he intend to discuss the draft of these amendments with those organizations before bringing the amending Bill before Parliament?

The Hon. C. R. STORY: I shall seek a reply to the honourable member's question.

DOG FENCE

The Hon. A. M. WHYTE: The Minister of Agriculture may recall that on October 17 last I asked him to investigate, through the Minister of Lands, the possibility of the State Government increasing the subsidy of 20c a square mile to equal that paid by landholders for each square mile (35c), in view of the increased cost of maintaining the "buffer" dog fence. At that time I received a reply to the effect that this matter would be investigated. Can the Minister say what progress has been made?

The Hon. C. R. STORY: I will check with my colleague and bring down a report for the honourable member.

FESTIVAL HALL

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Chief Secretary, the Leader of the Government in this Council.

Leave granted.

The Hon. M. B. DAWKINS: About two months ago, just before Parliament adjourned

for Christmas, Mr. Henry Krips made some comments about the proposed festival hall. The *News* at that time had the following comments to make on what Mr. Krips had said:

For the three-man committee investigating the Elder Park site for a festival theatre, Mr. Henry Krips's remarks yesterday are important to bear in mind. Mr. Krips, resident conductor of the South Australian Symphony Orchestra, gravely doubts that the multi-purpose theatre envisaged would achieve its objective. He speaks from wide experience in these matters. He has not only seen but has played in the great festival halls and concert halls of the world . . . The requirements for a symphony concert, for instance, compared with those for opera, ballet or theatre, are substantially different. Mr. Krips indicates that in some instances they are opposed to each other. And complex stage equipment for theatre is very very costly. Mr. Krips's explanation suggests that a stage-by-stage development, built according to available finance and ultimately involving more than just one hall, might be the right answer after all.

Mr. Henry Krips was able to put before the public far better than I could the arguments that I have been trying to place before successive Governments ever since the idea of building this hall was first mooted. I believe that what Mr. Henry Krips has said is true. Because the Government will ultimately be involved in providing a considerable portion of the cost of a new construction, will the Chief Secretary ensure that before a final decision is made in this matter Mr. Krips's views (as he has had great experience) will be given due consideration?

The Hon. R. C. DeGARIS: I will bring the matter to the attention of the Premier.

DERAILMENTS

The Hon. D. H. L. BANFIELD: Has the Minister of Roads and Transport a progress report to present to this Council from the committee set up to investigate the cause of derailments?

The Hon. C. M. HILL: The independent committee inquiring into derailments has carried out inspections of track associated with derailments and has inspected rolling stock. In addition, the committee will shortly visit Victoria and New South Wales to inspect track conditions and have discussions with railway authorities in those States. The committee is receiving full co-operation from the South Australian Railways and I believe that certain experimental work will be done in the near future, and investigations are being conducted as expeditiously as possible.

FIRE RESISTANT POSTS

The Hon. Sir NORMAN JUDE: I desire to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. Sir NORMAN JUDE: A short time ago a very serious bush fire occurred adjacent to the South Australian border, but luckily it was contained in a reasonable area. However, during the course of the fire and because of the intense heat from it a considerable number of miles of new fencing was burnt. After the fire it was observed that the posts, which were comparatively new as fences go, being only a year or two old, had been virtually obliterated. The posts had been treated and were regarded and advertised as more or less fire-resistant. It was noted by experts that the green posts had virtually disappeared into powder form, even down to a depth of a foot into the ground, whereas posts treated with creosote were only scorched.

I understand that Victorian authorities have approached at least one of our Government experts in this State with a view to examining the position with regard to those posts. This is a serious matter, because people buy the posts as being fire resistant; they are not necessarily all provided by the Government because some are provided by private companies. Will the Minister regard this matter as urgent and obtain a report forthwith?

The Hon. C. R. STORY: I am interested in the honourable member's question. The Woods and Forests Department advocates people buying posts that have been treated with creosote, but some people seem to like the green posts, the salts treated posts, perhaps for their aesthetic beauty or maybe because they are nicer to handle. There is no doubt that the creosote-treated posts stand up much better under bush fire conditions. I do not know that anybody has actually claimed that salts treated posts are fire resistant. They claim all kinds of things for them—long life, etc.—but if the honourable member can bring me evidence indicating they are being sold as anti-bush fire material then I shall certainly be happy to investigate the matter. The department advocates creosote-treated posts as being the best to stand up to fire. I shall certainly take the matter further.

PARLIAMENT HOUSE

The Hon. A. J. SHARD: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. A. J. SHARD: My question could be directed to you, Mr. President, to the Minister representing the Minister of Works, or to the Chief Secretary. I am directing it to the Chief Secretary because it involves this side of Parliament House more than the other side. I refer to the very difficult working conditions that have been experienced on the first floor of this building during the last three weeks, at least. I am not speaking primarily on my own behalf: I feel more for members of the permanent staff than for members of Parliament. If the weather is too hot I can move to the basement or take my work home, but the staff cannot do that. Last week, because a Senate committee was sitting, the staff was working at tremendous speed and under extraordinarily bad conditions. The weather is cooler this week but, if anyone wants to experience the conditions, he may come to my office and see just how bad they are. We have a good building that is comfortable in the cooler months, but it is a tragedy that the conditions experienced in the summer time should be permitted to continue.

Last week, whilst sitting in my office, I heard proceedings that were taking place in the neighbouring office; the temperature was about 100° and my sympathy was with the employees concerned. I packed up and went home because the working conditions were so bad on the eastern side of Parliament House.

I hope something will be done before the turn of this century; otherwise, it will not affect me! Can the Chief Secretary say whether the Government has any plans to improve the working conditions on the first floor of Parliament House to make them more comfortable for all those who work there? If the Government does not have any such plans, will the Chief Secretary take the matter up to see that something is done before next summer?

The Hon. R. C. DeGARIS: I assure the Leader of the Opposition that this matter has been raised with the Government. As the Leader knows, I, too, worked on the upper floor of this building for a considerable time. I do not mean to reflect on the Government of the day when I say that conditions were extremely hot. I shall again seek a report on the matter to see what progress has been made toward improving conditions on the upper floor.

CHAIR IN VETERINARY SCIENCE

The Hon. L. R. HART: Has the Minister of Agriculture a reply to two questions I asked late last year regarding the possibility of the Government's giving evidence supporting the establishment of a chair in veterinary science in South Australia?

The Hon. C. R. STORY: The honourable member asked a question about the establishment of another chair in veterinary science in Australia following a newspaper report that the Commonwealth Government was interested in this question. As I said at the time, the Commonwealth Department of Primary Industry had seconded a very capable officer, Dr. Farquhar, to make this inquiry. I also said that the South Australian Agriculture Department was most interested in the matter. The Government wants to ensure that we have an adequate number of veterinarians in this State. With the development of the cattle industry particularly, which has increased by well over 50 per cent in the last 10 years, the need for veterinarians will be very much greater. In addition, we have pressed on with the pleuropneumonia campaign and with testing for tuberculosis. We have prepared much evidence to present to the commission and the Government will certainly press as strongly as possible the case for the establishment of a chair in veterinary science in South Australia.

ROSEWORTHY COLLEGE

The Hon. M. B. DAWKINS: I ask leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. M. B. DAWKINS: Last night I went to the Roseworthy Agricultural College, which is fast becoming a show place. In many respects it is undoubtedly the finest agricultural college in Australia. As I drove into the college property the first thing I noticed—on what one could scarcely call more than a track to the main building—was a rough, pot-holed surface. A bitumen road goes past the entrance to the college but the track is in poor condition, so the first—and at present the worst—impression one gets of the college is of this unsealed, rough track. It would not cost much money to improve and seal it. Since the Minister will be going to the college in a month's time for the college's graduation day, at which all existing, graduating and new students will be present in addition to parents and friends from both South Australia and other States, will the Minister see whether the road can be upgraded—and, possibly, sealed as a restricted speed limit applies on the road? If this can be done, the first impression visitors get will be a good one.

The Hon. C. R. STORY: I am quite sure it is not necessary to do up the road to get the first impression of the college because, as a past student of the college, the honourable member is, of course, a shining example. I know that the college principal is aware of the road's condition and I have been made aware of it, too. Whilst I cannot promise that improvements will be made before graduation day, I shall certainly do my best to see that it is put in good order. It has taken a long time to get it into its present state, but I hope we shall be able to do something to improve it in the very near future.

BUSH FIRES

The Hon. H. K. KEMP: Has the Minister of Agriculture a reply to the question I asked late last year regarding the use of Highways Department graders for fire control in outback country?

The Hon. C. R. STORY: I referred the honourable member's question to my colleague, the Minister of Roads and Transport, who has reported as follows:

The Highways Department has, and will continue, to co-operate fully with the Emergency Fire Services in supplying equipment to help combat serious bush fires. Administrative procedure has been laid down to facilitate prompt attention.

A very severe fire broke out recently on Commonwealth Hill, a very remote place. Some Highways Department equipment was in the area, so it was made available and it played an important part in protecting property there. It is not possible to deploy Highways Department equipment in every part of the State where there may be a fire so that it will be readily available. However, if equipment is in the area concerned and can be taken to the fire, it will be used if possible.

PUBLIC WORKS COMMITTEE REPORTS

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

Beaumont, Springfield and Glen Osmond Areas High Level Trunk Water Main,
Murray Bridge Sewerage System.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 12, 1968. Page 3275.)

The Hon. S. C. BEVAN (Central No. 1): As the Local Government Act is important, the debates that take place on amending Bills are usually most interesting. Amendments to this Act usually contain controversial matters, and the amendments contained in the Bill are no exception. We have had considerable time to examine those amendments. In order to appreciate the full ramifications of the Bill it has been necessary for me to do considerable research work, because the Minister's second reading explanation was so vague.

I do not intend to deal with the clauses to which I have no objection. However, I cannot accept some of the matters contained in the Bill, and as I proceed I will elaborate on my objections to certain clauses. My first objection is in relation to clause 4, which deals with the status of district councils. The purpose of this clause appears to be to raise the status of district councils, for under it a district council can, by proclamation, be given virtually the same status as a municipality. This means that there would be an election for a mayor at the next annual elections of the council, and at every subsequent election a mayor would be elected instead of the district council appointing a chairman from amongst its members after the election had taken place.

Considerable difficulty could arise under this clause. In fact, this is foreseen in the Bill, which contains a clause to the effect that any anomalies that occur can be referred to the Minister so that these things can be ironed out and a ruling given by the Governor. My objection to this clause is that all this can be done by proclamation. We have heard much in this council from time to time about the undesirability of Executive control. In this instance a council can be given extra status by proclamation. The application would first come to the Minister.

The Hon. Sir Norman Jude: Don't we proclaim cities when the population is big enough?

The Hon. S. C. BEVAN: We proclaim many things. My objection in this matter is that a proclamation such as this is Executive control. Local government in this state is so important, at least to me, that I maintain that Parliament should have a say in this matter. Perhaps a district council could be quite justified in lodging such an application as this, and any reasonable application naturally would be accepted by the Minister. The matter would then be taken to Cabinet and the Governor would then issue the necessary proclamation. However, after perhaps two or

three such proclamations had been issued the Minister could be in extreme difficuty if an application to be a declared district under this Bill were made by some district council that had only a limited number of ratepayers. I should not like to be the Minister who had to reject such an application.

I maintain that this matter should be handled by regulation rather than by a proclamation, for then if there were any objection or query in the matter Parliament itself would have an opportunity to examine it. Where a district council has been proclaimed and a mayor elected I assume that he would have only a casting and not a deliberative vote.

The Hon. G. J. Gilfillan: Wouldn't it be a good thing to have an independent chairman?

The Hon. S. C. BEVAN: I assume he will have only a casting vote. However, I ask the Minister to clarify this point. I have many comments to make about clause 6, which is intended to extend to all officers employed by a council the right of appeal if they consider that they have been wrongfully dismissed or reduced in status without due cause. I do not disagree with the principles enunciated by this Part, but several clauses could be improved upon. For instance, new section 163ja, which contains the definition of "officer", refers to section 163k, which defines an officer as follows:

Any person employed by a council as a clerical, administrative or professional officer but does not include any person remunerated by fees, allowances or commissions only.

This interpretation could lead to future argument. Does it cover all persons employed by a council other than those excluded, or is it restricted to the classifications named? Councils employ technical officers such as building inspectors, and they should be classified as officers. The interpretation in the Bill leaves itself open for criticism, as the Bill should cover all persons employed by councils on an annual salary.

I understand that the intention of this clause is to cover all officers previously covered by the old Classification Board determination. If that is so, the definition should be altered to include all officers employed by a council. I should appreciate the Minister's further explanation of the intention of this clause. In discussions that took place on amendments to the principal Act to cover these people, I understand it was stated that the clause would cover all officers under the Classification Board determination. If that is so, I shall be happy. I should also like the Minister to elaborate on this aspect in his reply.

New section 163je (2) provides that the Minister shall appoint a suitable person to be a referee to deal with appeals that lie under clause 6. The Minister's replies will determine my attitude in Committee, so could he say what is meant by "suitable person"? I could place a different interpretation on it than someone else could and, of course, the Minister's interpretation could be different from those placed on it by others. Also, is the referee appointed to act in all cases referred by aggrieved officers, or is an appointment made for each individual application? In other words, once the Minister appoints a referee, does that appointment continue for future cases, or is the referee appointed to hear one specific case only? I should appreciate it if the Minister would also clarify that point. I may be leaving myself open to criticism but, because of the importance of these matters, the Municipal Officers Association, a Commonwealth body that has extended its operations to this State, should be consulted by the Minister before an appointment is made. There is precedent for this under the 1967 Electricity Trust of South Australia Staff Award, whereby, pursuant to clause 32, staff officers are consulted in relation to the appointment of the chairman. It would be good if the organization concerned were consulted prior to the appointment of a referee, and I suggest that to the Minister for his consideration.

The Hon. C. M. Hill: I don't like the sound of that suggestion.

The Hon. S. C. BEVAN: I merely put it for the Minister's consideration; that is all I can do. New section 163jh (5) restricts the amount payable as compensation to an officer who has been wrongfully dismissed or reduced in status to not more than 12 weeks' salary at the rate received by him at the time of his dismissal. I submit that under these circumstances no restriction should be placed on the amount of compensation payable. Of course, an officer who believes he has been reduced in status or dismissed without justification can, within seven days, in writing request the council by which he was employed to hold an inquiry into the reasons for his dismissal or reduction in status, as the case may be and, on receipt of such notice, the mayor, chairman or clerk of the district council shall inform the council. Such action would normally be taken at the next council meeting which could, of course, be a month later. If councils meet only once a month and an officer receives his dismissal notice the morning after a meeting,

his objections will not be considered for another month. The council then has to notify the Minister who, in turn, appoints a referee and refers the case to him. Of course, as this action is taken time is passing by. The referee then conducts an inquiry into the case as soon as possible. Of course, even more time could elapse here and the inquiry itself could take some time to complete.

Also, the referee could take some time to prepare his report. On the other hand, the appointed referee could have other business to conduct, and some time could elapse before he commenced the inquiry. The inquiry could take a few months to conclude, depending upon circumstances. The referee shall then prepare his report, which will include a statement whether or not the council was justified in the action it took. If it was not justified in its action, the report shall state what action the council should take and, in the event of default by the council, the prescribed amount to be paid to the officer concerned in the inquiry. During the whole of this period the officer is out of work and receives no money. Why should he, through no fault of his own, have to suffer a financial loss? It is not his fault—it is the wrongful action of the council.

Also, during the period from the time of the dismissal or the reduction in status of the officer until the completion of the inquiry an increase in salary could take place. Therefore, he should be paid at the rate he would have received had he not been dismissed or reduced in status. He may have had some years of service with the council and may find difficulty in obtaining another position. Therefore, I contend that he should be paid at the rate of four weeks' salary for each complete year of service.

After all, such conditions prevail in all the other States except Queensland. They are contained in section 160 of the Local Government Act in Victoria, as amended by the 1965 Act; in section 99 of the New South Wales Local Government Act; in section 158 of the Western Australian Local Government Act; and in section 140 of the Tasmanian Local Government Act. During this session of Parliament most of the Government's legislation has been introduced mainly on the ground that the same conditions prevail in other States and therefore should prevail here. This point has been stressed by the Government, especially in respect of stamp duties and other taxation measures. We have been told repeatedly by Ministers introducing or supporting legislation, "This prevails in one or more of the other States and, therefore, it should prevail here." In this case Queensland and South Australia are the only exceptions. I will give the Government an opportunity to show how consistent it is by supporting me and seeing that the same conditions for local government officers prevail in this State as in other States. I therefore give notice that I shall move an amendment to section 163jh (5) as follows:

For the purposes of this section the prescribed amount means an amount equal to four weeks' salary of the officer concerned for each complete year of service at the rate he would have received if he had not been dismissed or reduced in status.

I have already said that there could be an increase in the salary of the officer between the time he was dismissed and the time the referee's report was made available. The Bill provides that he would be paid four weeks' salary at the rate he was receiving at the time he was dismissed or reduced in status, but with a limitation of 12 weeks. There is no justification for the officer not receiving the benefit of any increase in salary that may take place in the interim period. Where the report of the referee is to the effect that the council had absolutely no justification for its action, why should the officer be the one to be penalized?

Clause 8 deals with an amendment to section 287 of the principal Act, in respect of expenditure of revenue. Subsection j4 enables a council to subscribe to any organization having as its principal object the furtherance of local government. The proviso to this subsection restricts this amount, as amended in 1963, to $500 in any financial year. It is now proposed to delete this proviso, which leaves the door wide open for a number of subscriptions to be made by a council to the one organization during a financial year. We must remember that we are dealing with ratepayers' money. There should be a restriction on the amount that a council can contribute in any financial year. I would not object to any increase in the present amount allowed but I fail to see the reason for this amendment. The Minister's explanation tells us only that clause 8 deletes the proviso to section 287. I want a further explanation; there should be some restriction. If there is no restriction, it leaves the door wide open for the council to use ratepayers' money in this respect as it wishes to.

I agree to clause 9. Section 288 of the principal Act provides that the council may expend moneys in providing a subsidy or salary for a legally qualified doctor or dentist. I see no reason why this provision should not be extended to a municipality, although I am of the opinion that it should be the responsibility of the Government to provide these services, especially as, assuming this Bill is passed, district councils will be able, by proclamation, to attain municipal status. This clause should be extended to municipalities as well as to district councils.

I do not agree with clause 10, which deals with proposed amendments to enable councils to build up reserve funds to be used at some time in the future on any project on which the council may lawfully expend its money. This is defined in the principal Act. I appreciate that a council must first obtain the consent of the Minister in writing to the setting up of a reserve fund and the conditions under which that fund shall operate. I do not like the phraseology of this clause, which I shall read so that honourable members will more readily understand my objection to it. Proposed new section 290ca. (1) reads:

In addition to the powers elsewhere conferred upon it by this or any other Act a council may, with the prior written approval of the Minister and in accordance with this section, expend its moneys in providing for a special reserve fund out of which payments may be made for any purpose in respect of which the council may lawfully expend its moneys.

The term "may" is contained in a number of provisions of the Bill, and in dealing with the maximum amount that may be expended in providing for a special reserve fund it stipulates that the Minister "may specify" such maximum amount. Proposed new subsection 290ca.(2) reads:

In giving an approval for the expenditure of moneys in providing for a special reserve fund the Minister may specify—

(*a*) the maximum amount of moneys which shall at any time stand to the credit of the fund;

(*b*) the maximum amount of the aggregate of the payments to the fund in any one year; and

(*c*) the purpose for which payments may be made from the fund and the maximum aggregate amount of those payments for each purpose.

I appreciate that a council must first obtain the Minister's approval to set up a reserve fund, but what happens if the Minister decides that he will not give permission? The amendment does not state that he "shall" do it; he "may" do it. Assume that the Minister consents to a council setting up a reserve fund: the Minister then may or may not do other things. One of my objections to the clause is the use of the term "may": it is not mandatory—he may or may not do it, and I do not like that phraseology. Apart from that, I think the clause is contrary to the principles as determined by the Act.

Under the conditions of the principal Act, a council determines what work it will be necessary to perform during the ensuing financial year, together with the estimated cost of that work, and budgets accordingly. It then determines the amount of rates payable by ratepayers necessary to meet the proposed expenditure. The Bill lays down when a special fund may be set up and, therefore, the only way a council could establish such a special reserve fund would be by increasing rates. If ratepayers wish to enjoy amenities provided by a council in the form of good roads, water tables, footpaths, lighting, drainage, recreation areas, and so on, together with a host of other services, then they must be prepared to pay for them, but should a ratepayer have to pay for work that may not be carried out until 10 years hence? That ratepayer might derive no benefit from the work, whereas some person coming into the district at a future time and after the work has been completed would derive all the benefits without contributing to the cost. To elaborate: in industry today many people are transferred from one place to another; it may be from the city to Port Pirie, Whyalla, or to any industrial centre outside the suburb in which that person has been living. He may even be transferred to another State. That person has subscribed additional rates to be used in the reserve fund, but leaves the district without any possibility of returning to it in order to enjoy the benefits of an amenity provided from the fund.

The Hon. G. J. Gilfillan: Wouldn't a reserve fund that had been set up for some years prevent a sharp increase in rates to carry out various projects?

The Hon. S. C. BEVAN: I fail to see how, under the principal Act, a council would be able to set up a reserve fund out of general revenue without increasing the rates because it would be committed to a specific works programme. That is, it would have made provision for X amount of expenditure for a

particular year in accordance with the principal Act, following which a rate would be struck in order to obtain revenue necessary for the works programme. If the council placed some of that revenue into a reserve fund to pay for work in the future it would have to reduce the works programme for the current financial year. A council would have some difficulty in doing that legally under the conditions of the present Act. I believe the only way it could be done after obtaining the permission of the Minister to create a special fund would be by increasing the rates.

This proposed clause has a substantial bearing upon sections 290 and 290a, 290b, 290c and 290d of the principal Act. Section 290 limits the expenditure on certain items to one-third of the whole of the revenue of a district council for that year; this amendment would increase the revenue and therefore increase the amount of limitation of expenditure. If an extra rate is struck (and I submit it would have to be struck in order to establish a reserve fund) then the amount of one-third would be increased. Sections 290a, 290b and 290c give power to councils to invest surplus funds, to establish trust funds, and establish a reserve fund. Section 290c was added to the Act in 1963, and it deals with a reserve fund being established from revenue from parking meters and parking stations, such a fund to be used for a specific purpose, as enunciated under the amendment of 1963. I think, having taken into consideration the principle of the present Act in relation to the sections quoted allowing a council to build up reserve funds for specific purposes—and this is all paid for by the ratepayer—sufficient power already exists and I do not think the proposed amending clause should be allowed.

I intend dealing briefly with clause 11, which amends section 358 of the principal Act and deals with various road facilities, this amendment dealing specifically with parking on median strips. At present there is nothing to stop a person parking on a median strip. It may be considered that this is not permitted, but as the Local Government Act now stands it can be done. This was tested in my time and I would have introduced a similar amendment had I still been the Minister. The test mentioned related to the median strip in Daws Road where a person persisted in parking his vehicle. The council considered that it was illegal for him to do so, so it took legal action. When it was found that the council had no powers relating to this matter, it lost the case. A median strip is unsuitable as a parking area because, if it were so used, it would create dangers. Consequently, I support the amendment.

Clauses 20 to 26 deal with applications for postal votes in respect of council elections. Had there not been a change in Government at the last State election, the appropriate provisions in the principal Act would have been amended as early as possible because of the number of complaints that I, as the previous Minister of Local Government, had received about malpractices and abuses of the postal vote provisions at the last council elections that were held during my term as Minister.

Under the principal Act at present an enrolled person does not necessarily have to make a personal application to obtain an application form for a postal vote. It is in this connection that many abuses and malpractices occur. A person can go around with a pocketful of duplicated application forms and hand them out to enrolled persons with the idea of their applying for postal votes. This has been done. The application forms have been reproduced on a duplicator and distributed to electors by canvassers for candidates, and even by the candidates themselves. Declarations have been made regarding the movements of electors on polling day. The abuses have extended to the practice of an elector's signing a blank application form and the canvasser's filling in the remainder of the form. The elector must give a reason why he desires a postal vote; the reason may be that he will not be in the area on polling day.

I, as the previous Minister of Local Government, had many complaints that canvassers for specific candidates had approached enrolled electors who did not understand the implications of applying for postal votes. These electors had no intention of going to the polling booth on the day of the election because voting was not compulsory and they did not understand anything about it. They were persuaded to sign an application form for a postal vote, and the canvasser filled in the form and sent it in. In cases like this, the declarations made were incorrect: they said that the person would not be within the district in the polling hours. However, the people did not go outside the back door. It has been proved that this practice went on.

I could have taken action under the Act against the candidate himself because of malpractice and, in this way, upset quite a few municipal elections, but I found that I would have had to take action against people who did not understand the provisions relating to municipal elections. This may seem strange, but most of the people concerned were naturalized New Australians who were enrolled and entitled to vote yet did not understand anything about municipal elections. I did not take action against any of them because they had been hoodwinked.

For these reasons I am glad to see that this amending legislation has been brought forward. It will stop these malpractices and put the onus on the voter himself to apply for a postal vote. Whilst I realize that absentee landlords must be provided for, I am concerned about clause 20, which deals with the reproduction of application forms. It is provided that the council must consent to such reproduction. I am concerned about the person who is away from his home. The council may have had its last meeting prior to the election and, in the interim period before the next meeting, a voter may go away, perhaps to another State, and he may have had no idea at the time of the council meeting that he would be away.

At present he can apply by writing to the district clerk or town clerk in the form contained in the schedule, but he will no longer be able to do this under this amending legislation. He must now write to the district clerk or town clerk for an application form. It is then posted to him. On it he gives the reasons why he wants a postal vote and he returns it to the returning officer. A certificate and ballot-paper are then posted to him. Because this takes time it is quite possible that such a person will be disfranchised because he cannot comply with these new provisions relating to postal votes. I do not think we should create hardship for a person who desires to exercise his franchise at council elections. I appreciate the purpose of the clause, but I hope the Minister will consider this matter and see whether my contention is correct.

Finally, I turn to clause 27, which gives specific powers to the Adelaide City Council. It gives additional powers to the council in relation to redevelopment and compulsory acquisition of land for development above the ground or underground. At present the council has certain rights in respect of compulsory acquisition, but this Bill has retrospective effect to January, 1968. I do not know why its provisions should be retrospective unless the Adelaide City Council has taken some action that it has not had authority to take under the principal Act. I can only assume from this provision for retrospectivity that the council has done something that it had no legal right to do.

The Hon. D. H. L. Banfield: A let-out for the council!

The Hon. S. C. BEVAN: I appreciate the necessity for development and redevelopment, and I know that the Adelaide City Council is concerned about this matter. However, I think the council largely has itself to blame for the population decrease within the city boundaries. I say this because the council deliberately encouraged the establishment of commercial offices and business undertakings within those boundaries, and the effect of this was to decrease the number of private residences. This is happening today in North Adelaide. However, I point out that this development is taking place in practically every municipal council district in the metropolitan area, and a number of areas are crying out for redevelopment. Therefore, why should this provision be confined merely to the Adelaide City Council? Development above the street is referred to. I do not know how much development will take place above the street, unless the council plans to put something in orbit. The council already has power to authorize such overhead structures as have been erected in Charles Street, for the Minister can approve such structures. However, the Bill is rather vague about all this.

Let us assume for the moment that the Metropolitan Adelaide Transportation Study Report is accepted by the Government and that a start is made on the plan. I maintain that it would not be very long before the effects of those recommendations were felt, for a vast volume of traffic would be channelled into the city area. We saw last Christmas how all the arterial approaches to the city were choked up with traffic. In fact, all the streets from North Terrace to South Terrace and the cross streets were completely blocked at times. This created quite a problem. I consider that if the M.A.T.S. plan is approved these conditions will prevail and that the position will be aggravated because of the provisions of this Bill.

I object to this clause. I consider that the relevant powers should be vested in all metropolitan councils in consultation with the committee set up under the Planning and Development Act. We have an Act of Parliament and an expert committee established under that Act to deal with these matters in conjunction with the council concerned, and I do not see why the Adelaide City Council should be exempted from these provisions when the other metropolitan councils will be affected just as much. I have intimated my objection to certain clauses of this Bill and I have directed some queries to the Minister. As I said, I will be moving one amendment and, depending on what the Minister says in his reply, I may move others. At this stage, I support the second reading.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

ADJOURNMENT

At 3.47 p.m. the Council adjourned until Wednesday, February 5, at 2.15 p.m.