

## LEGISLATIVE COUNCIL

Wednesday, February 12, 1969

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

### QUESTIONS

#### CHARTER FLIGHTS

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the acting Leader of the Government in this Council.

Leave granted.

The Hon. L. R. HART: I direct this question to the acting Leader of the Council in the hope that he will refer it to the most appropriate Minister. Most people in this State have been shocked by the recent aircraft accident on Eyre Peninsula, and no doubt the authorities are at present looking into the cause of this unfortunate accident. I ask this question for two reasons: first, so that the public may be aware of the dangers associated with certain forms of charter flight business and, secondly, in the hope that the Department of Civil Aviation will investigate the charter flight business in this State.

I point out that any member of this Council (in fact, any person) can obtain a charter flight licence, and having obtained it he can hire an aircraft and then obtain a pilot to fly it. There are two kinds of pilot: the private pilot, who has a private pilot's licence, and the commercial pilot, who has a commercial pilot's licence. The dangers associated with a private pilot's licence, as I understand the situation, are that once he becomes airborne he radios to radio control his position and his intentions, and from then on he is not required to be in radio communication with the control point until he reaches his destination.

A private pilot does not necessarily have to be experienced in instrument flying. Also, there is evidence that at present there is a good deal of overloading of aircraft engaged in charter flight work in this State. Indeed, I am reliably informed that many of the D.C.A. regulations are being persistently broken. Therefore, it is fairly evident that there should be some inquiry into the question of charter flight work.

It is unfortunate that the aircraft involved in the recent fatal accident was being flown by a person with a private pilot's licence. I am also informed that he was not an experienced pilot, and it is fairly evident that he was not in radio communication with control. Indeed,

he was flying in weather that no experienced pilot would venture into. This is unfortunate and it is a situation that perhaps should not have occurred. It is necessary that this set of circumstances be brought to the notice of the appropriate authorities. Therefore, will the Minister of Agriculture confer with his appropriate Cabinet colleague to see whether some suitable controls can be applied to charter flight work in this State?

The Hon. C. R. STORY: The honourable member has raised a number of points. I will take up the matter with the Premier with the object of his communicating with the appropriate Commonwealth authority, as this matter is outside the jurisdiction of this State: it is a matter for the Department of Civil Aviation. I am sure we are all conscious of the fact that public safety is involved.

#### ROAD EXPENDITURE

The Hon. R. A. GEDDES: I ask leave to make a short statement prior to directing a question to the Minister of Roads and Transport.

Leave granted.

The Hon. R. A. GEDDES: In reply to a question on how the Metropolitan Adelaide Transportation Study plan would be financed, without unduly influencing the spending on country roads, at a lecture I attended recently Mr. Flint stated:

It may be anticipated that there will be an increase of funds made available for the construction of freeways from the Commonwealth aid road grants which are to be reviewed later this year.

I understand that at the moment about 40 per cent of this money provided by the Commonwealth must be spent on rural roads. What will be this Government's policy in that regard? Will it press for a similar percentage for country roads or will it suggest a reduction in the percentage from these particular Commonwealth grants?

The Hon. C. M. HILL: Under section 5 of the 1964 Commonwealth Aid Roads Act, the percentage is laid down: 40 per cent of the money allocated to this State from the Commonwealth must be used on rural roads other than main roads. This matter comes up for review at the end of June this year when the current five-year period ends, and the formula will finally be thrashed out at the Premiers' conference with the Prime Minister.

We must wait until we hear from the Commonwealth the offer it will make both to this State and to the other States. So far, we have not a definite policy (and this is a

direct answer, I think, to the honourable member's question) because we are waiting upon the offer to be made by the Commonwealth, on advice from the Commonwealth Bureau of Roads.

I point out, however, that a difficulty has arisen about the percentage condition in recent years—in that it has been, as I have said, related to rural roads other than main roads. We have found that we should like to spend on some of the main roads some of the money that we have been forced, under this condition, to spend on roads running off main roads.

#### HAMBIDGE RESERVE

The Hon. A. M. WHYTE: Early last year the National Parks Commission consented to the alienation of portion of Hambidge Reserve for the purpose of agriculture. Will the Minister of Agriculture, representing the Minister of Lands, ascertain from his colleague what progress has been made towards the split-up of this reserve?

The Hon. C. R. STORY: Yes, I will inquire from my colleague.

#### MANUFACTURED MEAT

The Hon. L. R. HART: Has the Minister of Agriculture a reply to the question I asked on February 5 in relation to the control of the sale of synthetic meat?

The Hon. C. R. STORY: The honourable member asked me whether I would have placed on the agenda for the next Australian Agricultural Council meeting the matter of synthetic meat, and that action has been taken. It will be discussed at the next meeting of Ministers of Agriculture to be held in Tasmania in March. Regarding the general subject of synthetic meat, to my knowledge it is not being manufactured at present in Australia, as the soya bean is its basis. We have not been successful in Australia to date in making the soya bean an economic crop, but it is possible that countries where it grows readily could provide the ingredients whereby synthetic meat could be produced in this State. I think we all realize that this would be a great blow to the Australian meat industry. I am certainly keen to have this matter debated at the next meeting of the Australian Agricultural Council.

#### RADIATA PINE

The Hon. R. A. GEDDES: A company in the South-East which grows radiata pine commercially claims that it is using with great success nitrogenous as well as phosphate fertilizers in growing the pine. It claims it can shorten the growing time of a tree by one-

third. Can the Minister of Forests say whether the Woods and Forests Department is conducting similar experiments to ascertain whether nitrogenous and other types of fertilizer are an economic proposition for the growing of radiata pine?

The Hon. C. R. STORY: The Woods and Forests Department has been a leader in Australia in this work, and much research into this matter is at present being conducted. I should like to obtain a detailed report for the honourable member's assistance because I appreciate his interest in the timber industry and particularly in the forests in the north of this State, such as at Wirrabara. I shall therefore obtain that report for him.

#### NUCLEAR POWER

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. A. M. WHYTE: The Minister of Works was quoted in this morning's *Advertiser* as having said, in reply to a question by the member for Millicent, that he would suggest to the Minister for National Development that South Australia be considered as a possible site for Australia's first nuclear power station and that some research on a possible site would be authorized, including the South-East of this State. Having Whyalla in mind, can the Minister of Agriculture, representing the Minister of Works, say whether the same research could be extended to Eyre Peninsula?

The Hon. C. R. STORY: I shall certainly take up the matter with the Minister of Works.

#### TRANSPORTATION STUDY

The Hon. Sir ARTHUR RYMILL (Central No. 2): I move:

That, in the opinion of this Council, the Metropolitan Adelaide Transportation Study Report should be considered by Parliament before any substantial portion of the plan is approved by the Government.

I propose to deal with the motion in two parts: first, to examine the question why Parliament should debate the matter; and, secondly, what Parliament should debate. On the first question I should like to say that, as we all know, many features of the plan are obviously desirable, good or logical. So, I make it clear from the outset that I do not attack the plan as a whole, but I find some parts of it extremely questionable—whether it be in the financial

aspect, in the aesthetic aspect or in humanitarian considerations.

In reply to certain questions I asked last week, the Minister of Roads and Transport said, quite to my astonishment, that the matter was not to be debated by Parliament at all but that it was to be a matter of Governmental decision because, as I think he put it, it is a service plan. I find this term or this attitude, in my estimation, to be a departmental attitude rather than a Ministerial one, and I must say with all respect to my honourable colleague, for whom I have the utmost respect and who has done a great job since he took office, that I find this quite ridiculous—to say that the plan is a service plan and therefore should not be debated by Parliament.

This plan will alter the face of metropolitan Adelaide for generations to come and, in my opinion, wreck Adelaide as a city of charm and beauty, and will certainly affect the life of all persons living today, whether older people or new-born babes. Surely it is our living that is the important thing in life. Who is entitled to ride roughshod over the living of the individual?

I have studied the plan, as a layman of course, but with some experience that I have gained over the years as a member of the traffic committee of the Adelaide City Council off and on for about 30 years and as one who has been riding in a motor car off and on since he was born. (I still have the No. 11 number plate, which was my father's original number.) So, I think I can claim to have at least the ordinary lay knowledge of the matter, and there is an old expression that was used a lot in the Army about what can be done by experts which I will not repeat in this Council because it would be unparliamentary.

To me, and I am not trying to be disrespectful to anyone, the M.A.T.S. plan has an attitude in it that I have encountered elsewhere, that no-one counts except the traffic engineer and that no considerations count other than traffic engineering. Honourable members will have studied the report, as I have within the ambit of my ability, and I find that sweeping geometrical curves have been drawn over plans of the metropolitan area. It seems to me that whatever falls in the passage of these curves must go, as if a great storm were sweeping through them, whether these things be homes, or factories, or businesses, or even gasometers, because if honourable members refer to page C2 of the M.A.T.S. plan (the plan of the

North Adelaide connector) they will see that all these things happen. I have yet to discover that any part of the plan has sought to avoid things that might be in the way of these geometrical curves, and yet, doing all these things, it is called a "service plan" virtually to be put into effect by the Government department concerned.

It is noticeable that, as public opinion appears to have strengthened and crystallized on the matter, the department has become increasingly toey and testy about it. One of the principals of the department used the *argumentum ad hominem*, which to the academics is a sign of weakness of the case. As I said in my questions last week, people were invited to criticize the plan; people were invited to comment on it; but recently, instead of the attitude that first appeared (that is, that these comments would receive complete consideration and investigation) people who, in my opinion, had made excellent suggestions have been called "crackpots" and "instant experts", and have been told that they are talking "tripe".

This attitude has increased as public opinion has mounted, and it was this attitude that caused me to ask certain questions of the Minister last week, which revealed, to my astonishment (because in my innocence. I thought the matter would necessarily be referred to Parliament and I think most of my colleagues agreed with this, too, and I was waiting until Parliament was consulted before uttering such comments as I did utter) that Parliament was not to be consulted and the Government was going to take unto itself a decision on the matter. In other words, in the most major town planning plan that we have ever had (and I include Colonel Light's plan in this for a reason I will give in a moment) a decision is to be made by a portion of the ruling Party and not by Parliament.

Colonel Light planned the open spaces, and that is one thing. Such a plan is mutable, and that is one thing, but that plan did not include mighty engineering works. It is vastly another thing, in my opinion, to plan for the alteration of already developed areas, to plan, as it were, the replanning of those areas and to push people about, whether they be business people, private home dwellers, or whatever they are. Many people will have their homes taken from them and it is obvious in the light of such knowledge as exists at the moment (and in my opinion it is little, because a vast amount will be learned in the next 50 or 100 years)

that the face of Adelaide is going to be irrevocably changed in the years before us. Once a mighty freeway is put up it will cost an awful lot of money to pull it down again. We heard a few years ago that people in America who had been building swimming pools had switched their avocation and were then making great profit filling them in again. This is the kind of thing I can foresee happening.

The other aspect that I want to mention in this relationship of why Parliament should consider the matter is the financial aspect. If honourable members look at page X of the M.A.T.S. Report they will see under "Implementation" a reference to cost. The total plan is for the expenditure of about \$544,000,000, of which \$436,500,000 is for road and highway improvements and \$107,500,000 is for public transport improvements. Then the plan goes on to say that the estimated cost of the highway part of it exceeds available funds by no less than \$104,500,000. The total cost of the recommended railway improvements is estimated at \$79,000,000 and the South Australian Railways will need substantial financial assistance to implement the railway proposals. The estimated total cost of new bus equipment and bus depots is \$28,400,000. The report then states:

It has been the Government's policy to make funds available for this purpose, and it is assumed that it will continue to make funds available when required.

I would like to say that to my knowledge the funds that have been made available for this purpose have been nothing like that magnitude. The report (and I think the public ought to be aware of this) also states:

Possible sources of supplemental funds which have been considered include increases in Commonwealth Aid Road Grants.

Well, no doubt some increases will take place over the years. Then, significantly, it mentions as possible sources of supplemental funds motor vehicle registration and drivers' licence fees and road maintenance contributions. I have heard it said that a certain person envisages that registration and licence fees will be doubled. What "road maintenance contributions" means, I do not know, and I do not know that anyone else knows. However, I find some apprehension in that statement.

So, Mr. President, we have a scheme before us over the next 17 years of \$544,000,000, of which, on my working, \$212,000,000 is not yet accounted for: it is up in the air. If we can take Chowilla as an example, where are we going to end when the original estimate

for the scheme is \$544,000,000? Will it be doubled, trebled, or quadrupled over this period of 17 years? Who knows? I believe this is what Parliament ought to debate before this plan is adopted. Is this plan to be approved with only, at best, about three-fifths of the funds available?

Can honourable members envisage, as I can, a freeway sticking up in the air one-quarter or one-half completed and just staying there because we are incapable of providing funds to build it? As I have said, the report states that highways funds will be available over the next 17 years. Well, I have been watching this for the last three or four years, and I watched the admirable South Road development come to a complete halt; it is finished well this side of where work should certainly be done, judging by the traffic jams I see occurring there at peak periods, especially at the weekends. Also, we see traffic on the Hills Freeway, our link with the Eastern States, reduced to a virtual crawl. If the Government cannot finance just those two major roads, with all the other obligations that it has upon it, how on earth can it be considering this vast expenditure on this mighty plan?

I promised that I would indicate what I consider should be debated, and I will proceed to do this. I would say, first of all, that we should debate the desirability of this plan as compared with its effect on the people who are going to be disturbed by it. What counts most? Is it this plan for the future, drawn in the knowledge of today and not of tomorrow, or is it the welfare of the people who are going to be presently affected by it, whether they be home dwellers, business people, public organizations or anything else?

Also, what about the question of compensation? Under our compulsory acquisition Acts as they at present stand, all the people would get is the amount they could sell their properties for if they wanted to sell them. And, of course, they do not want to sell them. There is nothing further for them, as far as I know. What about those injuriously affected even though their properties are not going to be taken? Are they going to be compensated, or are they not? This is something that Parliament should debate. This Council has always claimed that it stands for the rights of property ownership and the individual, and this is what I am standing up for today.

Secondly, is the plan to be put above all aesthetic considerations in relation to our beautiful city? It is a traffic engineer's plan, and as far as I can ascertain from reviewing it

(in so far as I am capable of doing so) nothing has been considered but traffic engineering. Thirdly, it has been suggested (and I agree with this) that there is an imbalance in the plan between the development of public transport and private transport. The emphasis in the plan is on private transport. Most people who have travelled over the world, as I have, have seen that the most beautiful cities, for obvious reasons, are those that place public transport first and private transport afterwards.

Fourthly, as I have said, we should be debating whether we can afford the plan in its present form. Fifthly, is the emphasis in the plan on the wrong parts of development? I believe it is. On my reading of the plan, the re-hashing of the inner parts of Adelaide takes priority over the expressways and freeways outside the presently-developed areas. Is this not making the same old mistakes all over again? Is this not what our forebears were accused of—not developing open spaces while they were open spaces? Yet, on my reading of this plan, the priorities have been given to altering what is already existing and, by the time the authorities get around to these outer outlets or inlets, they will strike all sorts of new difficulties. I know that many people think that, if we solve the outer inlet and outlet problem, there are plenty of solutions in the inner city part that can be gradually developed, so that these problems can be solved.

Sixthly, is the plan not out of date already? I fear this considerably. It is a mid-1960's plan of development for the mid-1980's and beyond. I have said it is difficult to forecast what alterations will be made but, as far as I can see, no attempt whatever has been made in this plan to try to foresee what will happen in the future. Our forebears were criticized for not foreseeing the motor car: I criticize the drawers of this plan for not foreseeing the increasingly obvious. They talk about the motor car being largely occupied by one person only in intra-city communications. Is it not obvious that special vehicles for intra-city transport will be developed for the one person? I have envisaged for years (and the Minister of Roads and Transport has, no doubt, heard me express this opinion in the Adelaide City Council; I used to be laughed at 10 years ago but now I find many people saying it, too) that the development of storage batteries, which are reaching a high pitch of efficiency, or a tiny atom motor will power what I term "one-person flivvers", not much bigger than the size of an armchair,

within 50 years. If this is right, what about all these freeways and parking spaces? Will they be necessary?

The Hon. C. M. Hill: That is why this is a 20-year and not a 50-year plan.

The Hon. Sir ARTHUR RYMILL: The freeways envisaged by this plan will last for 100 years.

The Hon. C. M. Hill: The plan is for 20 years.

The Hon. Sir ARTHUR RYMILL: The plan is for more than 20 years. The Minister may be able to help me here, as I will not be as efficient in finding parts of this lengthy plan as the Premier was in finding references when he appeared on television the other night. This plan tells us by how much the population is estimated to increase in the next 20 years. Perhaps the Minister could help me on that.

The Hon. C. M. Hill: Would the honourable member like the person-trips figure? That may be more accurate.

The Hon. Sir ARTHUR RYMILL: This arises from the Minister's interjection; that is why I am discussing it. I think (I am speaking now only from memory) that the population of the city and suburbs is estimated to increase over this period to about 1,400,000 people.

The Hon. C. D. Rowe: From 750,000 to 1,250,000.

The Hon. Sir ARTHUR RYMILL: This is vastly below the city population of Sydney or Melbourne; yet, with all their deficiencies in planning, which are much greater than ours, those cities with those populations are getting along very well, as I know because I visit them regularly. Therefore, I do not see why the Minister should consider that this plan is only for the next 20 years. If it were only for the next 20 years, I would say, "Scrap it now." I am looking farther ahead and that is why I feel that much of the plan is good, because it will do things for generations to come; I want things to be done for generations to come but not at great expense to the existing generation. I was about to say that these "flivvers" would possibly be capable of being parked in the corner of someone's office.

The Hon. Sir Norman Jude: Like electric bath-chairs.

The Hon. Sir ARTHUR RYMILL: Yes, but probably a little more sophisticated. The plan envisages nothing of this nature. Is it not trying to do too much too quickly? Is

it not assuming too much? The Minister justifies it by saying it is a plan for the next 20 years, but I do not regard it as such.

I now come to a particularly important aspect of the plan—the freeways within the city and suburbs. Do we need these? If it is a plan for the next 20 years, we certainly do not. I find this a most questionable matter because I have seen these freeways overseas and agree with much of the criticism levelled at them, which the department apparently does not. I have seen freeways with practically no-one on them because everyone knows they are jammed up at both ends. I have a reprint of an article of October 1, 1968, in an issue of what is called *Forbes Magazine*, from the United States. One of the pictures in this article has a caption stating, "Next stop, chaos. A lonely car travels up a lonely highway only to get jammed in the traffic when it approaches the city." I and other honourable members have seen this. People who say that these freeways are traffic generators have been scoffed at by the department. Many of us know they are. When we make them, we are only building up fresh troubles for ourselves.

In Adelaide we have a unique position, as I see it. To our west is St. Vincent Gulf, and no-one could bridge that, on present-day knowledge. To our east is a magnificent range of hills, and to get through them would be very expensive, as those constructing the present hills freeway are discovering. That freeway was described in telling terms by the Hon. Mr. Kemp not so long ago. So we are bounded on the east and on the west; and even to the south, only about 50 miles south of Adelaide, we strike the sea again; we cannot penetrate that. Our only unclosed outlet is to the north. As we have this geographical situation, I put it as a matter of ordinary common sense—not from expert knowledge; I am not an expert on this but I have found that the application of a little common sense is often better than the application of a lot of other people's knowledge by other people again—that it is difficult to believe that these freeways in the city are necessary, particularly in these circumstances. As a certain gentleman who was scoffed at recently said, "We are applying United States' and not European methods here. Are they right?" Many people in the United States now question whether the freeway methods were right. Although London is not a wonderful example for private transport, it is an excellent example for public transport. Paris is even a little better.

The Hon. C. M. Hill: Surely you are not comparing Adelaide with London, are you?

The Hon. Sir ARTHUR RYMILL: I thought the Minister and his advisers were doing that, because they are planning for a vastly increased city. I compare the city of Adelaide with the city of London by saying that, although Adelaide is only a fraction of the size of London, we are using methods that even London has not yet had to use with its population of 7,000,000 or 8,000,000 people. If the Minister would like me to come closer to home, I will compare Adelaide with Sydney, which has a population of 2,400,000 or 2,500,000 and which has, to my knowledge, only two through bridges to the north. The big bridge coped with all the traffic flow for years. The recently opened string of bridges culminating in the Gladesville Bridge helps the flow, and there are other bridges to the south. That city, which is several times our size, has fractional streets coping with the situation, perhaps not perfectly but allowing it to remain a beautiful city. Recently, I took a Sydney man down the Anzac Highway and into South Road. At the corner of Anzac Highway and South Road (where I think the road is rather narrow) he told me how lucky we were over here. I asked why, and he said, "Having a wonderful road like this." I said, "We have the Marion Road, which is much wider, only a mile or so further down, and below that is the Morphett Road, which is also much wider. Below that again there is another wide road". He said the South Road was good (and that is only one example), yet in the face of all this we are contemplating these extensive freeways that will push everyone about, in my inexperienced view to no avail. If it is to avail, we as members of Parliament are entitled to be convinced that this is so.

Are we to have a beautiful city to live in or is it to be a city of transit to other places? Are we to mess up our city by putting great freeways and expressways through it? What is the good of having a beautiful city if we are merely going to emasculate it?

The Hon. S. C. Bevan: Don't you think the proposed railway line under King William Street will eliminate a lot of the traffic?

The Hon. Sir ARTHUR RYMILL: I am one who thinks that public transport should have a greater emphasis in the plan, but I have not sufficient detailed knowledge to fall for the piece of meat that the honourable member has thrown into the ring for me, and I cannot express myself on that. However,

to enlarge on this question, twice during my membership of the Adelaide City Council its engineers proposed that North Terrace be widened by turning the beautiful gardens into a road. What would that have done to the city of Adelaide? We would have had a great fast road with people whizzing through on it, and we would have wrecked our principal beauty spot. To what avail would this have been? Such a road would have been filled with traffic in no time, and then the experts would talk about putting in another new road.

One of my criticisms of this plan is that no consideration has been given to this sort of matter. A further thing which does not surprise me but which has caused me some alarm is that the report recommends continuous planning. I agree that if the plans were adopted *in toto* we would need continuous planning but I warn the public that, if the plan goes through and continuous planning is contemplated, not one of us could feel safe that our living would not be interfered with, because nuances will be made and there will be variations on the theme, and anyone could become involved. It is all right to say, "Poor old Bill Smith will have his house taken away", or "Poor old Tom Jones will have a freeway alongside of him or on top of him, but that will not affect me." No-one can say that, because no-one knows that they will not be affected once this plan is implemented.

What alternatives are there to the present plan? Whenever anyone has criticized any part of the plan the experts have answered in a trite manner, "Yes, but what alternative have you to offer?" However, it is not for us to offer alternatives; it is for us to say, "No, you cannot have that because it is going to wreck things. You find alternatives; you are the experts." No-one can tell me that there are no alternatives, because I can see them for myself; indeed, some have been suggested. Some people have suggested parking restrictions, which would be an alternative (although it only temporizes the situation).

Road widening has been going on throughout my generation, and plenty of alternative routes are available that the M.A.T.S. plan does not even mention, to my knowledge. I may have missed things, because it is a big plan. However, I suggested when the Hon. Sir Norman Jude was Minister of Roads that Stanley Street, North Adelaide, could be extended to the route that many people take to Walkerville Terrace to avoid the Buckingham Arms corner. I cannot see that having been dealt with in the M.A.T.S. plan although it is an obvious

suggestion. The Minister told me four or five years ago that the matter was being considered. I merely mention that, although it is a minor matter, to emphasize that many alternatives are available if one cares to look for them.

Also, the staggering of peak hours could be considered, because this is done in many parts of the world now and it will be done even more in the future. Our highways will be adequate as long as we keep up with the times at peak periods. The question of staggering office hours must be considered in the future here as it is being considered elsewhere. I mention these things because they are matters that Parliament should consider.

Yesterday, only a little more than 24 hours before I was due to move this motion, I found in my letter box a letter inviting me to visit a traffic engineer in charge of the M.A.T.S. plan this morning. I was told that all other members were being invited so that he could explain the matter to us. I wonder, when Parliament has been and was going to be completely ignored in this matter, why suddenly this interest has been taken in members. Why are we suddenly to be instructed in the matter at such short notice that, I imagine, very few people would have been able to get along anyhow?

The Hon. S. C. Bevan: Did you say "all members"?

The Hon. Sir ARTHUR RYMILL: I would think so. Perhaps I should say "some members". Perhaps they thought certain members needed instructing.

The Hon. S. C. Bevan: Perhaps you may find out whether you are right.

The Hon. Sir ARTHUR RYMILL: I do not know what the purpose is: perhaps the Minister can enlighten me. I can only think, because it was the same man, that a certain gentleman who criticized "instant experts" is trying to make instant experts of members of Parliament.

The Hon. S. C. Bevan: Are you going to be classified as a "crackpot"?

The Hon. Sir ARTHUR RYMILL: I expect so. I have been a member of Parliament for about 13 years and I have been engaged in many debates of this nature, but I have never been so inundated with letters, communications, plans and treatises in all that time as I have been in relation to this matter since it was opened up last week. These letters were not from crackpots: letters I have received are from leaders of the community in many spheres. So, I ask: why the sudden

haste in this matter? One hears that the Minister will make some decision next week. I realize that it was said there would be a six-month waiting period while people examined the report and made representations, but I had never expected that an immediate decision would be made at the end of that period.

The Hon. C. M. Hill: Come off it now, please.

The Hon. Sir ARTHUR RYMILL: I am told to come off it, but I would have thought that, if the Minister had invited comments and criticisms over a period and the period had not yet ended, the Government would receive many more criticisms. As I have said, today I have them everywhere and in the next week the Government will receive many more. I am told to come off it when I say that the Government is going to make an immediate decision. If this is so, and the Minister implies that it is, it simply means that the later representations will not receive any consideration at all.

The Hon. A. J. Shard: He said the Government would reach a decision within a week or two.

The Hon. Sir ARTHUR RYMILL: This is my understanding. How can the Government reach a decision immediately the six-month period ends (I think it will end in a few days) if it is to give proper consideration to all these comments and criticisms that it has had, because they are still coming in? And I am told to come off it when I suggest that it is impossible to make a decision next week if the Government is to fulfil its pledge of giving proper consideration to all suggestions made. I urge the Government not to make its own decision, by-passing Parliament, but to consider the matter carefully and deliberately, and in due course to make recommendations to Parliament on what should be done in relation to the M.A.T.S. Report within the State's financial capacity. In particular, I urge the Government to drop the city and suburban freeway schemes and to recommend satisfactory alternatives. I am convinced, Mr. President, that there are many alternatives.

The PRESIDENT: Call on the next item on the Notice Paper.

The Hon. Sir ARTHUR RYMILL: On a point of order, Mr. President—

The PRESIDENT: Order! The time has expired.

The Hon. F. J. POTTER moved:

That Order of the Day No. 1 be postponed until the conclusion of the debate on the motion moved by the Hon. Sir Arthur Rymill.

Motion carried.

The Hon. C. D. ROWE (Midland): I second the motion which has been so ably moved by the Hon. Sir Arthur Rymill, and I congratulate him both on the material he has presented and on the lucid way in which he presented it. I want to deal particularly with two aspects of this matter, the first of which is the financial aspect and the suggestion that about \$570,000,000 can be spent without the approval of Parliament. A statement like that indicates a basic misunderstanding of our democratic set-up. There are in our democratic society three important avenues: the first is the Executive, which consists of the Cabinet and the Civil Service, the second is the Legislature, and the third is the Judiciary.

It is the Executive's responsibility to form, plan and devise schemes such as this but, as I understand it, it is Parliament's responsibility to approve the expenditure that is incurred. I think the general principle is that one does not raise any money by way of Executive decision and the Executive cannot spend any money without the approval of Parliament. Although the Minister has said he does not propose to bring this matter to Parliament, in point of fact it will have to come to Parliament, because the money will be appropriated, I take it, through the Highways Department's funds.

The Hon. S. C. Bevan: That does not come to Parliament: it is paid direct into its funds and spent.

The Hon. C. D. ROWE: Some of it does, as I understand it. The Railways Department's money, anyway, will have to be considered by Parliament, so at least a portion of this amount will have to be approved by Parliament. At some stage Parliament will have a say in regard to this matter, and I believe it ought to have a say. I do not think any Government should contemplate committing this State to the expenditure of \$570,000,000 without Parliament's having a very careful look at it. Secondly, I understand that at some time in the not too distant future the Minister intends to make a statement on what the Government's view is in regard to this plan and on whether it proposes to adopt it and whether it proposes to modify it.

From a legal viewpoint, as it affects the citizen, the Minister's statement means nothing

whatsoever. It has no binding effect on anyone, and it would be quite competent for a succeeding Minister or a succeeding Government to make a contrary statement or to alter the plan. I take it, if and when the Minister makes the statement, that the average person in the street will say, "This is what has been decided: this tells us whether we are to have our property acquired, whether a freeway will go along here", and so on. And the average person will proceed to plan as though it is the final word and as though no alteration can be made when, in point of fact, it will have no legal force whatever: it will not even have the backing of Parliament. This is very dangerous, because some people and some industries will be very seriously affected by this plan and they will want to start their planning immediately.

If a subsequent Minister or a subsequent Government, in the light of events that develop over the next five or 10 years, decides that some alteration should be made, the consequences to individuals can be very serious indeed. So, by some means and at a fairly early date, we must adopt a policy that will ensure that, once a course of action is determined, that course will be followed. I cannot see that a Ministerial statement made with the backing of the Government necessarily binds anyone to anything. It can be subject to alteration, but I would like to hear what the Minister has to say about this aspect. I think the only safe way to do this is to have it written into an Act of Parliament in some way so that it is binding and so that people can rely on it, can see it, and realize what it means.

We have had the recent experience of the problem that has arisen even where there has been an Act of Parliament, and here I refer to the Chowilla dam. We find that some \$6,000,000 has been spent on it, and perhaps wasted, because of the lack of an Act of Parliament to handle the problem. If we start on this M.A.T.S. plan and it is altered at a later stage than there would be nothing binding to make sure that the plan continued. If that occurred, I believe we would be in a serious and difficult position.

My next point is that I do not think existing provisions in the Compulsory Acquisition of Land Act, and those conditions previously existing in relation to compensation where land is to be acquired, are sufficient or adequate to meet the requirements of such a situation as it concerns the M.A.T.S. plan. The Hon. Sir Arthur Rymill has quite properly stated the terms and conditions under which

property can be acquired at present; in brief, they are that the owner is to be paid the amount that would be paid by a willing, but not over-anxious, buyer.

In this matter there will be all sorts of ancillary considerations. In some instances commercial enterprises will be put out of production for a period of perhaps 12 months, and in other instances it will be necessary for such enterprises to move to locations where a supply of skilled labour is not available. In other instances there will be many people who have lived in a certain area for 30 or 40 years, who have become accustomed to the type of accommodation available, and who will be forced to move to new homes. I cannot read into the existing Act any means by which adequate compensation could be paid to such people, and therefore I think that angle must be closely and carefully examined.

There is no doubt that Colonel Light achieved something really outstanding when he laid out the City of Adelaide plan, and of course it is true, as he said, that he was not concerned about the critics of his day—he left it to posterity to decide whether he had done the right thing or not. We all know now that he did do the right thing. It may be that when the Colonel Light No. 2 of today has his plans reviewed it will be found that his decision was the correct one, and I sincerely hope that is so. I know he is sincere in his attitude, and I do not doubt that he has given much time, patient attention, and his great ability, to the study of this problem.

However, I think we would be rash indeed if we made a hasty decision on this important matter because, in view of the time that has elapsed, I do not think a little further delay will jeopardize the project in any way. I agree with Sir Arthur Rymill's statement that it is not necessary for us to plan to bring so many people into the metropolitan area as this scheme envisages. Rather, I think today we should be planning to get people out of the metropolitan area and let them establish business connections and contacts in their local areas. One of the biggest costs to industry is the time and money spent in getting people from where they live to where they work and do business. I think the development of modern shopping centres in the various suburbs indicates that people no longer want to move in large numbers into the city area.

While that point of view might not suit the ideas of people and traders in the city area, I believe if we can induce people to stay in their own areas and carry on their work

and businesses there we will save ourselves a large amount of money as far as these plans are concerned.

The Hon. R. A. Geddes: That is Utopia!

The Hon. C. D. ROWE: It is not so much Utopia as we might imagine. At the present time, if anyone goes to Elizabeth on a Friday evening and sees the volume of business done there as compared with the city area then one would realize how this object can be achieved. The same applies to other areas.

In brief, the points I make are, first, I think Parliament should determine how this money is to be raised and how it is to be spent; I do not think we can avoid bringing the matter to Parliament at some stage. Secondly, I make quite clear that whatever Ministerial statement is made it has no legal force whatsoever; such a statement can be altered by succeeding Ministers or Governments. If in future an alteration is decided upon it could create chaos with people who had acted in the belief that the present Minister's statement would be put into effect.

Thirdly, I do not think existing legislation provides for adequate compensation to be paid to people who will be adversely affected by the plan. Fourthly, the plan concentrates too much on bringing people into the city area when those people should be encouraged to remain in the outer areas. Fifthly, there are still parts of this State desperately in need of better transport and better roads. I think the question arises of our priorities when contemplating spending such a large amount of money in the city. This question arises because there are schools, hospitals, and other public utilities needed in the community. I think possibly some of this money should be diverted to those purposes. It seems to be rather ludicrous to talk glibly about spending \$570,000,000 on a road traffic plan of this nature when almost on the same day, in answer to a question, the Minister of Education is forced to say there is not enough money available to provide a school house at Kulpara. We must have our priorities right.

My only other comment is that one of the wisest men I have known in my term in Parliament was the late Sir Walter Duncan. When he left Parliamentary life he said his most important impression was that political promises of today are the taxation of tomorrow. Those of us who have lived over the last five years are painfully aware of the truth of that statement. I fancy that what we do today in committing ourselves to the extent of \$570,000,000 will turn up next year or in the

years to follow in the form of some kind of new taxation; that is, if there are new kinds of taxation that people are capable of thinking of. For that reason, I think the motion of the Hon. Sir Arthur Rymill has been well timed, and I hope it gets through to the members of the Government.

The Hon. S. C. BEVAN (Central No. 1): I support the motion moved by the Hon. Sir Arthur Rymill, and I am sure that I can speak on behalf of my colleagues in my support. I do not wish to traverse matters already covered, but I was a little surprised at some of Sir Arthur Rymill's remarks in relation, for instance, to the city of Adelaide. He used the term on more than one occasion, "our beautiful city of Adelaide". I am not disputing that comment, but I was rather surprised that the Adelaide City Council had for a considerable period debated and inspected the ramifications of the M.A.T.S. report and then accepted it. Surely the council should be aware of the effect of this plan on the city itself, if it is implemented. Surely it has considered all these aspects and seen the ramifications involved, yet it has been reported in the press that the council, after fully considering it, has accepted the M.A.T.S. plan. I think the question of putting a railway under King William Street has come into the matter.

The other point on which I was not wholly in agreement with the Hon. Sir Arthur Rymill concerns his reference to the South Road. That road today, in peak traffic periods, is an absolute bottleneck, especially up to the intersection of Anzac Highway. From the bottom of Tapley Hill Road to the intersection of Anzac Highway, because of the industries that have been established along the road, it is a bottleneck. In fact, one cannot move freely along there at any time because of the congestion. Sir Arthur Rymill referred to the work that has been carried out on that road. As he said, this work has been stopped, apparently because of lack of finance. I did not think that we could criticize that road so much.

This report causes me some considerable concern. In fact, the estimated cost involved in giving effect to the plan causes me a great deal of concern. I think every honourable member will know that there is considerable concern amongst people in all walks of life outside this Parliament as a result of the statement made by the Minister himself the other day in reply to a question by Sir Arthur

Rymill. I say advisedly that many authorities are up in arms over the statement by the Minister that this matter would be given effect to without its coming before Parliament to be debated. The Minister said that this plan was merely ordinary advanced service planning for roadworks and other things. However, I think this goes much further than ordinary planning, as we have known it in the past, for our highways. The implications are vastly different from what they have ever been before. There is a complete reaction, generally speaking, amongst people outside this place against the statement of the Minister. I think all members here would admit that they have had comments from people outside and letters from people in authority objecting to the Minister's statement that the matter would not be debated in Parliament.

This question has such vast ramifications that it should come before Parliament. We should have the opportunity to debate at least those parts of the report that have been mentioned this afternoon by Sir Arthur Rymill. It would be necessary to amend certain Acts of Parliament if the Government adopted the M.A.T.S. Report. For instance, the Planning and Development Act would have to be amended, and the Metropolitan Adelaide Development Plan itself would have to be considerably amended to enable the work mentioned in the M.A.T.S. Report to be undertaken.

The report states that in arriving at the estimate of cost the likely increases in costs over the next 20 years have been taken into account. However, I consider that, despite this, the estimate of \$544,000,000 will prove to be conservative by the time we reach the end of the programme. I have asked questions about where this money is to come from. The Minister said that at present there is about \$36,000,000 in taxation and in the Commonwealth road grants being paid into the Highways Fund, and that this will increase over the next 20 years as a result of the increased volume of traffic year by year. The next question was: does this mean that all highways funds are to be confiscated and used for the metropolitan area under this plan and that the rest of the State can go begging? Then we were told that it was hoped that we would be short by only \$100,000,000 after allowing for the confiscation of highways funds for this plan, and that representations would be made to the Commonwealth Government for this \$100,000,000 to be given to this State to complete the plan. Well, from my experience of the Commonwealth Government it would be

wishful thinking to expect that it would open its purse to that extent. I doubt very much whether we will get assistance from the Commonwealth Government to give effect to the plan.

I should like to have more information on these matters. Therefore, I think the whole question should be debated in Parliament and that we should be told where this money is to come from. I maintain that it will not come out of general revenue, because we will not have that amount in general revenue to be able to divert moneys for this purpose. Therefore, it will mean increased taxation. We have had certain suggestions as to what form this increase will take, but at the moment that is all we have had. I am sure that there will be further taxation on the motorist in the form of increased registration fees, drivers' licences and road charges, but to what extent these things will be increased we do not know. Once the plan is adopted it will be given effect to, and we will need the finance for it. At the moment we do not have that finance, and I want to know where it is to come from.

In addition to the freeways and the improvements in public transport, we have the proposed huge interchange near the Hindmarsh bridge. This will cut out about half of Bowden, and it will also occupy land on this side of the river. The Hindmarsh council would lose so much revenue under this plan that I doubt whether it would be able to carry on. Thebarton council, too, would be materially affected by the proposed freeway. Would these councils be able to carry on in those circumstances, or would it mean they would have to amalgamate? Neither council would want to lose its identity, and there could be a dog-fight about which council should give way. These things would have to be considered.

With the implementation of this plan, large industries will be affected by the proposed freeways. In the Thebarton area Horwood Bagshaw's premises will go by the board, as will other industries immediately behind them. They will go to make room for the freeways. The many people employed at Horwood Bagshaw's will have to move out. What it will cost the Government in compensation to an industry like that I do not know. Not only the confiscation of the property and the valuation of the land are involved: the buildings and the plant and machinery inside them have to be taken into account. Compensation has to be paid for all this. Those employees will have to shift to another area. If their own

properties are not affected by this plan, they may well have considerably further distances to travel to retain their employment, which will greatly increase their expenses.

Parliament should be given an opportunity of considering these things, which are only a few of the incidentals. Much has been said about this plan and Sir Arthur Rymill has dealt effectively with the important aspects of it. Not only other honourable members and I but also most of our metropolitan councils will be affected considerably. I have had a letter from the Mitcham City Council about the M.A.T.S. plan and its implementation, and what it will mean to that council. The education facilities and recreational and built-up areas will all be affected in the city of Mitcham, which, according to the correspondence that other honourable members and I have received, is objecting forcibly to the M.A.T.S. plan, especially the point that there will be no debate in Parliament. I have also received a letter from the Marion council and other councils, which are up in arms against the implementation of this plan without further discussion of it in Parliament.

This is local government speaking. If the Government does not grant an opportunity for debating the more important aspects of the plan inside Parliament, the Government is thumbing its nose at local government authorities. That is the wrong attitude. We do not want local government to feel that the Government is thumbing its nose at it. Local government will be affected by this plan more than anyone else. Some aspects of the plan will have to be estimated and approved by Parliament, but that will be done after the horse has bolted and nothing can be done about that part of it; it will be a *fait accompli*. I support the motion.

The Hon. H. K. KEMP (Southern): Everybody who traverses the streets of Adelaide just before Christmas realizes that something must be done, that we cannot carry on any longer with our present road system. We must agree that the further we examine this plan the more apparent is the excellence of the job that has been done. It is as good a study as is capable of being made at this stage, and probably very few of us are in a position to criticize it in detail. However, there is a general fear about it, which arises from the experience we have had, in small measure, of the present road works in South Australia.

Many people will not forget the damage done at Crafers and Stirling, in some of our most beautiful areas. The expectation of see-

ing similar devastation wrought in some of the dearest parts of the metropolitan area is uppermost in people's minds when these serious complaints are made.

Undoubtedly, this freeways scheme is the best that can be devised, but it will inevitably cut from us large parts of Mitcham and will tremendously disturb some of our best residential areas, which will not again come into existence. It will lay another scar across the most beautiful part of the Adelaide Hills, from the Brownhill Creek Reserve through Sturt to Crafers.

Many people think that the cost will be too great, that before we accept the cost that will be imposed upon us we must have a secondary study of a system that will handle the problem, perhaps not just as well and perhaps costing a little more, but leaving us the reserves along the Torrens River and in the south-eastern suburbs without the scars that would otherwise be laid on them.

The Highways Department is to blame for the criticism now being levelled at it, because it has proved to be absolutely immovable when justifiable public complaint has been made in the past. I know the department has a difficult job to perform and that it must have a plan that it can work to for many years to come, but it is monolithic in its refusal to budge—and that is what we fear.

I am sure the freeways plan can be modified with very little disruption of its functioning, leaving many of these centres completely undisturbed. There is no need, surely, for two freeways converging at Crafers when we already have one that is reasonably good within a matter of only two miles from the other one. One need only look at the damage that is to be done by the foothills expressway. There must be an alternative, and if the department will not make any modifications to the plan we cannot live with it. I strongly support the motion.

The Hon. R. A. GEDDES (Northern): In 1967 this Council and another place discussed the Town Planning Act, and the State Planning Authority was created. As a back-bencher at that time, the Minister took a prominent part in moving amendments. He also commented freely on planning and looking forward to what he and the Council saw as the needs of the town planning authority. One of the principal provisions of the Act was that citizens or groups of citizens must first obtain approval from the new authority before they proceeded with any work. At the same time, any citizen had the right of appeal

against the whole or any part of the town planning designed for a particular area. Through Parliament the authority was enabled to plan for the future not only of Adelaide but also of South Australia and to decide how and where people could live. Parliament also gave people a right of appeal in these matters. That, Sir, is the crux of my complaint in supporting the motion moved so ably by the Hon. Sir Arthur Rymill this afternoon.

I believe that the Commissioner of Highways does not necessarily have to submit his plans to the town planning authority and that people or groups of people, local government or any other persons of authority can appeal only on the rates of compensation that will be offered for their land if it is taken up. After the six-months' review period which the public of this State have had, and which is fast drawing to a close, the people will have only the M.A.T.S. authority and the Commissioner of Highways to whom they can appeal. They cannot appeal to the town planning authority, for which we worked so hard in 1967, to Parliament, or even to the Minister.

Yesterday I asked a question of the Minister regarding a letter I received from the Corporation of the City of Mitcham. From the tone of his answer, the Minister is not fully aware of the contents of this letter that the corporation sent to me and all other members of Parliament. Today I received a letter from the Mayor of the City of Marion, in which he says:

The very magnitude of the work involved, coupled with the discussion and controversy which has taken place on it, warrants its considered full discussion by Parliament and the approval of Parliament before the proposals of the M.A.T.S. scheme are implemented.

Why should representatives of the cities of Mitcham and Marion have to write to their representatives in Parliament about this matter?

The Hon. A. J. Shard: You are not their representative.

The Hon. D. H. L. Banfield: They had no faith in the Minister; that is why.

The Hon. R. A. GEDDES: I try to represent the people of South Australia. I admit they have no chance of voting for me at present, but that is not the issue, because this matter involves the people of Woomera as much as it does those of Mount Gambier from the points of view of cost to the State, planning, and the movement of goods within the city. Why should they have to write to their members of Parliament to enlist their support and acquaint them with their problems when the correct way, particularly for mayors of corporations, is for them to write directly to the

Minister and for the Minister to be answerable to Parliament and also for the department he controls.

In every paper one opens today one reads of disturbances, riots, sit-ins and other peculiar ways in which masses of people try to get rid of their grudges and to point out that they are dissatisfied with something. Thank goodness that sort of thing does not take place to any great extent in South Australia. To go ahead with the M.A.T.S. plan without the people being able properly to express themselves or their problems through Parliament makes one think that democracy is losing its grip. Woe betide us here in South Australia if we forget the right of the people, because justice must not only be done but must also appear to be done. If we believe in our system of Parliament, then we should also believe in the rights of the people, who should be able to use Parliament in its full heritage to voice their complaints, suggestions, needs and wants.

I believe that we would be fools to leave our heads in the sand and not to look to the future in relation to forward planning. I believe the motor car, be it big or micro-mini, Benzine burning, electrical or atomic, or elastic powered, must be catered for in the future. I believe in the M.A.T.S. plan but, as the Hon. Mr. Rowe said, if the Minister has no legal right to make statements in relation to the plan, its future, or the way it is going to work, then it is a mockery. I therefore think that, in supporting the Hon. Sir Arthur Rymill, it is only right and proper that the Council should reconsider its thinking that there should, first, be a Minister in charge of the whole complex and be responsible to Parliament for it and, secondly, that Parliament should have the right of debate on the whole principle of this scheme. I support the motion.

The Hon. A. M. WHYTE (Northern): I rise briefly to support the motion. I realize that future planning for our pretty and well-laid-out city is inevitable and, as the Hon. Mr. Geddes has said, we must not bury our heads in the sand but must plan ahead. Cabinet can only assess what the present cost of construction may be; no-one knows how much it will eventually cost. I wonder why the Minister or the members of Cabinet want to take the M.A.T.S. plan on themselves and why they are not happy to have it handled by both Houses of Parliament.

A number of contentious issues are involved in the plan. First, one wonders whether we need high density living when we can still

plan ring routes that can take people from one side of the city to another without their having to come underneath or over the top of the city. Indeed, in countries where this type of planning occurs (and I refer to the United States, for instance, where freeways are subsidized by State finance) cities are passing up subsidies to build alternative means of traversing their city rather than being forced into constructing freeways. I am no authority on planning, but I know that, although our city is beautiful and well-planned, more and more people want to go to the same places as I go to, and no doubt we must do something to cater for this increase in traffic.

The time that the people have had to consider the plan has been insufficient inasmuch as the consequences of this report are only just reaching the people. This is shown by the fact that we are still receiving letters from mayors and chairmen of councils throughout the metropolitan area. If such people are only beginning to realize the consequences of the report, how can we expect lay people to have fully assessed its implications? We have heard, and we will no doubt hear more prior to the next election, about decentralization. This report, however, has the opposite effect to that of any plan for decentralization so far suggested. I am concerned that we could find ourselves pinched for finance and, in that case, country roads and outlying areas of the State might have to suffer. If a freeway was half-completed, we might have to divert finance to complete it. I support the motion because this matter is important to farmers. As I said earlier, I cannot understand why the Minister or Cabinet would be anything but happy to pass some of the weight of the decision on to Parliament.

The Hon. C. M. HILL (Minister of Roads and Transport): The debate seems to have fallen into two avenues. On the one hand, some views have been expressed concerning the actual M.A.T.S. Report, some doubts have been raised about some aspects of it and some suggestions have been made. On the other hand, a claim has been made that the study should have been debated by Parliament. We must keep these two points apart, otherwise the whole debate will become very confused, and I do not want to confuse it. I will now deal with the first issue, in regard to the actual study and the points made in regard to it.

I assure honourable members that I will consider all the points that have been raised today and I will discuss them with the officers from the M.A.T.S. organization, as I have

discussed most of the other submissions made. Also, I will mention the points made when Cabinet next discusses the M.A.T.S. Report. Honourable members, therefore, can be assured that some suggestions that have been made, which we believe ought to be considered before we make a final decision in regard to the actual study and aspects of it, will, in fact, be considered. However, it is impossible for me to list and reply to every point made.

It is a great pity that the Hon. Sir Arthur Rymill did not bring up this matter earlier. He has had six months in which to do it and here, exactly six months from the day when we said that the public would have six months to consider the report, we have this matter for debate. I have already announced the Cabinet decision that, whereas previously we intended to make a decision and to announce it today, we need (and we decided this a week or two ago) a few more days.

Some of the submissions have been late in coming in, and we want to be very fair to these people who for one reason or another have been late in preparing their submissions. I announced at that time that we would be announcing the Government's decision in regard to the M.A.T.S. Report early next week—I said at that time "early in the week following Wednesday, February 12"—and that decision still stands. Therefore, it is impossible for me to take the time to analyse and process all the points made today and to reply to those points one by one.

On the issue of the various aspects in the study, I will mention some brief but very significant facts that must bring home to honourable members in a most telling way the need for a transportation study. While our present transportation system, particularly with respect to roads, is approaching the limit of its capacity, we see ahead an enormous expansion in travel demand.

The population of metropolitan Adelaide is expected to increase from 750,000 to 1,250,000 in the next 20 years; this point was made by the Hon. Sir Arthur Rymill. The area of urban development in metropolitan Adelaide, having grown to 140 square miles over the past 130 years, is expected to expand by a further 130 square miles in the 20 years ahead. In other words, the growth of our metropolitan development over the past 130 years will be equalled again within the next 20 years.

Individual person-trips made on an average week day, presently numbering 1,386,000, are expected to increase to 2,651,000 by 1986. In other words, there will be practically double

the number of person-trips made on the average week day in metropolitan Adelaide in 20 years' time that there are today. Usage of public transport on a per capita basis has been rapidly declining over the past several decades. At present, 19 per cent of all trips are by public transport. If the previous trend in public transport usage is allowed to continue, it is estimated that by 1986 as little as 9 per cent of the total person-trips will be made by public transport.

This increase highlights the need for us to plan the upgrading of our public transport system now, and that is what the M.A.T.S. Report does: it does it to the extent of about \$107,000,000. The rate of car ownership, presently 2.75 cars for every 10 people, is expected to increase to 3.80 cars for every 10 people by 1986. The number of motor cars in the metropolitan area is expected to increase from 198,000 to 443,000. The total vehicle-miles of travel on our roads at present is a little over 4,000,000 on an average week day and can be expected to exceed 10,000,000 by 1986. In the face of those figures of an increase in travel it is evident that the transportation system that has stood us well in the past will be totally inadequate for the future, so I think first we must all agree that a transportation plan must be introduced.

I made a brief note of some points made by the Hon. Sir Arthur Rymill, and I want to correct his comments on some aspects of the plan. First, he referred to the plan as a "major town plan", and here he is on the same ground as a great number of other critics of the M.A.T.S. Report in that he is confusing a transportation plan with a town plan. I believe that 80 per cent of the criticism of M.A.T.S. has, in fact, been levelled at our 1962 metropolitan town plan. People are finding fault with that plan, but we are not concerned at this moment with the overall development plan: we are concerned with a transport plan, which is one facet of that overall town plan (and it is incorrect to say that M.A.T.S. is a major town plan).

The Hon. Sir Arthur Rymill dealt with the question of community values, an aspect that has been raised by many critics of the M.A.T.S. plan. The M.A.T.S. officers went to great lengths to bear in mind the social effect and the possible adverse effect on community values when making this study. In fact, they introduced a scientific approach to the question by exacting a points system for all the various social problems that might arise in each of

the various proposals. They gave points where a school or a church and its parish would be adversely affected.

They went to such lengths that their approach to the problem is now being acclaimed in other parts of the world, and details of that approach are being sought, I understand, by planners in America. They went to extreme lengths to look into the question of community values—and of course they should have done so. The Government is concerned with that aspect, and has spent hours perusing and considering reports from M.A.T.S. officers on the question to see whether or not it was possible to avoid reserves, parks, or churches. We have gone to extreme lengths to check the results of the investigations made by the M.A.T.S. organization under the heading of "community values".

I again assure honourable members that every consideration has been given to submissions made to the M.A.T.S. organization. There seems to be a general feeling (and it was aired by the Hon. Sir Arthur Rymill) that submissions made would not be looked at fully or carefully or be processed, but that is not so. We are seeing to it, as a Government, that the M.A.T.S. authority gives every possible consideration to the submissions made to it.

The honourable member also said that Melbourne and Sydney were getting along quite well with their traffic problems. That is not true. I have discussed this question with the Minister of Transport in Melbourne, and he has told me that that city has a vast transportation plan to be announced in the next few months, and certainly before June. The scheme is vastly bigger than ours, and I realize that it must be bigger because Melbourne is a bigger city. The Minister has announced that the overall expenditure will amount to about \$2,000,000,000, compared with our proposed figure of \$574,000,000.

The Minister has also announced that there will be about 300 miles of freeways in the Melbourne scheme. They are pushing ahead as fast as they can with their freeway outlets from the city along the Yarra, as evidenced by the demolition and construction work now proceeding. They are not getting along well, and the reason is that they have not had forward planning in transportation. That is what the present Government wants us to have in Adelaide, especially while the city is so small.

It is not true to say that Sydney is getting along well. If that were so, why has the New South Wales Government just built the Warringah expressway, a project which the Hon. Sir Arthur Rymill knows is just north of the harbour bridge and which involved the demolition of 400 properties. If they are getting along so well, why are they building freeways and tollways through the mountains north of Sydney, where six miles of tollway has cost \$12,000,000? All cities are faced with great transportation problems, and so will we be in the very near future unless we are bold enough to grasp the nettle and take all the consequences that invariably come to any transportation department in the form of criticism.

I cannot let the reference to London pass. To be carried away to the extent of drawing London into a comparison with Adelaide is almost unbelievable. Apart from the difference in the size of the two cities, in London the public rail transport system was established before the advent of the motor car, whereas Adelaide has grown up in the motor car age. London was established as a vast city before the motor car was known.

The Hon. Mr. Kemp made a remark that I rebut completely: that neither the M.A.T.S. authority nor the Highways Department is giving any consideration to representations made to them. If the Hon. Mr. Kemp has been reading the papers recently he would have seen that the Highways Department has already announced that, as a result of a meeting held in the Glenelg North area, one or two of the suggestions emanating from that meeting have already been agreed to by the M.A.T.S. organization.

Emphasis has been placed on finance, and admittedly that is a big question. If we consider finance only in regard to roadways we see that the amount proposed to be expended on roadways is \$436,500,000. I think the main concern of honourable members today has been that rural roads will suffer if we proceed with the M.A.T.S. plan. That is an understandable contention that I am hearing from rural interests and people representing those interests. I am the first to admit that this fear will arise. The answer to the question is that the Government will ensure that the rural roads system is developed at a rate no less than that existing at present.

Honourable members will agree with me when I say that we cannot say with certainty how much money will go into the Highways Fund over the next 20 years, or between now and 1986, because the allocation from the

Commonwealth Government is reviewed every five years. However, if we base our estimates on what we are getting now and on the increases we have been getting in the past few years, and if we assume that the rate of Commonwealth assistance in this area will increase in the future (and I do not think that is in any way at all a false assumption), we can see quite easily how the \$436,000,000 is going to be covered. I think the average amount in our Highways Fund for the current year was \$37,000,000.

In fact, it is our belief (and we made this estimate after obtaining some information from people who have been associated with the Commonwealth Roads Bureau) that certainly the amount that will be going into our fund will vary from \$1,000,000,000 to \$1,200,000,000 in the next 20 years, and of that total sum we are asking here for \$436,000,000 for metropolitan roadways.

Again I give my assurance to members that I will take all that they have said today about aspects of this plan to the M.A.T.S. authority, and I will take those points to Cabinet, too, so that they will be discussed before the Government makes a final decision in regard to M.A.T.S.

I move now to the general principle that we have been talking about, namely, that this matter should have been brought to Parliament. I defend the Government in the course it took in this regard. It was confronted with many methods of dealing with this question when it had put on its doorstep the M.A.T.S. Report. If it had taken notice of what road authorities do in most other Australian cities, and most certainly what they do in other parts of the world, it would have signed those parts of the report which, after checking, it thought advisable to proceed with, and that would have been that.

However, the Government adopted an attitude which was quite unique amongst road authorities and which, in my view, was very democratic, despite the reference by the Hon. Mr. Geddes today on this point. The Government saw the report and saw some aspects of it that it did not like; but it said, "It has cost the State about \$700,000, and it is going to affect many people in many ways, so let us hear what those people have to say about it."

Therefore, we opened up this report for public scrutiny, knowing full well that a great deal of controversy, criticism, and comment would come out of it; and we have no objection whatever to hearing it. We are giving

the people the opportunity to view the plan and to let us have their comments on it.

It was quite obvious that individuals living in the suburbs had to be gathered together in groups so that they could view the plans and discuss them, so we asked local government, which is at the local level of the people, if it would hold public meetings, ask the people to attend such meetings, and generally cooperate so that the people could hear all about it and express their views.

Local government has done that, and I think it for the co-operation it has given in achieving this aim of allowing the people, especially those through whose properties the plan shows freeways will extend, to be grouped together. To these meetings, officers from the M.A.T.S. organization went to explain the details of the proposal.

These meetings have been large and small. Some have comprised small groups, and some have been very large meetings. Surely it cannot be denied that that was a proper way to allow the people to see how they would be affected. What are the people mainly concerned about? They are not concerned about their members of Parliament on this question: they are concerned about whether they are on the route of a freeway, how much compensation they will get, on what basis this will be fixed, and so forth. They are personally involved to the extreme, so we went to them.

There was no suggestion in this Chamber that the matter should come back to Parliament. We waited six months for that, until on the very last day this matter exploded into this debate. I question the fairness of this. If any honourable member here thought that this matter should come to Parliament, why was this motion not introduced before today? The Government went to the people.

The Hon. R. A. Geddes: The Government did not tell us that it was not going to bring the matter to Parliament.

The Hon. C. M. HILL: Surely the honourable member does not say that seriously. Our approach was democratic; that was our method. The factor that influenced the Government most was that we asked ourselves: what sort of detail should Parliament concern itself with on this question? We thought that what should be discussed with the people was the detail about compensation, about what schools the people's children would attend, about how the local church would fare when the freeway went through the parish, and so forth. The Government considered that this was a question of detail for the people.

Again, I stress that this M.A.T.S. plan was a refinement of the plan already approved by Parliament, and we considered this when we had the general consideration in front of us as to what we were going to do with it. Before we made our decision, these were the points that we were considering. This was not a development plan. Had it been a town plan, our whole approach would have been different. It is simply a refinement, as I tried to point out the other day, of the development plan.

Five principles were spelt out in that development plan of 1962 and its accompanying report. It was those five principles which had to be considered by Parliament and which should have been considered by Parliament—not details, but principles. The 1962 plan was accepted by Parliament. It ran the gauntlet of 12 months' public scrutiny. It was approved by Parliament also during the term of the previous Government in 1967, because it was proclaimed within the Planning and Development Act that passed this Council in 1967.

It was proper that that particular plan had to run the gauntlet of Parliament, because it was the overall development plan. It showed future schools and public services of all kinds, such as some freeways and transportation proposals. The principles that were spelt out in that plan were: land use proposals as a basis for transportation planning; relative emphasis to be given to public transport compared with private forms of travel; the role of the arterial road network in providing for metropolitan transport—and under this heading is the general pattern of the arterial road network; the degree of reliance on freeways in providing for future travel demand; the general pattern of the freeway system—and under this heading would be involved the function to be served by the freeways, whether they come into the city or by-pass the central city area, etc.

It is appropriate and correct that these matters of principle should be considered by Parliament. The very purpose of the development plan and its approval is to enable the various authorities to proceed with confidence, knowing that their detailed planning is consistent with a general policy that meets with Parliamentary approval. Had the M.A.T.S. organization recommended a transport plan that was significantly different in principle from the proposals of the 1962 development plan, it would have been appropriate and proper for the matter to be debated in Parliament; but the principles were laid down as a result of debates on the floor of this Chamber, and

the M.A.T.S. scheme does not alter those principles. It is concerned with detail but it conforms to or fits into that overall development plan that should have been, and was, debated here.

Finally, I make the point that it is the detail with which the departments, the Government and the people are concerned. They have all considered, and in fact are still considering, that detail. The principles involved in the overall metropolitan development plan drawn up in 1962 and proclaimed officially by Parliament in 1967 were before Parliament, and now the departments have drawn up a M.A.T.S. plan. The Government is concerned about which sections of it will be approved.

We have had some grave doubts about some of it. We have given it to the people, particularly those principally concerned. We have treated and are treating with them, and I say that was a fair and just approach by the Government. Because we decided to do that six months ago and because, in my view, we have kept faith with everything we have said as a Government about this scheme in the last six months, I defend the policy we then adopted, and I still hold that it is not necessary, for the reasons I have stated, for this M.A.T.S. plan to be debated by Parliament.

The Hon. Sir NORMAN JUDE (Southern): I felt myself in entire sympathy with Sir Arthur Rymill when he moved this motion. It has been a good thing to ventilate this matter but, on the question of the actual producing of legislation for consideration by Parliament, I have not heard any of our legal representatives or anyone else suggest how it should be done. For example, we did not bring before Parliament a Bill to improve the Eyre Highway, to spend some millions of dollars on building it; we did not bring before Parliament a Bill for building the hills freeway. The money for roads from State finances comes, as we all know, directly from motor vehicles revenue. The Parliament of the day, quite rightly, votes a direct transfer of that money into the Highways Fund. It then entrusts the Government of the day with that money and it is for the Minister of Roads and Transport and the department to administer those funds reasonably, although, because of the way in which they are spent, there must necessarily be a certain amount of inefficiency, with every council and every member of Parliament wanting to make certain they have their cut.

If a Bill was introduced to commence the construction of a freeway, we will say, some-

where near the Cavan Arms Hotel or down the South Road, I would say "All right", but I cannot envisage the practicality of drafting such a Bill. For one thing, this sort of work goes on from year to year. In my opinion, the public, and especially the uninformed part of the public, has been far too frightened by the mention of astronomical figures of cost. When we speak of the vast sums of money that will be spent on water, electricity and other things over the next 40 years, people start to get worried.

The Hon. Sir Arthur Rymill: What about your complaint about the diversion of funds for the construction of the Morphett Street bridge?

The Hon. Sir NORMAN JUDE: That involved finance connected with the Adelaide City Council. The legislation was already on the Statute Book. I approve of Sir Arthur's moving this motion because it has given us an opportunity to hear the Minister and to have a reassurance that the Government is looking into these things. I can assure the Minister that, if it does not look into these things, I shall be one of its firmest critics. However, I cannot see where this will lead to—definite legislation on each part of the plan. That will become a matter for argument between the local government bodies concerned and perhaps for the consideration of the Automobile Association, the number of people it represents extending to six figures. Those are the sorts of people, apart from our members of Parliament, who can consider these matters on every occasion when a pronouncement is made by the Minister.

I am certain that Parliament will take the necessary steps any time it feels there is an abuse of these funds. Parliament is not in a position easily to introduce any legislation dealing with Commonwealth funds or local government funds, which contribute greatly to the amount of money spent on our roadways each year. Local government can still do what it pleases. I have been knocked back in recent years by the Hon. Mr. Bevan for finance for a bridge, which he contended is merely an extension of a road but which I have contended is a concrete structure that will last for 60 years whereas the road will last for only 10 years. When it comes to certain concrete works envisaged with freeways, the Government will be forced to resort to Loan funds, and the moment it does that it will have to bring that matter before Parliament. Then Parliament will have a further opportunity of considering whether these Loan

funds should or should not be used for that purpose. In the circumstances, while I agree with the basis of the motion moved by Sir Arthur Rymill, I cannot see the practicality of suggesting that, if any portion of the plan is to be augmented by administrative decision, it should be necessary to bring in a separate Bill for the consideration of honourable members.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I thank honourable members for their attention to this matter and also the Minister for his statement to the Council. I do not propose to speak at length in reply because I think I have already replied in advance to all the points made by the Minister. The Minister said it was a pity that I did not bring up this matter before the six months' period ended and subsequently he questioned the fairness of my not doing so and of introducing the motion today. However, I mentioned in the debate (in what I referred to as my innocence) that I thought a vastly far-reaching power of this nature would of necessity have to be referred to Parliament. In view of my apparent innocence, I discussed this with a number of my colleagues in this Council, and I found that they were of the same opinion: that the matter would necessarily come forward to Parliament for approval in some form or another. The Hon. Sir Norman Jude has debated what form it would take, but I do not think that enters into the discussion.

I have had a copy of the report since it was first published, and I did not discuss it before because I felt sure that it would come before Parliament when, as I said before, I would be able properly to discuss it on my proper forum as a representative of the people, and that is what I have done today. As a former Minister, the Hon. Sir Norman Jude should have some notice taken of his remarks, but I think he was off on a bit of a tangent. He said there was no Bill for the Eyre Highway or for the Hills Freeway. Of course, they were important matters, but surely they were minor when compared with this vast plan.

The Hon. A. J. Shard: They did not affect 1,000 homes.

The Hon. Sir ARTHUR RYMILL: No, and very few people were injuriously affected to any real extent in their living by those plans.

The Hon. Sir Norman Jude: How about Mr. Downer?

The Hon. Sir ARTHUR RYMILL: If my friend is referring to Sir Alexander Downer, then I understand him. He thought he was badly treated by the Government of which my friend was a member, but it is not for me to go into

that. As I said at the beginning of my remarks, I agree with the Minister that all members should agree that more transportation plans must eventuate. At the same time I pointed out why I felt portions of this plan should not exist and why Parliament should have a say in it. I was glad to hear the Minister say that Cabinet will consider the points raised today and will discuss them with the M.A.T.S. officers.

I am not clear why the Minister feels bound to make a decision next week, because only today I received letters from five councils that still want to make further representations on the matter. I cannot see why there should be any great urgency to take such a decision next week on something that we have done without for 133 years, and I ask the Minister to reconsider the matter and allow members further time fully to consider the matters raised not only here today but also those that are still being raised by many sections of the public.

Motion carried.

#### WILLS ACT AMENDMENT BILL

Second reading.

The Hon. F. J. POTTER (Central No. 2): I move:

*That this Bill be now read a second time.*

It is a simple measure which provides in clear terms that in future a will that is expressed to be made in contemplation of a marriage shall not be revoked by the solemnization of that marriage. I believe this to be an important item of law reform that is necessary in this State. Similar provision already exists in the law in England and in all other Australian States except Western Australia. I cannot advance any reasons why it has been omitted from our South Australian law in the past and can only presume that the Government's attention has never been drawn to the fact.

Honourable members no doubt know that any will is automatically revoked by a marriage subsequent to the making thereof. Consequently, at the present time in order to have valid wills a married couple must arrange to execute their wills after the marriage ceremony takes place. I have had experience of being requested by couples to prepare a will for them in advance so that it may be signed after the marriage. I do not know whether these couples signed their wills in the vestry or registry office after the marriage or whether they did it at some later time, but it always seemed to me to be a little incongruous that persons who care about making a will should

have to concern themselves with this matter at what must be an inconvenient time for the execution of such a document.

It may perhaps be said the matter can be left until a later time, but in these affluent days many young people have acquired money or other assets prior to their marriage. Often a considerable part of these assets has been acquired with the help of parents. I emphasize that if a young couple were to marry and suffer the misfortune of being killed in a motor accident after the marriage an unusual and possibly unfair situation might arise if they have not made their wills. If the wife survives the husband for only a brief period of time then she would inherit his property by virtue of the laws of intestacy and then her late husband's assets pass on to the wife's relatives by virtue of these same intestacy laws. The situation in reverse applies if the husband were to survive the wife for a brief period of time. These possibilities may be simply provided against in a will and of themselves would justify the provisions of this Bill. I commend it to all members of this House.

The Hon. C. M. HILL (Minister of Local Government): This short Bill inserts in the Wills Act a provision which has been in force under the law of England since 1925. It provides in effect that a will made after the Bill becomes law, which is expressed to be made in contemplation of a marriage, is not revoked by that marriage. This provision modifies section 20 of the Wills Act as now in force which provides, in effect, that a will made by a man or woman (except a will made in certain circumstances in exercise of a power of appointment) is revoked by his or her marriage. The amendment sought to be made by this Bill is a useful one and the Government supports the measure.

The Hon. A. J. SHARD (Leader of the Opposition): I support this necessary Bill. We may not have difficulties in this matter very often, but two or three cases have arisen in the last 12 months. Because the Hon. Mr. Potter was good enough to give me advance copies of the Bill and of his second reading explanation, I do not need to ask for an adjournment of the debate. I support the Bill.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I support the Bill. It makes provision for something that has been lacking in our law for a long time, and I commend the Hon. Mr. Potter for bringing the matter forward. The Bill may appear small to some people and it may appear trivial to others, but I do not have

either of these opinions: it deals with a very important matter. I have been engaged on this matter, as have all practising lawyers, quite often enough. In my younger days it was the practice, when a person was to be married, for him to ask a lawyer to draw up a will, which the couple took along to the church and it was signed in the vestry. What happened if the bridegroom died on the way to the vestry, I do not know. If the will is expressed to be made in contemplation of a marriage and if the marriage does not take place, I assume that the will has no effect. This Bill will dispose very successfully of the need to rush around signing wills at a time when one's mind should be on more important things.

The Hon. F. J. Potter: I heard of a case where someone was rushing around at the wedding reception getting the will signed.

The Hon. Sir ARTHUR RYMILL: This does happen, although it seems laughable. I have pleasure in supporting the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Wills made in contemplation of marriage."

The Hon. Sir ARTHUR RYMILL: I draw the attention of honourable members to the way in which this clause is drafted. Does the Hon. Mr. Potter think that some words should be added to say that, if the marriage does not take place, the will shall not come into effect and also, possibly, that a previous will shall be revived?

The Hon. F. J. POTTER: I think the clause is quite clear; a will that is, first of all, expressed to be made in contemplation of a marriage is not revoked by the solemnization of that marriage. Therefore, because it is, in fact, expressed to be made in contemplation of a marriage, it is of no force if that marriage does not take place. I assure the honourable member that the wording is exactly the same as that appearing in Acts of other Parliaments and in English law. I can do no better than follow that as a precedent.

The Hon. Sir ARTHUR RYMILL: I shall illustrate my point by giving an example. A young man may have made his will in favour of his parents. He then makes a will in contemplation of marriage which says, "I leave all my money to Miss Jones." This is all right if the marriage is actually solemnized, but what is the position if the marriage is not solemnized? The clause provides that a will shall not be revoked by the solemnization of a marriage. Does this mean that the will is of

no effect and that the will in favour of the father and mother is revived?

The Hon. F. J. POTTER: That is my understanding of the position. Because the will is expressed to be made in contemplation of an event, which does not take place, that provision is of no force.

The Hon. Sir ARTHUR RYMILL: If the Committee will report progress, I shall be able to check on this point. I am entirely in accord with the aims of the Bill. If my fears are correctly based a small amendment will attend to the matter.

The Hon. F. J. POTTER: I am perfectly happy that we check this point. I confess that, having taken the other legislation as my guide, I have not directed any great attention to this point. It seems to me that the reply I gave is correct, but we should check the matter.

Progress reported; Committee to sit again.

Later:

The Hon. F. J. POTTER: I have discussed further with Sir Arthur Rymill and the Parliamentary Draftsman the matter that came up for discussion in clause 3. The quick advice I tendered to Sir Arthur Rymill earlier was apparently wrong. In fact, a will would be a valid will if expressed to be in contemplation of marriage, but of course the drafting would cover the possibility of an event not taking place. It is common in leaving property to have a provision such as, "To my wife, if she survives me for a space of three calendar months", or something like that. It is a simple matter.

The Hon. Sir ARTHUR RYMILL: I am satisfied with the explanation. The point I made was quite valid: all wills will have to take various contingencies into account. Apparently, there is nothing unusual about that, so I am satisfied.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

## CONSTITUTION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from February 5. Page 3389.)

The Hon. G. J. GILFILLAN (Northern): This Bill was introduced in another place as a private member's Bill and was designed to alter radically the Constitution as it affects not only this Council but the Parliamentary system itself. The Bill embodies a principle that has been strongly advocated for a

number of years by the Australian Labor Party in an endeavour to alter considerably the whole concept of Parliament. We have heard speeches on this legislation that I believe have contributed much to the knowledge of people who are interested in this issue.

All of the speeches that have been made have been of value in this regard. However, I think this applies particularly to the speech made by the Hon. Sir Arthur Rymill, who dealt with the more technical aspects of the matter, and to that made by the Hon. Mr. Geddes. The Bill attempts to do two things. First, it attempts to write in a provision which it is hoped will give this Council the protection of a referendum of the people before it can be abolished. However, on closer scrutiny it appears that any such protection is marginal. This point was covered clearly in Sir Arthur Rymill's speech, and particularly in that part of it which referred to the fact that a sovereign Parliament cannot bind succeeding sovereign Parliaments. I think this is further borne out in our present Constitution Act, section 8 of which provides:

Parliament may from time to time by any Act repeal, alter, or vary all or any of the provisions of this Act and substitute others in lieu thereof.

I believe that that is impeccably plain and that it is in language that can be understood by any layman. I do not wish to dwell on this point, for I believe that it has been amply covered in previous speeches, and that anyone who has made a study of the judgment that has been referred to will be well aware that it was a marginal decision. We also know that the High Court will not be bound on any future appeal by decisions made in the past.

The other part of the Bill that seeks to introduce adult suffrage for voting for the Legislative Council is, I believe, the very real point of contention between the opposing points of view. I think that the first issue concerning the referendum is, at the best, some further obstacle to abolition of the Legislative Council. However, in view of the opinions expressed by a wide range of constitutional experts, I believe that this protection is very marginal indeed. The matter of the Constitution, of course, has been introduced into Parliament for very obvious reasons. We have in South Australia a bicameral system that I believe on record compares with any other that I have studied. I have in my file much detail about the other States of Australia that have been referred to from time to time. Together with other members, I have had the opportunity

to discuss this matter with members of Parliament from other States, and it surprising to find that the members from other States where alterations have been made appear to regret such alterations. The advice of those members has been, "What you have in South Australia is good; why do you want to alter it?" From their experience we find that the alterations that have been made have been detrimental to the proper processes of Parliament as they should apply to the bicameral system.

It is also interesting to find that in some States the opposition of the Australian Labor Party to the two-House system is somewhat more restrained than it is here. I was interested to find, for instance, that in New South Wales A.L.P. members quite strongly support the two-House system of Parliament, even though it is not official Party policy, and that on occasions they have said this publicly. In New South Wales, of course, the system of election of the Legislative Council is quite different from that in any other State, for the members are appointed by their colleagues in the Assembly. However, another feature of their Constitution is quite different from that of any other State in that the period of appointment is for 12 years. I believe it is this that leads to more independence amongst the members of that House, for the fact that they are elected for such a long period relieves them from Party pressures that may be brought to bear upon them. They are elected for a term that gives them a large measure of independence from the Party machine.

Wherever we look amongst the Parliaments of the States of Australia and of the Commonwealth we find some difference between the method of election of members to the Lower House and the method of election for the Upper House. I believe that this difference must be maintained if we are going to preserve the true ideals of the consideration of legislation by two Houses each having a different approach to the legislation. It has been suggested that the abolition of one House of Parliament leads to economy, but if anyone truly believes that he is deluding himself.

The Hon. A. J. Shard: Oh, now!

The Hon. G. J. GILFILLAN: If honourable members follow the history of abolition where it has occurred they will find that it is not very long before the Lower House is increased in numbers to provide for those loyal Party members of the second House who have voted themselves out of office. If members study the numbers of members within a Parliament where the second House has

been abolished, they will find that the Lower House is almost always increased in numbers. A one-House system also has the disadvantage that the processing of legislation is time-consuming. We know from our own experience that where one House is larger than the other the time to consider legislation where there are more members wishing to speak is much longer. However, with the two-House system here, with legislation being debated by both Houses, the legislation is dealt with and scrutinized in detail, and yet at the same time it is processed through Parliament in reasonable time, so the argument that abolition leads to economy or to a quicker method of dealing with legislation is not valid.

It is interesting to note that 52 countries in the world have the bicameral system, and 12 of these, including the major nations, have at some time or other in their history abolished the Upper House for a short time; but experience has revealed the necessity to reintroduce the two-House system to ensure an effective Parliament. This is not easy to do because, where the Lower House has been increased in numbers on the abolition of the Upper House, any attempt to reinstate the two-House system must mean there is some dissension among those members of the Lower House who face a reduction in numbers with the reintroduction of the Upper House. That could have the effect of putting several members of Parliament out of office. The present Constitution in South Australia adequately covers the position.

The Hon. A. J. Shard: From the Liberal Party's point of view!

The Hon. G. J. GILFILLAN: That is an interesting interjection. This belief in the value of our present franchise goes far beyond the members of the Liberal and Country Party. We see evidence of this throughout the State. In fact, I believe there are many loyal members of the Australian Labor Party who consider that the ideal form of government for the State is for them to work for their own Party, which they prefer to see in Government, and for the Legislative Council, as at present constituted, to take a second look at legislation. This can be shown definitely in the ballot boxes, if we study the figures closely. The difference in the franchise between the two Houses is supported by many A.L.P. voters.

The Hon. A. F. Kneebone: You're kidding!

The Hon. G. J. GILFILLAN: I can take the honourable member to places where this

does occur. We have heard something of Queensland. This matter was covered fully by the Hon. Mr. Geddes. Queensland abolished its second House in spite of a referendum to obtain the opinion of the people. The electoral districts there were arranged in such a manner that the Government of the day was virtually assured of office in perpetuity. As far as I can judge, if the Government of the day had not split within itself and formed two Parties, on the "first past the post" system it would probably still be in office. There was a change of Government, and the Government now in office looks like having a long run, too, because the matter of boundaries is entirely in the hands of one House; it can alter them in any way it likes. It requires only a Constitutional majority in that House, irrespective of Party, which is a bad thing for the Parliament of any State.

The Legislative Council of South Australia has demonstrated fully in the last four years (I am deliberately saying "four years") the value of the two-House system for the people of this State. When the A.L.P. was in Government, this Council contributed much to the legislation passed at that time. It could not be accused of being an obstructive House because the number of Bills passed in that Parliament was nearly a record; and they were passed by this Council. There were some items of legislation that were a matter of contention between the two Houses but they have since been upheld by the members of the A.L.P. This Council contributed, to some extent, to maintaining the popularity of the Government of that day—

The Hon. A. J. Shard: This year's funny story!

The Hon. G. J. GILFILLAN: —by moderating the severe effects of some of the legislation that was not popular at that time. I said "four years", because this Council is still continuing to look impartially at legislation. In the session we are completing, in probably the two most contentious revenue-producing Bills 46 amendments were inserted by this Council. It cannot be denied that the members of this Council (I am making no divisions on Party lines here) have honestly worked to the best of their ability on the legislation placed before them.

In presenting the principles outlined in this Bill not only to Parliament but also to the public, it has been argued that there can be other differences, such as voluntary voting.

We know that on a dual roll, such as we have today, we virtually have compulsory voting for those who are enrolled, because the elections are held simultaneously for both Houses, and for the other House compulsory voting also applies to those people who are enrolled. It is interesting to note that in the last State elections where this set of circumstances applied the highest percentage vote for any electoral district, either Legislative Council or House of Assembly, was cast in Northern, which had a 97.75 per cent vote of all those enrolled.

The Hon. A. J. Shard: At the last election?

The Hon. G. J. GILFILLAN: Yes; the average for the State for the Legislative Council was 95.15 per cent, and the average for the State for the House of Assembly was 94.48 per cent. So the Legislative Council had the higher percentage vote. The average Legislative Council vote was higher than the average for the House of Assembly.

The Hon. A. J. Shard: That was only of the people enrolled on the respective rolls?

The Hon. G. J. GILFILLAN: That is so. I stressed that point—of those enrolled.

The Hon. L. R. Hart: They are responsible people up there.

The Hon. G. J. GILFILLAN: That proves the point. At present, while there is some difference in the franchise, the people who wish to enrol have to make a separate effort to enrol. It is probably not known generally that enrolment for the House of Assembly in South Australia is also voluntary. Most people enrol for the House of Assembly because enrolment for the Commonwealth Parliament is compulsory, and one can fill in a space on the card to enrol for the House of Assembly. Once a universal franchise is adopted, only an administrative action would be needed to add another line to the card to enrol for the Legislative Council, so we would have virtually a compulsory enrolment and a compulsory vote.

I believe all these things are relevant. In South Australian practical politics there are two main political Parties, one of which believes in the retention of the Legislative Council and the two-House system of Parliament, the other believing in their abolition. There is no question about this; it has been reiterated time and again in both Houses on this and similar Bills this session. It is obvious that any move that weakens the position of this Council and its ability to defend

itself within the Constitution is a move towards abolition. I oppose the Bill in its present form.

The Hon. F. J. POTTER secured the adournment of the debate.

#### POULTRY PROCESSING BILL

The Hon. C. R. STORY (Minister of Agriculture) obtained leave to introduce a Bill for an Act to regulate and control the processing of poultry intended for sale.

#### WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

The Hon. C. R. STORY (Minister of Agriculture) obtained leave to introduce a Bill for an Act to amend the Wheat Industry Stabilization Act, 1968.

#### PHYLOXERA ACT AMENDMENT BILL

The Hon. C. R. STORY (Minister of Agriculture) obtained leave to introduce a Bill for an Act to amend the Phylloxera Act, 1936-1966.

#### PACKAGES ACT AMENDMENT BILL

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

#### LOCAL GOVERNMENT ACT AMENDMENT BILL

In Committee.

Clause 1—"Short titles."

The Hon. C. M. HILL (Minister of Local Government): I move:

In subclause (2) after "Act" second occurring to insert "and by all Acts amending the same prior to the commencement of this Act"; to strike out "1968" and insert "1969"; and in subclause (3) after "1967" to insert "as amended by all Acts amending the same prior to the commencement of this Act,".

This recognizes the fact that a short Local Government Act Amendment Bill relating to the position of the Director of Local Government may be before the House at the same time as this Bill is.

Amendments carried; clause as amended passed.

Clause 2 passed.

Clause 3—"Interpretation."

The Hon. C. M. HILL: I move:

To insert the following new paragraph:

(ab) by inserting after the definition of "council" in subsection (1) the following definition:

"councillor" in relation to—

(a) a district or a district council means a councillor of that district council or the district council of that district, as the case requires, and includes a mayor elected, for

such a council, as provided in section 65a of this Act or a person acting in the office of such a mayor;

or

(b) a municipality or a municipal council means a councillor of that municipal council or of the municipal council for that municipality, as the case requires:

This amendment and the subsequent amendments further clarify the position of a mayor elected for a district council pursuant to new section 65a.

Amendment carried.

The Hon. C. M. HILL moved:

After paragraph (a) to strike out "and"; and after paragraph (b) to insert:

; and

(c) by inserting after the definition of "mayor" the following definition:

"member" in relation to—

(a) a district council, means a councillor of that council;

or

(b) a municipal council, means the mayor, any alderman or councillor of that council:

Amendment carried; clause as amended passed.

Clause 4—"Mayor of district council."

The Hon. L. R. HART: I assume that any councils that have been amalgamated prior to the passing of this legislation will still be able to apply to come under the provisions of new section 65a. The Minister has an amendment on file to the effect that the Governor may by proclamation declare a council to be a declared district council. Will the Minister consider adding after "council" in his amendment the words "or a poll of ratepayers"? This would mean that the Governor may, by proclamation, declare a council to be a declared council at the request of a district council or a poll of ratepayers.

In connection with the voting rights of a mayor, I point out that the mayor will be in addition to the councillors elected for the various wards and he will be elected by a vote of the ratepayers of the whole district. However, in this case, he will have a deliberative as well as a casting vote. I do not think a mayor in any municipal council has two votes. If this is so, the word "mayor" should be included in the definitions because in this case the mayor is a mayor who has different rights from other kinds of mayor. I am not sure that I agree that a mayor in this case should have both a deliberative and a casting vote: I believe his vote should be only a casting vote. In many cases the mayor will be the

representative of the densely populated township of a district council area and he could quite easily sway the council's decisions through his two votes.

I am concerned, too, about new section 65a (5), in which the powers are far too wide. This sets a dangerous precedent. I do not think the powers that are written into this subsection appear in any other Act. I should like to hear the Minister's further comments on the matters I have raised.

The Hon. C. M. HILL: I doubt the need for a reference to a poll of ratepayers, for it was always intended that the proposition should be initiated by the council. I think it was the Hon. Mr. Dawkins who touched on this point. The Government is including, by its amendments, words to put this beyond doubt. In other words, the move must be initiated by the council. Is there really any need to go to the ratepayers if the council cannot decide the issue? The council ought to be big enough and responsible enough to decide whether or not it wants to adopt this change.

The Hon. S. C. Bevan: The council may not agree to the change, and it may be necessary that the ratepayers do; therefore, the ratepayers should have a say by holding a poll.

The Hon. C. M. HILL: If there is a strong body of opinion amongst the ratepayers, I suggest that it is up to them to change the council and bring about their desires in that way.

The Hon. S. C. Bevan: If there was a demand for a poll, wouldn't the council be duty bound to go to the Minister?

The Hon. C. M. HILL: Yes, but is there any need for a council to refer this matter back to the ratepayers? The council is elected by the ratepayers and it represents them, so it ought to be responsible enough to make the decision either that it wants to change or that it does not. A council will not bring the matter up lightly: it will have reference to its ratepayers.

The Hon. A. M. Whyte: It can call a general meeting.

The Hon. C. M. HILL: Yes; it can get the feeling of the ratepayers in the district beforehand. I agree with the Hon. Mr. Hart that in the case of another matter he has referred to some doubts have been raised. However, on balance, by a fairly fine margin, I cannot support his contention that the mayor under this new arrangement should have only the one vote. The introduction of a mayor

for a district council is to satisfy the demands of these councils that proper status be given to them.

It is not desired to change in many respects the duties performed by those mayors. Chairmen at present have both votes, and it is desired that this be so with mayors under this new arrangement. It is realized that this creates a difference from the case of other mayors. However, the new mayor is the head of a district council, and we want that council to remain a district council as far as possible. The Local Government Act Revision Committee intends, when it brings down its report, to recommend that mayors of municipalities be given both the deliberative and the casting vote, and if that recommendation is followed it means that we are, in effect, beginning a trend here which will be followed by a later arrangement. In other words, if we stick to only the one vote now and the position of mayors in municipalities changes as a result of the committee's report, then of course we will still have a difference at a later date.

The final point is that elsewhere this provision does occur. In New South Wales, mayors have a deliberative and a casting vote. In general terms, the mayor under this new arrangement is elected by the whole district, and he is serving the whole district as a representative. If there is a big issue and he casts a deliberative vote as he thinks best in regard to that issue, his voice is being heard on that account. If he is given the opportunity of a casting vote (and all these gentlemen are responsible people when they get to this height of local government, as many honourable members here know only too well), that vote will be simply to retain the *status quo*: it will not be on the issue.

For the reasons I have stated, I think there is nothing wrong with allowing the arrangement to stand as proposed. After all, this will be an innovation in local government that we are introducing, and we are introducing it because we want to help local government. Therefore, there will be differences with which I trust honourable members will be prepared to go along.

I agree with the Hon. Mr. Hart that subsection (5) of new section 65a gives a great deal of power. This was written into the Bill because of the complexity of the Local Government Act in that we have on the one hand municipalities and on the other hand district councils and it is very hard to marry them up.

We expected that there would be some difficulties which at the moment are unforeseen, and this provision was put in so that if such unforeseen difficulties arose they could be overcome in a reasonable and a streamlined way. If the Hon. Mr. Hart is concerned to the extent that he thinks that provision ought to be removed, I would not oppose that for a moment.

The Hon. G. J. GILFILLAN: I support the Hon. Mr. Hart in his contention regarding subsection (5). I believe that the new amendments that have been put before us overcome some of the problems that could occur in the election of a mayor for a district council which, as the Minister said, is a departure. I believe that this question of the deliberative and the casting vote of a mayor is quite an important point in the actual conduct of meetings. I believe that in this instance we have something very different from the normal district council where a councillor elected for a ward is then elected as chairman and is then actually representing an interested part of the council area.

It is quite clear that the mayor is elected by all the ratepayers within the district. He is therefore an independent chairman representing all the ratepayers. I believe that we have a precedent here in Parliament itself where we have a Speaker in the Assembly and a President in this House, both independent, and not taking any part in a debate or voting other than giving a casting vote.

In the actual conduct of council meetings, which are based very largely on the Standing Orders of Parliament, I believe that if we have a chairman with a deliberative vote who has to justify his vote in the eyes of those who elect him we will find that he will become more and more involved in the debate before the council, whereas I believe that the less the chairman of a council or any other organization has to say in the debate the better it is for the more efficient working of that body.

The Hon. M. B. DAWKINS: I join with the Hon. Mr. Hart and the Hon. Mr. Gilfillan in questioning the wisdom of subsection (5). I also endorse what has been said about the deliberative and the casting vote of the mayor. Many district councils in South Australia are comprised of an even number of councillors. Many of them have eight, and some 10, councillors, and in those cases each person represents a ward. So, if there is a split and there are eight councillors, the chairman, representing a ward, votes as the councillor for that ward and then, if the voting is even, it is

necessary for him to give a casting vote to preserve the *status quo*. But, with a mayor who has a deliberative vote as well, when councils have an even number of councillors, plus a mayor, and there is a division, it is the mayor's deliberative vote and not his casting vote that will determine the issue if the councillors are equally divided.

For instance, if the voting is four to four and the mayor has a casting vote, the question is decided on his deliberative and not his casting vote. We have a good precedent in this Parliament and many other Parliaments, where the presiding officer has a casting vote only. This should be the case in this new office of mayor of a district council. The Minister said that a provision for the mayor of a municipality to have a deliberative and a casting vote may be brought in with the new legislation. If that passes through this Parliament, it may then be time to consider the wisdom of this provision. I doubt whether such a provision would pass this Parliament and I doubt its wisdom.

The Hon. S. C. BEVAN: Am I in order in discussing clause 5 before the Minister moves his amendment?

The CHAIRMAN: I think we shall get on more quickly if we take things in their correct order.

The Hon. C. M. HILL: I move:

In new section 65a (2) after "Governor" to insert ", at the request of a district council,".

This will ensure that section 65a will be applied to a district council only upon its request.

Amendment carried.

The Hon. C. M. HILL moved:

In new section 65a (2) to strike out "any" and insert "that".

Amendment carried.

The Hon. S. C. BEVAN: I have said that I would appreciate the Minister's advising me whether or not the mayor would have a casting as well as a deliberative vote. I assumed he would have only a casting vote. The Minister in his reply advised honourable members that the mayor would have both a deliberative and a casting vote, but there is no amendment on the file at this stage to that effect. The Local Government Act Revision Committee at some time in the future could make a recommendation that this should apply to all mayors, that they should have a casting and a deliberative vote. This clause gives a council, on application, the status and full rights of a municipality. The mayor has two

votes, casting and deliberative. I see no reason why we should not wait until the Local Government Act Revision Committee has made a recommendation acceptable to the Minister so that an amendment can be made to the Act.

What we are doing here is wrong. With a district council being given the status of a municipality, its mayor in voting rights has more authority and power than even the Lord Mayor of Adelaide, who has only a casting vote and not a deliberative vote. I protest against this. The Minister's explanation is that he hopes it will apply to all mayors. He is doing it back to front. At this stage, there being no amendment to this effect on the file, we can either accept the clause or vote it out. If it is voted out, the purpose of the Bill will be defeated. Other amendments would be needed to other clauses to cover this point.

The CHAIRMAN: If I understand the opinions expressed by honourable members, they are talking to a new clause 5a.

The Hon. C. M. HILL: I appreciate that this clause entails a considerable departure from present procedure. I thought that honourable members would have accepted the change and that we would not have reached the stage where I would have to test this point. If honourable members feel strongly about this, as is evidenced by their statements, I shall be in a position to place on the file quickly an amendment that would give the Committee an opportunity to treat this as a separate issue and vote upon it. That is why a separate clause 5a is on the table and in front of me.

In view of the sentiments expressed on this point, I shall move to insert a new clause 5a so that honourable members can vote upon it. I do not agree with it but, rather than that we should strike out the whole clause or delay this matter any further (for I am most anxious to proceed with this Bill as quickly as possible, at the same time being reasonable about it), I shall move as I have indicated.

The Hon. L. R. HART: I understand we are dealing with new subsection (5).

The CHAIRMAN: The honourable member can speak to that matter.

The Hon. L. R. HART: I object to this provision. I am prepared to take the Minister at his word here and accept his suggestion that I may, if I wish, have this new subsection deleted. It is far too wide in its application and should not be written into the Bill. Therefore, I move:

That new subsection (5) be struck out.

Amendment carried; clause as amended passed.

Clause 5 passed.

New clause 5A.

The Hon. C. M. HILL: I move to insert the following new clause:

5A. Section 147 of the principal Act is amended by inserting in paragraph (6) after the passage "casting vote also" the passage "but in the application of this paragraph to a person occupying the office of mayor provided for in section 65a of this Act that person shall not have a deliberative vote and shall vote only in the case of an equality of votes when he shall have a casting vote only".

In explanation, I refer members to section 147 (6) of the principle Act.

New clause inserted.

Clause 6—"Enactment of Part IXaa of Principal Act."

The Hon. C. M. HILL: I move:

In heading of new Part to strike out "IXaa" and insert "IXAA"; in subsection 163jf (1) (a) after "by" second occurring to strike out "anyone" and insert "any person"; in subsection 163jh (2) after "money" to strike out "ordered" and insert "directed" and strike out "council".

These are drafting amendments.

Amendments carried.

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

In subsection 163jh (5) after "service" to strike out "but not in any case exceeding an amount equal to twelve weeks' salary of the officer concerned at the rate received by him at the time of his dismissal or reduction in status." and insert "at the rate that would have been received by him if he had not been dismissed or reduced in status."

The clause as it stands does not conform with those applying in other States and what I have suggested applies in every State except Queensland. For that reason I move the amendment.

The Hon. C. M. HILL: I accept the amendment.

Amendment carried.

The Hon. L. R. HART: This clause sets up a further authority to which a clerk may appeal if he believes he has been wrongly dismissed or if he is aggrieved because of being reduced in status. The clerk already has a right of appeal under a provision of the principal Act but, as a result of this new provision, the clerk will have two rights of appeal. A right of appeal to the Industrial Court is provided for in section 163a. Under this Bill he has the right of appeal to a referee to be appointed by the council. I cannot see why the clerk should have two rights of appeal. A situation may arise where he appeals to one authority, receives an adverse decision, and

then appeals to the other authority. In many cases councils have to put up with some fairly incompetent officers, including clerks.

There are isolated cases where councils would like to get rid of a clerk but they have no means of doing so. This Bill could enable an officer to be further entrenched by giving him two rights of appeal. The clerk should indicate the authority to which he will appeal and the decision of that authority should be final. If it is proper for the clerk to appeal, then the assistant clerk should have the same right. In the case of some larger councils the assistant clerk is a fairly responsible officer who carries much of the burden of the council's work.

Clause as amended passed.

Clause 7—"Provision as to certain occupiers."

The Hon. C. M. HILL moved:

To strike out paragraphs (a) and (b) and insert:

- (a) by striking out the passage "that—" and inserting in lieu thereof the passage "that the owner of any ratable property is a married person";
- (b) by striking out paragraphs (a) and (b);
- Amendment carried.

The Hon. L. R. HART: How does a council establish whether a person is entitled to enrolment as a spouse? Should a council cite a marriage certificate? A *de facto* wife may become enrolled as a spouse. How does the council prove that such a person is a *de facto* wife? This point should be decided now.

The Hon. C. M. HILL: I imagine that this will be done by an application to the council for enrolment. It is up to the council to decide whether it accepts the explanation. It may need some declaration from the person as to her qualifications.

The Hon. S. C. Bevan: The declaration is made at the time of the enrolment.

The Hon. C. M. HILL: In some smaller councils this kind of application is sometimes made in letter form because they do not have printed forms. So, the council need only stipulate that it needs a declaration to be submitted with a letter. I move:

In paragraph (c) to strike out "spouse" and insert "spouse of that person".

Amendment carried; clause as amended passed.

Clauses 8 to 11 passed.

Clause 12—"Underground electric cables."

The Hon. C. M. HILL moved:

In new section 366aa to strike out "an" and insert "any".

Amendment carried; clause as amended passed.

New clause 12a—"Development schemes."

The Hon. C. M. HILL: I move to insert the following new clause:

12a. The following section is enacted and inserted in the principal Act in Division II of Part XVIII immediately after section 382c:—

382d (1) In this section, unless the contrary intention appears—

"approved scheme" means any scheme for the development of land approved for the purposes of this Act by the State Planning Authority established under the Planning and Development Act, 1966-1967, as amended;

"develop" includes re-develop;

"development" includes re-development;

"land" includes any estate or interest (legal or equitable) in land and any easement, right, power, or privilege, in, under, over, affecting, or in connection with land.

(2) The State Planning Authority may in its discretion approve, for the purposes of this Act, any scheme for the development of land.

(3) A council may, with the approval of the Minister, either by agreement or compulsorily, acquire or take land for the purpose of developing it in accordance with an approved scheme.

(4) The Compulsory Acquisition of Land Act, 1925-1966 (except sections 49, 79, 80, 81 and 82 thereof) is hereby incorporated in this Act and shall apply and have effect in relation to the acquisition or taking of land, with the approval of the Minister for the purposes of an approved scheme, by the council as if—

(a) this Act were the special Act referred to in that Act;

(b) the purposes for which land may be acquired or taken under this section were the works or undertaking authorized by such special Act to be executed;

(c) the council were the promoters of such an undertaking;

(d) land acquired or taken by the council for the purposes of any approved scheme were land required for the purposes of this Act.

(5) The council may—

(a) develop any land so acquired or taken under this section otherwise vested in the council and render it suitable for the purposes of any approved scheme;

(b) lease any such land for a period not exceeding ninety-nine years for the purposes of carrying out any such approved scheme;

(c) sell, exchange or otherwise dispose of any such land for the purposes of carrying out any such approved scheme.

(6) An approved scheme shall be deemed to be permanent works and undertakings within the meaning of and for the purposes of section 424 of this Act.

The purpose of this provision is to give a council power, with the approval of the Minister, to acquire land for limited development schemes which have been approved by the State Planning Authority. I am seeking to insert this clause as a result of my previous contingent notice of motion. The history of its introduction is that after the Bill was introduced before Christmas I was approached by the St. Peters council, which made representations to me that it needed power of this kind to take part in some development schemes. I perused in considerable detail all the submissions made at the time. The Walkerville council has since asked if it might also be granted the power. Including, as I have, the checks that any development scheme of the council must be approved by the State Planning Authority, and must be approved by the Minister, I think it is fair and reasonable to allow some councils to display the initiative which I know they possess. This will lead to more redevelopment of a limited kind in the metropolitan council areas.

New clause inserted.

Clauses 13 to 15 passed.

Clause 16—"Control by council of foreshores."

The Hon. C. M. HILL moved:

After "from" to insert "paragraph (c) of"; and to strike out "Ministers" and insert "Minister".

Amendments carried; clause as amended passed.

Clause 17 passed.

Clause 18—"Definition of ratepayer."

The Hon. C. M. HILL: I move:

In new section 832b after "section 100" to insert "or section 101".

This extends the definition of ratepayers for the purposes of voting by post to attorneys for absent owners as well as company nominees. The Hon. Mr. Hart referred to this matter in his second reading speech.

Amendment carried; clause as amended passed.

Clause 19—"Application for postal vote."

The Hon. C. M. HILL moved:

In paragraph (e) to strike out "in" and insert "from"; and in paragraph (f) to strike out "in" first occurring and insert "from".

Amendments carried; clause as amended passed.

Clause 20—"Re-production of applications for postal votes."

The Hon. C. M. HILL: I move:

In new subsection (1) after "council" to insert "unless that application is intended by that person for his own use."; and after "Penalty:" to strike out "Two" and insert "Five".

These amendments and the following amendment are proposed to enable a person to write out an application for his own use, and I think this is self-explanatory.

Amendments carried.

The Hon. C. M. HILL moved:

To strike out new subsection (2) and the penalty and insert:

(2) No person other than—

(a) the returning officer;

(b) a deputy returning officer;

or

(c) the spouse of the person to whom an application form for a postal vote certificate or a postal voting paper is delivered,

shall knowingly deliver such an application form to a person.

Penalty: Two hundred dollars.

Amendment carried; clause as amended passed.

Clause 21—"Duty of witnesses."

The Hon. C. M. HILL moved:

Before paragraph (a) to insert the following new paragraph:

(aa) by striking out from paragraph (aa) of subsection (1) the passage "a ratepayer within the area or".

Amendment carried; clause as amended passed.

Progress reported; Committee to sit again.

#### ADJOURNMENT

At 6.29 p.m. the Council adjourned until Thursday, February 13, at 2.15 p.m.