

HOUSE OF ASSEMBLY.

Thursday, February 20, 1964.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

QUESTIONS.**STURT RIVER.**

Mr. FRANK WALSH: Will the Minister of Works ask his colleague, the Minister of Roads, for a report concerning work being done on the Sturt River between the South Road at Darlington and the outlet at Glencg and ascertain when it is expected to be completed? Will the work provide for clearing to permit water to flow more freely through the channel? What is the expected date of completion of the gates that are being erected in the catchment area?

The Hon. G. G. PEARSON: I will inquire of my colleague, who is the constructing authority, and inform the honourable member.

NARACOORTE YOUTH CENTRE.

Mr. HARDING: Will the Minister of Education say whether there has been any inquiry from the Corporation of Naracoorte concerning the setting aside of the old infant school at Rowlands Street, Naracoorte, as a youth centre?

The Hon. Sir BADEN PATTINSON: On November 20 last, the Town Clerk of the Corporation of Naracoorte wrote to the Education Department supporting an application from Dr. D. A. Jacobs (President of the Naracoorte Boys Gymnasium Club) for the use of the former infant school premises in connection with the club's activities for the youth of the town and district. The Town Clerk was requested to ask Dr. Jacobs to apply direct to the department and to indicate clearly which part or parts of the premises the club wished to use. On February 3 a reply was received advising that the President was still considering the matter and that the department would hear from him in due course. No such letter has yet been received.

DRINKING BY ABORIGINES.

Mr. HUTCHENS: Issues of the *News* of December 4 last year and January 8 of this year carried articles which seemed to indicate that the Minister of Aboriginal Affairs had made a statement to the effect that there would be an easing of the restrictions governing the consumption of alcohol by Aborigines. As I

understand from press reports that the Minister was to receive a report from the Police Department, will he say whether it is now likely, from the report he has received, that restrictions will be eased?

The Hon. G. G. PEARSON: At the time the first proclamation was made, it exempted the metropolitan area from the provisions of, I think, sections 172 and 173 of the Licensing Act. I said that we would watch the result of the proclamation and that in about six months from that date I would examine the matter again with a view to considering what action should be taken concerning other areas. That time has elapsed, and I have invited the Police Commissioner to report to me on the functioning of the Act and the position applying in the metropolitan area. I have received his report and have referred it only recently to the Aboriginal Affairs Board for comment and an up-to-date recommendation on future action. Although I have not yet received the recommendation from the board, I believe it has considered the matter and expects to make a recommendation shortly; when I get that, I shall be able to consider it and probably I will take it to Cabinet for consideration.

RIVERTON CROSSING.

Mr. FREEBAIRN: My question relates to the Marrabel Road level crossing just north of the Riverton station yard. This is an important main road and railway crossing and although warning "stop" signs exist at the crossing Riverton residents are concerned that red flashing lights are not also installed. At a little used crossing at Riverton (at Mill Street) these red flashing lights are fitted, and it has been suggested to me that they could well be removed from the Mill Street crossing and installed at the Marrabel Road crossing. Bearing in mind the frequent railway shunting operations that take place at this Marrabel Road crossing and the serious traffic accident that occurred there last year, will the Minister of Works inquire of his colleague the Minister of Railways whether it is practicable to transfer the flashing lights from Mill Street to the Marrabel Road level crossing?

The Hon. G. G. PEARSON: I will take up this matter with the Minister of Railways.

TEACHING APPOINTMENTS.

Mr. BYWATERS: Various appointments arising from promotions in the Education Department took place late last year, I understand, and with the appeals that were lodged

several teachers who had been appointed to other places by way of promotion did not know until late during their holiday period just where they were going. The situation was somewhat worse at the Murray Bridge Adult Education Centre, the Vice-Principal of which was appointed Principal at Port Lincoln. The appointment was subject to appeal before he went to Port Lincoln. Then further applications had to be called to fill the Vice-Principal's position at Murray Bridge. I understand the appointee will take his place at Murray Bridge next week, but three weeks have elapsed since the beginning of the term and, as much work took place during that period, his assistance would have been greatly appreciated. Will the Minister of Education say whether it would have been possible for these appointments by way of promotion to have been made earlier in the year so as to allow appeals to have been well out of the way so that teachers promoted would have known at the end of the school term definitely where they were going?

The Hon. Sir BADEN PATTINSON: First, it is possible this year for them to be made earlier, and they will be made earlier. The main reason for the delay last year was that the Government acceded to the request of the South Australian Institute of Teachers on behalf of the main body of teachers for reclassifications and new classifications of teachers giving much greater opportunity for promotion for wider ranges of teachers and also a new system of promoting teachers rather than raising the status of particular schools. As the honourable member knows, the procedures in having regulations passed and approved by Parliament cause some delay, and that was the reason for the delay last year. Also, teachers are very anxious to lodge appeals or to exercise their right of appeal, and that right is being exercised, I think, perhaps a little too loosely by many people who really have not much practical chance of the appeals succeeding. It is taking up much of the time and attention of the members of the appeals board. I wish we could devise some system that would continue to give teachers the right of appeal, but under which they could exercise some sense of restraint when it was obvious that many could not succeed in their appeals.

NARACOORTE ADULT EDUCATION CENTRE.

Mr. HARDING: Last year the people of Naracoorte and district were delighted to know that the old Naracoorte High School buildings

were to be dedicated for use as an adult education centre. Can the Minister of Education say what preparation has been made for the renovation of these buildings for that purpose?

The Hon. Sir BADEN PATTINSON: Plans and estimates for the conversion of the old high school buildings at Naracoorte into an adult education centre headquarters have been prepared and approval given for the necessary funds. Specifications are now to be prepared, following which tenders for the work will be called.

WOOMERA TECHNICAL HIGH SCHOOL.

Mr. LOVEDAY: Late last year I suggested to the Minister of Education that the new secondary school at Woomera should be of the same character as that at Whyalla, namely, a technical high school catering for needs similar to those catered for at Whyalla. As the Minister said that the matter of a secondary school at Woomera was in hand, can he now say whether the school is to be of the character I suggested?

The Hon. Sir BADEN PATTINSON: As the honourable member is aware, by agreement with the Commonwealth Government the State has undertaken to supply the teaching requirements in the Territory at the Commonwealth Government's expense and has provided many teachers. However, it is the Commonwealth's responsibility to construct the schools, and it has the right to decide the type of school to be constructed. Following the honourable member's question, I had discussions with the Director of Education who in turn has had correspondence and discussions with the appropriate Commonwealth authorities. I understand that they are in substantial agreement concerning the type of school to be erected and the scope of subjects to be taught. However, I will obtain more up-to-date information on how far their agreement has advanced and let the honourable member know.

ADELAIDE JUVENILE COURT.

Mr. MILLHOUSE: During the earlier part of this session I asked the Minister of Works several questions about improving accommodation at the Adelaide Juvenile Court. In answer to my question of November 5, he said he had approved the necessary expenditure to enable tenders to be called for the work. Can he now say whether further progress has been made on this project?

The Hon. G. G. PEARSON: A report from the Director of Public Buildings states:

Since the honourable member's question on November 5, 1963, the retained architects for

this work have completed the working drawings and are now preparing specifications. The Police Magistrate has requested that additional lock-up facilities should be provided in the court to hold juveniles under custody and awaiting trial. The retained architects have advised that this additional accommodation can be incorporated in the working drawings with little modification and the Minister of Works is now being incorporated in the one specification and will be carried out as one contract. It is hoped to be able to call tenders shortly.

SMALL BOATS.

Mr. McKEE: Several owners of small boats at Port Pirie and surrounding districts have asked me to approach the Minister of Marine to see whether something cannot be done to enlarge the accommodation for the mooring of small boats in the Port Pirie river. At present the Harbors Board has allocated all the moorings, but other boat owners are awaiting moorings. Will the Minister have this matter investigated and, if possible, have this unsatisfactory position rectified?

The Hon. G. G. PEARSON: I will ask the Harbors Board to investigate this matter. From my knowledge of the Port Pirie harbour (which I admit is not as complete as the honourable member's knowledge), I do not know where we are going to look for additional accommodation without taking it from shipping, which has first priority. I could be wrong, but that is my first reaction to the honourable member's suggestion. Obviously, the first priority must be for major shipping to sustain the town's industries. I agree that only limited accommodation can be provided for small boats. Much foreshore on the eastern bank is vacant, but this is inaccessible, so that does not help solve the problem. I shall have the possibilities investigated and let the honourable member know the result.

MULLINS CORNER.

Mr. CORCORAN: Mullins Corner is situated on the Princes Highway, about one mile north of Millicent. Over the years several motor accidents have occurred at this corner, but more recently two serious accidents occurred, in one of which two people were fatally injured. Although most of the highway in this vicinity is comparatively straight, this is a sharp corner and a hazard to motorists, particularly those who are strangers to the district. Will the Minister of Works ask the Minister of Roads to have this corner widened and, more immediately, to have the corner more adequately sign-posted?

The Hon. G. G. PEARSON: Yes.

MANNANARIE TO ORROROO ROAD.

Mr. CASEY: I have been requested by the Stockowners Association in the Far North and by the District Councils of Carrieton and Hawker to bring to the notice of the Minister of Roads the advisability of continuing the bitumen road now under construction between Mannanarie and Orroroo through to Carrieton, Hawker, and thence to Wilpena Pound. This road is used every year by thousands of tourists. The local councils believe that many more tourists would be attracted to the area if a sealed road were provided in the future. I understand that the gang at present working on the road between Mannanarie and Orroroo will transfer to the Broken Hill section of the road when it has completed its present work. The District Councils of Carrieton and Hawker believe that some arrangement should be made with the Highways Department to enable an early start on the road northwards. Will the Minister of Works obtain a report?

The Hon. G. G. PEARSON: I will refer the matter to the Minister of Roads.

USED CAR INSPECTIONS.

Mr. FRED WALSH: Most members have been approached by constituents who have purchased used motor cars or trucks from dealers and have subsequently experienced difficulties because the vehicles have proven unroadworthy and have involved them in heavy expenditure on repairs. In some instances I have been able to arrange for the return of such vehicles to the traders concerned, but unfortunately in other instances this has not been possible. I understand that as from March 1 it will be compulsory in Victoria for all used cars and trucks to be tested for roadworthiness before sale. I believe this system meets with the approval of the Royal Automobile Association and of the Traffic Section of our Police Department. It has been reported that between five and 10 per cent of all road accidents can be directly attributed to unroadworthy vehicles. The issue of certificates of roadworthiness should be a necessary prelude to sales. Can the Premier say whether the Government will consider introducing legislation next session to provide that all used cars and trucks shall be tested for roadworthiness before being sold?

The Hon. Sir THOMAS PLAYFORD: I have studied and considered the provisions of the proposed Victorian enactment, but up to the present have not referred the matter to Cabinet. The Victorian legislation contains one or two implications on which I am not clear. I do not see that the Government could or should give a

guarantee to every purchaser of a used car that the car will give satisfaction. Any member of the R.A.A. can obtain a full report on, and valuation of, any vehicle offered for sale. This system has operated for some time and I believe is a more satisfactory solution to the problem than the method to be attempted in Victoria. I assure the honourable member that this matter has not been overlooked. I appreciate the difficulties that can be experienced by the unsuspecting purchaser of a vehicle that has been dolled up for sale, but unless a thorough mechanical examination is conducted even an experienced tester can be misled. I do not intend to refer this matter to Cabinet immediately but I will make submissions to Cabinet in time for consideration before next session.

MANNING OF FISHING VESSELS.

Mr. FRANK WALSH: My attention has been drawn to the fact that paragraph 27 of the Manning of Fishing Vessels Regulations states:

Candidates must prove to the satisfaction of the examiner that they can speak the English language sufficiently well to perform the duties required of them on board a vessel, and, in addition, candidates for certificates of competency as skipper of a fishing vessel (Grade I or Grade II) must be able to write the English language to the satisfaction of the examiner. If a candidate fails through ignorance of the English language he will not be re-examined until after a lapse of six months.

I heartily agree that such a provision is necessary when one has regard to the fishing operations at Port Lincoln, but has the Minister of Marine examined the situation to determine whether this provision might not be relaxed in respect of Greek and Italian fishermen who are engaged in a small way?

The Hon. G. G. PEARSON: I am pleased that the Leader has asked this question because it offers me the opportunity of removing a doubt that exists in relation to this matter. If the regulations are read as a whole and the definition of "fishing vessel" examined, it will be seen that this regulation applies only to vessels of 25ft. and more. I have examined the regulations in this matter with great care. That point is particularly pertinent because any regulation must obviously be tailored for the purpose for which the vessel is designed. I think that, if the Leader reads the definitions in the regulations, he will see that the definition of "fishing vessel" is different from that of "vessel". A "fishing vessel" is defined as a vessel of 25ft. and over. The regulations concerning the manning

of fishing vessels would consequently apply only to vessels of that size, and I think that would exclude from the provision to which he now refers the small rod-and-line fishermen, whose interests I think the Leader is anxious to preserve. If on further examination there is any further query, I shall endeavour to answer it in due course.

BULK WHEAT.

Mr. LAUCKE: An outstanding feature of the recent wheat harvest in South Australia has been the huge volume delivered in bulk. Can the Minister of Agriculture state the quantity of wheat received in bulk during the last South Australian harvest?

The Hon. D. N. BROOKMAN: About 45,000,000 bushels was received in bulk, and that figure represents about three-quarters of the State's wheat crop. This was carried out in a system of bulk bins, of which the total capacity was about 30,000,000 bushels, so between November and perhaps the end of January the co-operative took in half as much wheat again as the silos were capable of holding at once.

MANSFIELD PARK SEWERAGE.

Mr. JENNINGS: My question is rather closely allied to one asked on Tuesday last by the member for Port Adelaide (Mr. Ryan) concerning sewerage at Woodville North. I have shown the Minister of Works one of about a dozen letters I received from residents of Waller Street, Mansfield Park. This is the territory where there were Housing Trust temporary houses. These houses were demolished, and the Housing Trust—I am glad to say—has now built permanent houses in the area. However, this street is one that consists of private houses, and I understand that it is the only street in that area that has not been sewered. The reason I have chosen that particular letter to show the Minister is that it is more explicit than the others. The Minister will know better than I do, I suppose, that the department had grave difficulties in sewerage that area because of the unsatisfactory levels. After all, it is only a relatively short distance from Islington sewage farm, and we have always had great difficulty in making people understand that houses miles away could be sewered, whereas theirs could not. Another way of putting it is that you cannot make water run uphill, I suppose. Will the Minister of Works have this matter investigated and get me a reply so that I may answer my constituents?

The Hon. G. G. PEARSON: I am unable, because of my rather limited knowledge of the

area, to say where this street lies and what its relationship is to the existing sewers. I appreciate the honourable member's comment about levels because what he said was perfectly true: they are a most important factor in sewerage schemes, whereas they do not matter so much with water schemes. I will have a reply for the honourable member, I hope on Tuesday, regarding this particular street.

HOUSING SUBSIDY.

Mr. LAUCKE: In this morning's press the Commonwealth Minister for Housing (Mr. Bury) is reported to have clarified certain matters regarding qualification for the special subsidy to married couples who are to purchase houses in the future. However, no mention is made of the important question, so far as this State is concerned, whether folk who buy Housing Trust houses will qualify for this subsidy. Has the Premier yet been informed by the Commonwealth authorities whether purchasers of Housing Trust houses will be eligible for this subsidy?

The Hon. Sir THOMAS PLAYFORD: When the Prime Minister announced in his policy speech that the Commonwealth Government would provide a £250 subsidy on an approved savings account for the purchase of a house, he specifically said that any State housing authority would be excluded. That matter, however, has since been resubmitted to the Commonwealth Government, because this State considers that it is not appreciated by the Commonwealth that the Housing Trust, in dealing with the house purchase scheme, is using not Commonwealth-State housing money, which is already subsidized by the Commonwealth, but money provided outright by the State. This money does not at present have any element of Government subsidy at all, and a Housing Trust house sold under that scheme is no different from a house built under contract by another contractor and sold by another estate agent. I can understand the Commonwealth Government's refusing to subsidize funds upon which it has already granted a subsidy and a reduction of interest, but those funds are not the ones used in the case of the Housing Trust sales scheme. The matter has therefore been resubmitted for the Prime Minister to consider whether the demarcation should not be that the Commonwealth will not pay for subsidies on funds that have already been subsidized. I think that would be a proper determination. I will inform the honourable member and the House when a decision has been reached.

STANDING ORDERS COMMITTEE REPORT.

The SPEAKER laid on the table the report of the Standing Orders Committee together with minutes of proceedings.

Ordered that report be printed.

CONSTITUTION ACT AMENDMENT BILL (ELECTORAL).

Second reading.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I move:

That this Bill be now read a second time.

At the outset I apologize to the Leader of the Opposition because the report I propose to give, of which I have given him a copy, will not be the complete report of what I shall have to say this afternoon. The reason for that is purely that I have had only a limited time to prepare the statement as I have been extremely busy. Although the report will cover the main points, I desire to amplify some of them during the course of my statement.

This Bill makes three substantial alterations to the Constitution of the State, the first two of which, with the necessary consequential and supplementary amendments, are designed to give effect to the recommendations of the Electoral Commission set up by Parliament last year. The first major amendment will increase the number of members of the House of Assembly from 39 to 42 and will establish the new Assembly districts as recommended by the commission. The second major amendment will increase the number of members of the Legislative Council from 20 to 24 to be returned from six newly defined districts instead of the present five Council districts. The third major amendment will entitle the spouses of persons now entitled to vote for the Legislative Council to enrol and vote.

The basis of the redistribution of the State into Assembly districts as recommended by the commission is, in fact, the abolition of the notion of the metropolitan area as it has existed over the years and substitution of provision for the election of 20 members from primary-producing districts, 20 from non-primary-producing districts adjacent to the capital city, and two additional members from non-primary-producing districts representing industrial areas away from the capital city. A similar principle has been applied to the Legislative Council, which will now comprise three districts in rural areas and three in non-rural areas, each area being represented by four members. Consequential amendments will increase the quorum of the

House of Assembly from the present 15 to 16 and that of the Council from the present 10 to 12 members.

With regard to the third amendment, the Government has had many requests concerning the widening of the franchise, particularly in connection with the voting rights of women, and the Bill provides that spouses of electors already entitled to vote for the Legislative Council may also enrol and vote for it. Honourable members will realize that these are the most important amendments that have been proposed to the Constitution since the beginning of the century when the Commonwealth Constitution was adopted. The amendments will increase slightly the quota required to elect members from rural areas and greatly decrease the quota for the election of members for the House from non-rural areas. The commission made recommendations for the redistribution decreasing the mean quota for non-rural areas from 25,567 to 18,349.

Members will realize that the figures I quoted in the first place were average figures and that some of the districts have more voters. I believe there are 33,000 electors in the district represented by my colleague, the Minister of Education, and that the district of Enfield probably has more, so the impact of these amendments will be practically to halve the size of those districts. In the district of Adelaide the amendments will have the effect of increasing its size, if my memory is correct. This follows from the fact that, whereas the metropolitan area as now defined has a representation in the House of Assembly of 13 members, under the wider definition that includes rural areas adjacent to the capital city the number of members will be increased to 20. The result of the redistribution can perhaps be better appreciated when regard is had to the fact that some of the larger districts in the present metropolitan area now contain over 30,000 voters, while under the new distribution the largest district will comprise about 18,750 voters.

As regards country districts, the commission has provided that no district will have less than 7,000 voters, and it has provided for a general levelling up of representation from the various areas.

The Bill is not based upon, or designed to give effect to, the one vote one man so-called principle. Examination of the voting systems of the other States and other countries does not disclose any such principle and indeed, at the present time, all Parties in the Commonwealth

House have expressed doubts about blind adherence to any such basis. The building up of the strength of the House of Assembly to provide for the maintenance of the present number of rural members would not be any solution to the disparity in the number of electors between districts. One suggestion which has been advanced, to increase the membership of the House of Assembly to 56 merely to provide for this, cannot be accepted. In the first place, it would mean that country districts would still lose their political influence and, in the second place, the country would be saddled with the cost of maintaining a large number of politicians who would not have any useful work to do. The effect of the adoption of the same principle in the Legislative Council, where there will be an equal number of rural and non-rural members, will undoubtedly strengthen the numbers of the Opposition Party and in that respect provide a better balanced Chamber.

Mr. Frank Walsh: Will they have much useful work to do there?

The Hon. Sir THOMAS PLAYFORD: Yes, I think they will have very useful work to do, and I believe the people realize that. A comparatively short time ago I noticed with some interest that the Government of another State that had control over the Legislative Council, and was able to put the issue to the people, did so by way of a referendum to abolish the Upper House. Although that Government had all the machinery necessary for an effective campaign, the public nevertheless comfortably rejected the proposal to abolish the Upper House. I know members opposite would abolish the Legislative Council; I also know that if they had the chance they would abolish the Senate. I point out to members (this has not only been my experience, but it has been the experience that has grown up in very many years of Parliamentary practice in the Mother of Parliaments) that it is always a safe thing for the preservation of the liberty of the minorities to have a House of Review. I suggest to members that it is rather significant that, although there have often been Labor Governments in the Mother of Parliaments, they have not seen fit even to abolish a House which has been built up on hereditary qualification and which is not an elected House such as we have here. I am sure that if honourable members study that they will see that there is some useful purpose in having a House of Review. On occasions, I have had either to modify the legislation I should like to have submitted or to accept amendments which modified it more than necessary, but after considerable experience I

believe that the Legislative Council does serve an extremely useful purpose. I believe that if it were abolished the rights of minorities would frequently be overlooked. I know that honourable members sometimes forget that there are minorities, but any democracy that overlooks the rights of minorities ceases to be a democracy. I believe the Legislative Council fulfils a useful function, and I believe that the people in South Australia are of the same opinion. I would also oppose strenuously the abolition of the Senate. Although it has not perhaps carried out its functions precisely as intended by the framers of the Constitution, nevertheless I believe that it has often been an effective instrument, particularly in connection with decentralization.

I do not think that there is any need to debate the question of the desirability of permitting spouses of qualified voters—in particular wives—to enrol for Legislative Council voting. The time has long passed when any substantial body of opinion would have made such a debate necessary. The only other matter to which I should like to refer is the actual redistribution into new Assembly districts. In accordance with the legislation passed by Parliament last year, the commission has recommended districts which, in a substantial way, maintain the existing districts. Obviously this was not possible in all cases, but in the Government's opinion the commission has given effect to Parliament's direction in this regard. Likewise, the names of districts have been preserved to the greatest possible extent. The work of the commission was probably handicapped in that our friends of the Opposition did not, in this instance, seek to give it the benefit of their assistance. Members of the Government Party and the public generally, however, did make submissions and although one may suppose that every member in the House may have some reservations, the Government believes that, overall, honourable members will agree that the commission carried out the duties assigned to it in a competent and conscientious manner, and has given rulings with the desire to comply fairly and properly with the directions of Parliament.

Dealing with the actual terms of the Bill I refer in the first place to clauses 3, 4, 5, 6, 10 and 15 which deal with the Legislative Council. Clause 3 amends section 11 of the present Act, which provides that the Council shall consist of 20 members to be elected by legally qualified inhabitants of the State. This section will be amended by inserting at the beginning of it the words "Until the day of

the first general election of members of the House of Assembly to be held next after the commencement of the". The effect of the amendment will be to preserve the present constitution of the Council at 20 members until the next general Assembly elections. The amendment is thus in the nature of a transitional provision.

Clause 4 will insert a new section 11a in the principal Act which by subsection (1) will set the number of members of the Council at 24 members on and after the day of the next general Assembly election. The joint effect of the amendments made by clause 3 and subsection (1) of the new section 11a will thus be to retain the present number of members of the Council at 20 until the next general election, from and after which the number will be raised to 24. As honourable members know, however, all Legislative Councillors do not retire, except in the case of a double dissolution, at the same time, but by rotation, not more than one half of them retiring on the dissolution of the House of Assembly or its expiration, and it thus becomes necessary to make certain consequential transitional provisions, which are covered by the remaining subsections of the new section 11a.

Subsection (2) will provide that as from the next general elections Legislative Councillors whose terms of office have not expired are to be deemed to represent for the remainder of their terms the new Council districts bearing the same names as the respective Council districts which they now represent. It will be seen that this is a necessary provision because the present Council districts will, after the next general elections, cease to exist as such, and it would not, I think, be suggested that all the members of the Legislative Council, including those whose terms had not then expired should retire before their due time. A further provision to cover the interim period is made by subsection (3) which provides that at the next general elections four Legislative Councillors are to be elected to represent the new Council district known as Central District No. 3. This is necessary because of the requirement that as from the day of the next general elections the Council must consist of 24 members. Because four new Councillors will all have been elected at the same time, some special provision is necessary to provide for rotation of retirement as among those four members to bring the dates of their retirement into line with the general scheme. Accordingly, subsection (4)

provides for two of the four new members to retire after the completion of at least three years' service at the time of dissolution or expiration of the then House of Assembly, two new members being elected in their place. Subsection (5) sets out the provisions determining which of the two members are to retire. In this respect the ordinary method is applied, namely, that the member who last received an absolute majority at his election retires first and the member who received his absolute majority next in order is also to retire, with provision in the case of equality of votes or no poll for determination by lot. Subsections (6) and (7) are machinery provisions covering casual vacancies with provision in subsection (7) for the Council to include all necessary details for carrying out the transitional provisions in new section 11a.

Clause 5 amends section 13 of the principal Act consequential upon the insertion of new section 11a. Section 13 provides for a minimum term of six years for Councillors, but this provision is now made subject to the special provisions in section 11a which, as I have pointed out, provides for a minimum term of three years in the case of two of the new Councillors who will represent the new Central District No. 3.

Clause 6, with which should be read clause 15, deals with the new distribution. It repeals the present section 19, which now provides for the division of the State into five Council districts as set forth in the second schedule to the Act, and substitutes a new section 19 which will consist of two subsections. The first of these subsections re-enacts the existing section 19 with the limitation that the present districts shall continue until the day of the next general Assembly elections, the present second schedule to the Act setting out the five Council districts being retained as Part I of that schedule. Subsection (2) provides that the State is to be divided into six Council districts for the purpose of electing members of the Council on and after the day of the next general Assembly elections, those districts being set out in Part II of the second schedule. The necessary consequential provisions are made by clause 15, which provides that the present second schedule comprising the present Council districts will be designated as Part I while the new Council districts will be added as Part II. The Act, as amended, will thus contain both the present provisions, which are to remain in force until the next general elections, and the new provisions, which are to operate after that date, including the descriptions of the new Council districts.

Lastly, in connection with the Legislative Council distribution, I refer to clause 10 which amends section 26 of the principal Act relating to quorums. Under that section a quorum is 10, which is exactly one-half of the total membership of 20. The amendment will, by subclause (a), insert at the beginning of the present section 26 the necessary qualification that its provisions are to apply only up to the next general Assembly elections. Subclause (b) will insert a new subsection (a) which will provide that after that date the quorum shall be 12. This is a necessary consequential amendment flowing from the increase in membership in the Council from 20 to 24.

Clauses 11, 12, 13, 14 and 16 relate to the House of Assembly. In general, a pattern similar to that applying with respect to the amendments relating to the Legislative Council has been followed, although no special provisions deriving from rotation are required in the case of the House of Assembly because all of its members retire upon dissolution or expiration of the House.

Clause 11, like its counterpart clause 3, amends section 27 of the principal Act which, as honourable members know, sets the number of members of the House of Assembly at 39. The section will be amended by inserting the necessary words to preserve that position until the next general Assembly elections. It is followed by clause 12 which, like clause 4, inserts a new section in the principal Act setting the number of members of the House of Assembly at 42 on and after the next general elections.

Clauses 13 and 16 correspond with clauses 6 and 15. They deal with the new distribution for House of Assembly purposes. Clause 13 repeals the present section 32 and substitutes a new section consisting of three subsections. Subsection (1) re-enacts, in effect, the present section 32, with the necessary amendment to ensure that the present distribution shall continue until the day of the next general Assembly elections and, as in the case of the Council, the descriptions of the present Assembly districts are retained in the third schedule but as Part I. New section 32 (2) provides that for the purpose of the next general Assembly elections the State is to be divided into 42 electoral districts to be named as set forth in Part II of the third schedule and comprise the districts described in that Part. New subsection (3) is a re-enactment of the present subsection (2) providing that every Assembly district is to be an electoral division of the Council

district within which it is comprised. Clause 16 makes the necessary amendments to the present schedule, retaining the descriptions of the present districts as Part I and setting out the new boundaries as Part II.

Clause 14, like its counterpart clause 10, deals with the quorum of the House of Assembly. By section 37 as it now stands the quorum is 15 out of a total membership of 39. In view of the increase in membership to 42 the quorum of 15 is clearly inappropriate and this has been raised to 16 by clause 14, which by section 37 (1) (a) inserts the necessary amendment to retain the present quorum until the next general Assembly elections. Subclause (b) inserts a new subsection providing that after those elections the quorum shall be 16.

Three clauses remain, namely, clauses 7, 8, and 9 which deal with the extension of the franchise for the Legislative Council. Clause 7 amends section 20 (1) which sets out the qualifications of electors for the Council. Briefly stated, these are ownership of a freehold estate in possession in land of the clear value of £50; ownership of a leasehold in land of the clear value of at least £20 if the lease is registered and is for a term of not less than three years; ownership of a Crown lease on which there are improvements of at least £50 in value and occupation as owner or tenant as an inhabitant-occupier of a dwellinghouse. Clause 7 will add to this list a new subdivision entitling to vote the wife or husband of persons entitled under the four existing provisions. This, as members will appreciate, will extend the franchise very widely.

Clause 8 makes a similar amendment to section 20a which confers a franchise based on war service. Clause 8 adds a new subsection (5) to section 20a entitling the wife or husband of entitled war servicemen also to vote for the Council. The form of the amendment to section 20a differs from that made to section 20 because subsections (2) and (3) of section 20a qualify the provisions of subsection (1). Clause 9 makes necessary consequential amendments to section 21 which sets out certain age and residential qualifications and exempts persons entitled by reason of war service from those provisions. The like exemption is by the amendment extended to the wife or husband of such persons.

I commend the Bill to members for their consideration.

Mr. FRANK WALSH secured the adjournment of the debate.

LAND AGENTS ACT AMENDMENT BILL.
Second reading.

The Hon. Sir BADEN PATTINSON (Minister of Education): I move:

That this Bill be now read a second time.

It makes a number of necessary amendments, most of them of an administrative nature, to the principal Act. I will deal with the clauses of the Bill in their order. Clause 3 amends section 5 of the principal Act in three respects. Subclause (a) includes in the definition of "land" any exclusive right to the occupation of a home unit or any part of a building to be used as a separate place of residence, and is intended to cover the practice of selling unit homes under various arrangements. In this State we have not yet made any provision for strata titles, and the extension of the definition of "land" in the manner indicated is designed to bring persons selling unit homes within the general provisions of the Act.

Clause 3 (b) is designed to clear up some doubts as to the meaning of the present definition of "land agent" so far as it relates to the business of selling land in allotments. It is not considered to be clear whether this means selling land in subdivisions comprising a number of allotments, or whether it also includes the sale of single allotments from different subdivisions; there is also some doubt whether the expression "land in allotments" means only vacant land. It is proposed, therefore, to strike out the words "in allotments" and to insert in their place the words "whether with or without improvements thereon", thus leaving the definition to include persons whose business is the selling, as owner or otherwise, of land whether with or without improvements. Clause 3 (c) is consequential upon the amendment made by subclause (b) in that, without the provision of subclause (c), a person carrying on the business of selling his own land through a licensed land agent would himself come within the definition of a land agent and be required to hold a licence.

Clauses 4 and 7 (b) relate to the qualifications of land agents and managers. Under sections 27 and 56 respectively of the principal Act, the Land Agents Board has to be satisfied that applicants have sufficient knowledge and commercial experience to be licensed or registered, and it has been the practice of the board to conduct oral examinations. A yearly course in real estate is, however, given at the South Australian Institute of Technology, and an examination is held at the end of each year. The passing of this examination could

be made a qualification for the grant of a land agent's licence or manager's registration, subject to the board having power in special cases to dispense with this requirement. Accordingly, clauses 4 and 7 (b) provide in general terms that applicants shall be required to prove to the satisfaction of the board that they have complied with such qualifications or passed such examinations as may be prescribed so that in due course appropriate regulations may be made. However, the new requirements will not operate until after January 1, 1966, in any event; this will enable applicants to take the necessary steps to qualify themselves before making any application after that date. Clause 14 empowers the making of the necessary regulations.

Clause 5 amends section 32 of the principal Act by empowering the board to refuse a renewal (which otherwise is automatic unless there are well founded objections) where a land agent has not complied with audit requirements. Under the present regulations, an annual audit is required and the agent is required to submit a statement thereon by a certain date to the board. Cases have occurred where the necessary statement has not been received within the proper time or is irregular in some respect; in the meantime, the agent has applied for his renewal, and the board is under an obligation to grant the application. This is clearly an unsatisfactory position which the amendment is designed to prevent. Clause 6 inserts a new section into the principal Act to preclude land salesmen from being employed by more than one land agent at the same time, and prohibiting a land agent from knowingly employing a land salesman employed by another land agent, or paying commission or remuneration to a land salesman or manager not in his service. The Land Agents Board regards the practice of land salesmen being in the employ of two land agents at the same time as very undesirable. Clause 7 (a) makes a minor drafting amendment to section 56 of the principal Act which, as now worded, could be considered to mean that managers could be registered only for the purpose of managing the business of corporations. In view of the provision in clause 8 for the management of registered branch offices of land agents, it is considered desirable to remove any doubt on this matter.

Clause 8 provides for registered branch offices. Section 58 of the principal Act requires every licensed land agent to have a registered office, and the address of that office must, by section 64, be stated in every advertisement

relating to the sale or disposal of land. Some agents wish to have branch offices and in their advertising to give the address of the branch office instead of the registered office. The board considers that branch offices are unobjectionable if they are properly supervised. Clause 8 accordingly inserts a new section in the principal Act which will enable any land agent to register a branch office, but every such registered branch office must have at all times a registered manager in charge thereof. Provision is made preventing the person nominated as manager of a branch office from being at the same time the registered manager of the land agent concerned or any other land agent, or of being the nominated manager of any other registered branch office whether of his principal or of any other licensed land agent.

Clause 9 amends section 60 of the principal Act to make it obligatory for a land agent's trust account to be so designated. This amendment will mean that an account which is in fact made up of trust moneys is known to the banker as such and not available, for example, as security for an overdraft. Clause 10 amends section 64 to enable advertisements to state the address of a registered branch office. Clause 11 inserts a new section into the principal Act which will prohibit a registered manager or land salesman from publishing advertisements otherwise than in the name of the land agent by whom he is employed and containing the particulars required in the case of advertisements by land agents. Section 64 of the Act prohibits a land agent from publishing an advertisement unless his name and address are included therein. There is, however, nothing to prevent a registered manager or salesman publishing an advertisement merely giving a telephone number and not stating any name or address. The new section 64b will prevent this practice.

Clause 12 will confer upon courts the power to reprimand. At present courts have power to order cancellation of a licence or registration. It is proposed that the courts should be given also the power to reprimand, a power which the board itself has. Clause 13 will extend the time limit for prosecutions from the general period of six months to a period of two years. It has been found that offences against the Act cannot in many cases be detected and fully investigated within a period of six months.

This Bill differs from a Bill introduced in another place in 1962 only in a few respects. Some administrative provisions in the earlier

Bill have been omitted, on further consideration by the board, as unnecessary, while the definition in clause 3 (a) relating to home units has been slightly redrafted. Clauses 5 (relating to renewals) and 9 (designation of trust moneys) are new, and both, together with an addition to clause 7 to cover payment of remuneration to managers by agents other than their employers, are designed to tighten up the provisions of the Act generally. Apart from the matters which I have mentioned, the Bill is substantially the same as the earlier one.

Mr. FRANK WALSH secured the adjournment of the debate.

PREVENTION OF POLLUTION OF
WATERS BY OIL ACT AMENDMENT
BILL.

Adjourned debate on second reading.

(Continued from February 19. Page 2007.)

Mr. FRANK WALSH (Leader of the Opposition): I fully support the objects of this Bill to amend the Prevention of Pollution of Waters by Oil Act to include the word "agent" in the legislation as well as the words "owner and master of a ship" so that the existing legislation will stand the chance of being enforced.

As the principal Act stands at present, it can be very difficult to enforce it, especially when the captain and the owner of the vessel are outside the area over which our jurisdiction extends, when the pollution becomes apparent and is eventually traced as being caused by a particular vessel. Since the Port Stanvac oil refinery has been established, people have been particularly observant and wary along our coastline regarding any deposit of oil sludge. Transfers at the refinery are carried out with the utmost care. Nevertheless, adjacent to the refinery are several popular tourist beaches that could be severely damaged if oil were present on the foreshore for any lengthy periods, especially during the summer months. Naturally, if families or picnic parties go to one of these beaches and are

unfortunate enough to have their clothing damaged by oil sludge, they will not return to that area for some time. It does not take very long for a tourist resort to acquire a reputation for pollution on its shores. Once this occurs, the tourist potential of that area is destroyed for a very long period, which leads to declining property values and financial loss for the business enterprises in the areas concerned. However, this legislation does not apply only to Port Stanvac and surrounding beaches; it applies to the area lying within the territorial limits, which I understand is within three miles of the coastline. In addition to this, of course, there would be the ports, tidal rivers and the inland navigable waters of the State. We have ships from all parts of the world calling at, say, Port Adelaide, Port Pirie, Port Lincoln, as well as to other ports, and the larger proportion of these ships tends to be of the oil burning class. These factors increase the risk of oil pollution on our shores, and the Government through the Harbors Board should have power to control the discharge of oil into the sea from the ships from overseas as well as from the local vessels.

I am sure all members have seen evidence of pollution at our tourist beaches as well as in the berthing areas at one time or another, and I have much pleasure in supporting this Bill, which is a genuine attempt to lessen this damage. The safeguarding of our beaches is most essential, particularly when it is realized how many people desire to use them. The beaches in other parts of the Commonwealth are not up to the standard of our beaches. I believe that it was essential that this Bill be introduced and that it will prove in the best interests of the community generally.

Bill read a second time and taken through its remaining stages.

ADJOURNMENT.

At 3.28 p.m. the House adjourned until Tuesday, February 25, at 2 p.m.