

LEGISLATIVE COUNCIL.

Tuesday, August 30, 1955.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

SUPPLY ACT (No. 2).

His Excellency the Lieutenant-Governor intimated by message his assent to the Act.

PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table the following reports of the Parliamentary Standing Committee on Public Works:—

- Brighton high school—new wing (interim).
- Burbank railway (interim).
- Enfield high school (interim).
- Gumeracha sewerage system.
- Institute of Medical and Veterinary Science—central sterilizing unit (interim).
- Myponga reservoir and trunk main (second progress).
- Naracoorte sewerage system.
- New Unley high school for boys (interim).
- Onkaparinga Valley water supply (fourth progress).
- Peterborough water supply, together with minutes of evidence.
- Port Adelaide wharf reconstruction.
- Port Lincoln harbour improvements and bulk handling system.
- Port Pirie hospital additions (interim).
- Royal Adelaide hospital—McEwin building additions (interim).
- Royal Adelaide hospital radiotherapy treatment block.
- Seacliff primary school, together with minutes of evidence.
- Supreme Court building—new wing (interim).
- Victor Harbour sewerage system.

QUESTIONS.**ROAD TRANSPORT.**

The Hon. F. J. CONDON—At a conference held in Melbourne recently, certain suggestions on road policy were made by Sir John Allison. Can the Minister of Local Government state the policy of the South Australian Government on this matter?

The Hon. N. L. JUDE—The policy of the State Government was not discussed at that conference, which was held in order to give to representatives of the transport organizations of Australia and the Royal Automobile Association of Australia the opportunity to express their views before the Minister and members of the Advisory Transport Council. The result was disappointing in that only generalities were offered. The main point stressed by the Ministers present was the request to the transport organizations to state where they thought

the funds should be derived from. Ministers from all States insisted this was essential, but the transport authorities said that that could not be done until they knew how much money was wanted under a master plan; in other words, they were not prepared to commit themselves. I asked at least three members whether they believed in increased taxation in order to pay for the roads because there was not enough money in the present Budget, but I was unable to obtain an answer. The direct answer to the Leader's question is that the policy of this Government will be based on the consideration that must be given to all road users in this State.

The Hon. E. ANTHONY—From the Minister's reply I judge that the conference was merely a preliminary to further conferences. Has a date been fixed for a further conference, and if so, what is that date?

The Hon. N. L. JUDE—At a conference of the Ministers afterwards it was decided that, at any time, representations from State committees or even sub-committees of the Road Transport Associations would be received by the State authorities in the interests of exchanging information. There is no suggestion of any departure from the normal annual meeting of the Advisory Council, which takes place in Hobart towards the end of January next.

The Hon. F. J. CONDON—I understood the Minister to say that the Government had no policy on the roads question.

The Hon. N. L. JUDE—I object, Mr. President. I did not make that statement.

The Hon. F. J. CONDON—I said I understood the Minister to say the Government had no policy.

The Hon. N. L. JUDE—I still object. I did not say the Government had no policy.

The Hon. F. J. CONDON—If the Government has no policy will it receive suggestions from the Opposition?

The Hon. N. L. JUDE—I do not think an answer is necessary to that question.

The Hon. K. E. J. BARDOLPH—Will the Minister indicate to the Council the Government's policy on interstate transport?

The Hon. N. L. JUDE—I thought I had made myself clear. The policy of the Government, and I take it the honourable member has some idea of haulage fees in mind, will be governed to a large extent by the requirements of the people and the State as a whole.

APPOINTMENT OF JUSTICES OF THE PEACE.

The Hon. F. J. CONDON—On August 16 I asked the Attorney-General a question relating to the appointment of justices of the peace. Has any finality been reached in that matter?

The Hon. C. D. ROWE—My reply to that question was that I expected appointments to be made by the end of this month. Consideration has been given to all the applicants for appointment to commissions of the peace, certain applications were approved by Cabinet yesterday, and I expect they will be submitted to Executive Council this week for approval.

STURT HIGHWAY FLOODING.

The Hon. C. R. STORY—Can the Minister of Roads inform me what measures his department is taking to keep open the Sturt Highway between Renmark and Paringa, where flooding is expected to occur in view of the expected high river?

The Hon. N. L. JUDE—Members are aware that many roads in the State are flooded at the moment, but with regard to the Murray river I would expect the appropriate engineers to take the necessary steps to divert traffic from the flooded areas.

CONDITION OF TRAM TRACKS.

The Hon. K. E. J. BARDOLPH—Has the Minister of Roads a reply to the question I asked on August 16 regarding the condition of tram tracks in the metropolitan area?

The Hon. N. L. JUDE—I have a report from the General Manager of the Tramways Trust who says:—

1. The permanent way is under constant surveillance by the Trust's engineering staff, and it is considered to be in safe, trafficable condition for tram operation and will be kept so.

2. As it is Trust policy to abandon tram for diesel bus operation, the renewal of track shortly to be abandoned is not carried out if it can with safety be avoided; consequently, to obviate a waste of public moneys the track is kept in serviceable condition by maintenance.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

The Hon. C. D. Rowe for the Hon. Sir LYELL McEWIN (Minister of Mines), having obtained leave, introduced a Bill for an Act to amend the Mines and Works Inspection Act, 1920-1935. Read a first time.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 16. Page 536.)

The Hon. L. H. DENSLEY (Southern)—I agree that in times of war, when manpower and materials are diverted to the fighting forces or the manufacture of munitions, it is probably desirable that some control of prices of commodities in everyday use should be exercised for the complete period of the war and the period immediately after until labour has returned to normal and the supply of materials becomes somewhere near adequate. However, I think we would generally agree that, the war having been over for so many years and the fact that industry in this State has progressed so far, and that we now have at least adequate supplies of most lines in daily use, it is time we got away from price control. It has been the expressed intention of our Government to do away with controls as early as possible. We know that certain items have been released from control from time to time, but I am a little perturbed by the fact that within recent months some of those items have again been brought under price control. In a press statement the Prices Commissioner said that many retail firms which had agreed to certain margins of profit had exceeded them sometimes up to 30 or 40 per cent and even up to 60 to 70 per cent. In some instances the goods were advertised at special sales prices, which were 30 to 40 per cent above the agreed margin.

It is regrettable that there has been a departure from the standard of business morality of which we have been proud for many years, and that some people have been charging a great deal in excess of the normal profit margin. The position would be met better if the Prices Commissioner, when he found that profit margins had been exceeded, published in the daily press the names of any firms guilty of having broken their undertakings, and I feel sure that the public would then do the rest. Such a practice would be more acceptable to the public, would result in bringing such firms back to their senses and result in re-establishing a proper business spirit which would meet the requirements of the public as well as those of the company shareholders. The sooner we return to such a state of affairs the better for all concerned. If there were a period in which, because of this practice, we got into a little trouble it would be worth that trouble in order to return to the beneficial state of open competition. I will not support the Bill.

The Hon. Sir WALLACE SANDFORD secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 16. Page 537.)

The Hon. F. J. CONDON (Leader of the Opposition)—As the Minister of Local Government has said that any suggestions from the Opposition were not worthy of consideration, I feel that it is not worth while taking up the time of the House in offering any. The Bill deals with two important amendments, the first being in reference to regulations and the second to the construction of septic tanks. I consider the latter the more important. Some councils, despite the fact that they are fighting for the provision of a sewerage system, have compelled their ratepayers to install septic tanks. This action has involved them in heavy expense and hardship and it is not right that the councils should adopt such an attitude.

Clause 2 authorizes the making of regulations as to measures to be taken to prevent or limit the spread of notifiable diseases. The Governor may make regulations prescribing the qualifications to be possessed by persons employed by local boards of health as health inspectors. In this respect it will not be retrospective legislation. Anyone who today holds a certificate to carry out the work prescribed will not be called upon to submit to another examination.

The Bill also deals with regulations appertaining to septic tanks. Under this provision regulations have been prepared providing that a septic tank is not to be installed unless it has been approved by the Central Board of Health, which consists of a number of doctors who, I think, are more qualified than members of local boards as to what is required. Therefore, I think that the board is entitled to the additional powers sought. The onus is on the manufacturers of septic tanks to see that they are manufactured in accordance with the regulations, and they will be liable to prosecution if they sell, expose for sale or manufacture for sale any septic tank unless it is of the size required and meets with the requirements of the Central Board. Some manufacturers have made septic tanks that have not been up to the required standard, but this legislation will overcome that. The Bill was introduced as a result of a State conference of officers who recommended the provisions that it contains not only for South Australia, but for all other States, and as it will be general, it should be passed. The number of tubercular cases in 1949-50 was 197; it rose to 205 in 1953-54, an increase of four per cent. The cost of treat-

ment, however, has increased over this period by 71 per cent. Receipts on account of consolidated revenue were £36,559 in 1949-50 and £219,771 in 1953-54 and payments were £155,266 in 1949-50 and £282,599 in 1953-54. This shows that the authorities are doing a good job to combat this disease.

The arrangement entered into between the State and Commonwealth Governments on May 17, 1950, pursuant to section 5 of the Commonwealth Tuberculosis Act, 1948, provided that the Commonwealth would reimburse such of the expenditure by the State in relation to the diagnosis, treatment and control of tuberculosis as approved by the Commonwealth Minister of Health. The amount received by the Commonwealth during the year ended June 30, 1954 was £306,438, representing capital expenditure of £38,927 and a net maintenance expenditure of £267,511 for 1952-3. This again shows that there has been a steadily increasing expenditure both by the State and the Commonwealth to combat tuberculosis. Parliament should give every assistance and encouragement to the medical profession which is doing so much towards safeguarding public health. I support the second reading.

The Hon. E. ANTHONY (Central No. 2)—The Minister set out the provisions of the Bill very clearly in his second reading speech. Section 147 of the Act empowered the Government to make regulations dealing with tuberculosis and other infectious diseases, and this Bill gives power to make regulations for notifiable diseases also. It is right that the Government should have this power. The Bill also deals with the qualifications of health inspectors both in the metropolitan area and in the country. We all know that these officers are not easy to come by. In most cases the local doctor is the officer appointed by councils to look after health matters, and I think we all agree that each officer should be qualified. They have not always been qualified by examination to carry out this very important work, but when this legislation is passed it will be incumbent on all councils, whether in the country or city, to see that their inspector is qualified by examination. There is no retrospectivity, so that those who are already employed as inspectors shall remain so, but the measure will ensure that in the future an attempt will be made to see that all inspectors are qualified to undertake their duties.

The Bill also deals with the manufacture of septic or bacteriolytic tanks. These are

very common in the country and fill an important need, because it is necessary to have a better method of dealing with sewerage than existed in the old days. The makers of those tanks, however, have not been complying with the Central Board's regulations. They have been supplying articles made from poor materials, and the loss has had to be borne by the ratepayers. That is not right, because the loss should be borne by the maker, and these regulations will make it obligatory on him to supply a commodity in full compliance with the specifications of the Central Board of Health and he will be liable if his product does not comply with the specifications set down. I see nothing but good in the Bill and have pleasure in supporting it.

The Hon. E. H. EDMONDS secured the adjournment of the debate.

REGISTRATION OF BUSINESS NAMES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 16. Page 539.)

The Hon. C. R. CUDMORE (Central No. 2)—This is a small Bill, and as it is of an amending nature it is not one really to debate on the second reading, because there is no question about its passing the second reading. However, there are a number of small amendments that should be properly debated in Committee, but my experience is that unless objections or suggestions are ventilated during the second reading stages so that they can be considered by the Minister and by other members, it is difficult to raise them suddenly in Committee and this leads to adjournment at that stage, so I intend to make one or two observations now. I think I am right in congratulating the Attorney-General on this being the first really legal Bill that he has introduced, and I hope he will excuse me if I do not agree with everything it contains. Following certain suggestions made by Mr. Condon to facilitate the working of both Houses, this Bill has been introduced here because it is in the domain of the Attorney-General, and, not having come from another place for our consideration, it is therefore more necessary for us to scrutinize it with some care.

The principal objective of the Bill is quite a simple one. It is to follow the procedure that has been adopted under the Companies Act in allowing regulations to be made for extra fees for late filing of documents. I have no objection to that; it seems to work under the Companies Act, and I see no reason why it

should not under this Act. The first effective clause is the one widening, and to my mind widening extraordinarily, the scope of who can witness statements made when filing applications and so on under the legislation. To my mind that goes much too far, and I am not in favour of such a wide opening of the position. However, that is a matter that can be dealt with quite effectively, or otherwise, in Committee.

My main point in speaking to this Bill is to refer to clause 5, which is an amendment of section 22, and gives power to strike business names off the register of business names. The original Act of 1928, which was amended in 1932 and in the Consolidated Acts in 1936, set out the procedure and I need refer only to two points. First, certain notices had to be given and at the expiration of the time mentioned the Registrar could, unless cause to the contrary was previously shown by such members or persons to whom the notice was sent, strike the business name off the register. I am endeavouring to get further information from the Parliamentary Draftsman as to the exact procedure, but clearly at that time the idea was that people should have the right to show cause why the name of their business should not be struck off before such action was taken. There is a subsequent provision enabling appeal to the Supreme Court after the striking off.

In 1946 we amended that legislation to, as it was put at the time, "simplify it." The only members who spoke upon it were the Chief Secretary, who introduced it, and my colleague Mr. Anthony, who supported it. We simplified it to this extent: we did away with the "show cause" provision and said that a person had to be written to and asked whether he was using the business name. If he replied in the negative or did not reply at all the name was to be struck off, but if he replied in the affirmative it could not be struck off.

The amendment before us goes a long way. The Minister said:—

... the Bill deals with a difficulty the Registrar has encountered in the exercise of his power to strike a business name off the register. The Registrar has reported to the Government that business names are sometimes registered solely for the purpose of preventing others from using them, the person registering the name having no intention of carrying on business under the name. There is a procedure under the principal Act whereby the Registrar can require a person to state whether or not he is carrying on business under a registered name. The principal Act provides that if the Registrar

receives the answer "No" or no answer at all he can strike the name off the register, but does not give the Registrar any power to strike the name off the register if he receives an affirmative answer which he believes to be untrue.

The Government accordingly has decided to give effect to the suggestion of the Registrar.

The Bill goes on then to give the Registrar power to strike the name off if he is satisfied that business is not being carried on under it. Nothing is said as to how he is to be satisfied; he can simply say "I do not believe it," and strike the name off. That goes a little too far. This bureaucratic control is liable to become autocratic. I am sure that the Registrar and I know each other well enough for him not to take this personally, but it is our business to see that the rights of the community are watched carefully.

The Hon. C. D. ROWE—The right of appeal is still retained.

The Hon. C. R. CUDMORE—After the event. What I want is that the power proposed to be given the Registrar should be used judicially and not arbitrarily. It is not for him to say "I do not believe this letter." There should be some procedure by which a person can show cause before he is struck off. I want to go back to where the legislation was before it was simplified in 1946. I have asked the Parliamentary Draftsman to consider this point and no doubt he will confer with the Attorney-General to see if there is anything in my contention. I feel sure there is. I hope to produce an amendment on the lines I have suggested, and with these few remarks as an indication of my attitude I support the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.

INTER-STATE DESTITUTE PERSONS RELIEF ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 16. Page 540.)

The Hon. F. J. CONDON (Leader of the Opposition)—Although this is a small Bill it is very important because it deals with people who desire to avoid their obligations. Many cases have been brought under our notice indicating the necessity to alter the law. The principal purpose of the Bill is to apply the Inter-State Destitute Persons Relief Act to orders registered under the Maintenance Orders (Facilities for Enforcement) Act in order to secure protection for persons residing in this

State and give them redress against persons residing in another State so that they may not escape their obligations. It means that if a person has an order made against him in this State and he transfers his place of abode to another State, the court in that State will be clothed with the same power as our own court, whereas at present all that the department can do is to endeavour to persuade him by, shall I say, threats which, of course, have no force, to pay up. Part of this measure is the result of recommendations made by a conference of State officers concerned in the administration of this law.

Another provision of the Bill is to extend this legislation to Commonwealth territories in respect of affiliation orders. Although the Act was amended in 1931 to provide for reciprocal enforcement of maintenance orders within Commonwealth territory it did not permit enforcement to be extended to United Nations Trust Territories administered by the Commonwealth and this Bill will close that gap. I can see no harm in the Bill and as it will give destitute persons in this State an opportunity to secure their rights, I support the second reading.

The Hon. E. ANTHONY (Central No. 2)—This Bill is designed to provide reciprocity between the various States, the Northern Territory and Trust Territories administered by the Commonwealth which were not previously affected by the legislation. It arose, as Mr. Condon said, as the result of a conference of State officers interested in the administration of this type of legislation. We all know that the arm of the law is long, but nevertheless it does not catch everybody. This Bill makes the arm a little longer so that it can catch some of these malefactors who have been escaping. Of course some may still escape; transport is so fast in these days that one can travel half-way round the world in a week, so it is quite easy for a person to get beyond the ambit of the law. However, this legislation will make it possible, after notification from one State to another, for another State to take action. The measure is reciprocal and cannot become effective until all the States pass complementary legislation. However, I do not know just what action the other States are taking in this respect. It will help the administration if this Bill is passed, therefore I have much pleasure in supporting the second reading.

The Hon. L. H. DENSLEY secured the adjournment of the debate.

MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 16. Page 541.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill, which is somewhat interwoven with the previous measure. It is true, as Mr. Condon and Mr. Anthony said, that the Bill is the result of a conference between departmental officers held in Sydney about 12 months ago. I pay a tribute to our Parliamentary Draftsman for the manner in which he translates into legislative form the decisions of such conferences. Often our legislation is considered a model and is copied by other States, and even by the Commonwealth. This is certainly a tribute to our Parliamentary Draftsman. If the other States pass similar legislation, then this law will become operative throughout the Commonwealth.

Two procedures are provided for. First, where a maintenance order is made in favour of, say, a deserted wife, and her husband subsequently leaves the country for another part of the British Commonwealth participating in the scheme, the order may be forwarded to that part, registered there, and then enforced against the defendant without any further hearing. Second, where the husband leaves the country where his wife is before an order for maintenance can be made against him, a provisional order can be made there and forwarded for confirmation and enforcement to the part of the British Commonwealth to which he has gone. When the order is received in that place, a court of summary jurisdiction determines whether or not the order should be confirmed after serving a summons on the defendant and hearing him if he wishes to oppose the order.

Under the present legislation of the countries participating in the scheme, there is no simple way of dealing with the situation which arises where the defendant to a final or provisional order leaves the country to which the order is sent for registration or confirmation before the order can be registered or confirmed there. Though this has not caused any serious difficulty in South Australia, it has caused concern in other States, particularly in Tasmania. Other clauses are also amended to conform to the decisions of the conference. The Opposition has no desire to oppose the legislation, as it is in conformity with that proposed to be carried in the other States.

The Hon. A. J. MELROSE secured the adjournment of the debate.

DRAUGHT STALLIONS ACT REPEAL BILL.

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

DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL.

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

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL.

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

MOTOR VEHICLES REGISTRATION FEES (REFUNDS) BILL.

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

ADJOURNMENT.

At 3.9 p.m. the Council adjourned until Wednesday, August 31, at 2 p.m.