

LÉGISLATIVE COUNCIL.

Tuesday, April 26, 1960.

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

QUESTIONS.**DIPHTHERIA IMMUNIZATION.**

The Hon. F. J. CONDON—Medical authorities are stressing the need for the immunization of children against diphtheria. Has the Minister of Health taken any action to bring this under the notice of parents in order to control this disease?

The Hon. Sir LYELL McEWIN—The importance of immunization against diphtheria is continually being brought under the notice of parents, and I would think that if the medical profession has any special interest in this matter it would be in support of what the department is doing. The serum is made available free and distributed to local boards of health, who arrange with their own medical officers to immunize the children in their own areas. Where it is known that local boards have not initiated campaigns for some time they are usually reminded of the importance of doing so. It is an important matter, and it is possible that New Australians are not fully aware of the facilities available, and that is perhaps the reason why doctors have spoken about it in order to give it some additional publicity. I will bring the matter again under the notice of the Health Department, but through its monthly publications there are continual reminders to local boards to initiate immunization campaigns.

RAILWAY COACHES.

The Hon. A. J. SHARD—Has the Minister of Railways a reply to a question I asked on April 13 regarding the manufacture of railway coaches by Wiles Manufacturing Co. Ltd. under licence from Wegmann & Co. of West Germany?

The Hon. N. L. JUDE—The Railway Commissioner assures me that he has no knowledge of any agreement between Wiles Manufacturing Company and Wegmann & Co. to make railway coaches under licence in South Australia. If there has been any such agreement the Railways Department is not committed in any way by it.

FACTORIES AND SCAFFOLDING ACTS.

The Hon. F. J. CONDON—Has the Minister of Labour and Industry given consideration to the extension of the operation of the Fac-

ories Act and the Scaffolding Act in country areas?

The Hon. C. D. ROWE—About two months ago I received a deputation from the Trades and Labor Council asking that the provisions of both Acts be extended to the whole of the State. Following on that I made a detailed investigation and found that there were certain areas not covered by those Acts and which it was felt should be because of the increased building and industrial activity therein. Amending regulations were framed to extend the operation of the Acts to those particular areas, thereby enlarging the area covered by the Acts. Since then no further consideration has been given to any further extensions.

GLENCOE-KALANGADOO ROAD.

The Hon. A. C. HOOKINGS—I ask leave to make a statement prior to asking a question. Leave granted.

The Hon. A. C. HOOKINGS—It was brought to my notice yesterday that a portion of the Glencoe-Kalangadoo Road is not in very good condition, and timber milling people in the Glencoe area are forced to load their timber at Mount Gambier. The added cost is 2s. 3d. a hundred super feet, and in view of this and the likelihood of the mill at Glencoe closing down, can the Minister of Roads inform me when that section of the road will be completed and sealed?

The Hon. N. L. JUDE—I appreciate the honourable member's bringing this under my notice, for as far as I was aware funds had been allocated for both portions of that road. I find, however, that the portion in the northern council area has not been done, possibly due to the lack of a survey, but I will get a detailed answer for the honourable member.

**APPOINTMENT OF QUEEN'S
COUNSELLORS.**

The Hon. F. J. CONDON—In the early part of this session I asked the Attorney-General a question relating to the appointment of new Queen's Counsellors. Has he given the matter any further consideration?

The Hon. C. D. ROWE—Appointments of Queen's Counsellors are usually made on a recommendation to the Government by His Honour, the Chief Justice. All I can say is that if and when recommendations are received from His Honour they will be considered.

ELECTRICITY SUPPLY FOR MOORAK.

The Hon. L. H. DENSLEY—I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. L. H. DENSLEY—The Electricity Trust has made considerable extensions since it took over the undertaking at Mount Gambier, and at present is serving a large part of the district. However, the Moorak district, and in particular the Moorak butter factory, has not yet been connected, and as there is considerable business there the provision of an electricity supply will be of considerable advantage to the factory and the dairy farmers. Will the Minister take up this question with his colleague, and endeavour to ascertain when the extension can take place.

The Hon. N. L. JUDE—I will do that.

LAND SETTLEMENT.

The Hon. F. J. CONDON—During the past 12 months the Government of Western Australia has thrown open for selection over 1,000,000 acres of land, and applications have been received from other States, including South Australia. Will the Chief Secretary obtain a report from the Commissioner of Crown Lands as to whether any land is available for settlement purposes in this State and, if land is available, what does the Government intend to do about making it available for allotment?

The Hon. C. D. ROWE—I think the question concerns the Minister of Lands, and with the consent of the Chief Secretary I shall be pleased to take the matter up with the Minister and obtain some detailed information regarding the question, namely, what Crown lands are available in this State to be opened up for settlement purposes.

POLICE OFFENCES ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Police Offences Act, 1953-1958. Read a first time.

The Hon. Sir LYELL McEWIN—I move—
That this Bill be now read a second time.

It has been the practice for some years in connection with persons charged with driving vehicles under the influence of liquor, to take suspected offenders in the metropolitan area to the City Watch House or the police station at Port Adelaide, according to the locality of apprehension. This practice is designed to fit in with the availability of medical practitioners for the examination of persons charged. The Police Offences Act, however, by section 78 as it was amended in 1957, provides that

where a person is apprehended within 15 miles from the General Post Office he may be delivered to either the City Watch House or the police station nearest to the place of arrest. There are some doubts whether a person arrested may in all cases be lawfully taken to the police station at Port Adelaide since the amendment provides only for two alternatives, that is to say, the City Watch House or the nearest police station.

The object of this Bill is to make it clear that a person charged with driving under the influence may be taken either to the City Watch House or to the police station at Port Adelaide or to the nearest police station, thus making it clear that in any event such a person may be taken to the City Watch House or Port Adelaide irrespective of the place of arrest. Clause 3 of the Bill accordingly inserts the necessary words for this purpose into section 78 (1) of the Act. It is a machinery Bill and I submit it to honourable members for consideration.

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

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Compulsory Acquisition of Land Act, 1925-1959. Read a first time.

The Hon. C. D. ROWE—I move—

That this Bill be now read a second time.

Under the Compulsory Acquisition of Land Act, where land is taken and the amount of compensation is not agreed, it is provided that the acquiring authority must give notice to treat to the persons interested in the land. Upon receipt of a notice to treat the person served delivers a notice of his claim for compensation. The claim may be admitted or disputed. Where it is disputed the amount of compensation may be determined by agreement, or by action by the claimant or the acquiring authority. If no notice of claim is given within six months after service of the notice to treat, the acquiring authority may itself apply to a court to determine the amount of compensation payable. The foregoing is a brief summary of the procedure laid down for a determination of the amount of compensation payable. Section 42 of the Act provides that if the acquiring authority fails to pay compensation to the person entitled under the Act for a period of 12 months after receipt of a notice of claim, it

must pay interest at five per centum per annum until payment is made. It has been held that this provision applies in any case where the acquiring authority fails to pay within the period of 12 months, whatever the reason for the failure. Cases occur where negotiations proceed between parties in an endeavour to reach an agreed figure and these negotiations are very frequently protracted for more than 12 months. Moreover, there are other cases which, in default of agreement, go to the courts and here again an assessment may not be made within the period of 12 months after the notice of claim was first delivered.

The object of the provision for interest is to prevent acquiring authorities from unduly protracting negotiations or for one reason or another delaying payment of compensation to the detriment of the owner of the land. In some instances, however, the owner lets his property and receives rent. In such a case, as the law now stands, he is, after a period of 12 months, entitled to interest as well as rent received in respect of the same period. It seems somewhat unfair that the acquiring authority should be required to pay interest to an owner who is receiving rents from the property, particularly as it is not always the acquiring authority which is to blame for any delay. The object of this short Bill is to provide that where an owner does let a property or any part of it, any amounts received by way of rents (less outgoings) shall be deducted from any interest payable in respect of the same period. The Bill also provides for a similar deduction of a rental equivalent (less 25 per cent to cover outgoings) where the owner is himself occupying the property and is thus enjoying the benefit of it. Clause 3 accordingly inserts two new subsections into section 42 of the Act. The new subsection (4) is in the nature of a consequential amendment, providing that where the amount of rent or rental equivalent or both exceeds the amount of interest, no interest shall be payable at all.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Health Act, 1935-1959. Read a first time.

The Hon. Sir LYELL McEWIN—I move—
That this Bill be now read a second time.
The main object of this Bill is to place in the

hands of local boards of health a greater measure of control in regard to the construction of drainage ventilation and sanitary works in buildings within their districts. By subsection (1) of section 123 of the principal Act all buildings erected or rebuilt after commencement of the Health Act Amendment Act, 1959, in municipalities or townships within district council districts or of any parcel or allotment of land of not more than five acres in area are required to have such drains, means of ventilation and sanitary requirements constructed of such materials and in such manner as the local board may prescribe. By subsection (2) of that section plans and specifications showing the proposed drains, means of ventilation and sanitary requirements are required to be submitted to and approved by the local board before the erection or rebuilding of the building is commenced. But subsection (4) of that section provides that the section does not apply within any part of the State to which the Building Act applies.

The Building Act, however, only requires "the mode of drainage of water from the roof of the building and the mode of disposal of nightsoil and sullage waste water from the building" to be approved in writing by the council without specifically requiring plans and specifications of proposed drains, means of ventilation or sanitary arrangements to be submitted and approved before building operations are commenced, and therefore the provisions of that Act could not be relied upon to ensure the payment of adequate attention to health requirements so far as drainage, ventilation and sanitary works are concerned. Furthermore the provisions of the Building Act are administered by building surveyors without assistance from board of health officers. It is felt that local boards as such should have a greater measure of control over the construction of drainage, ventilation and sanitary works in buildings within their areas.

Clause 3 of the Bill accordingly repeals subsection (4) of section 123 of the principal Act. The effect of the repeal is that subsections (1) and (2) of that section would have to be complied with in district council districts whether the Building Act applies in those districts or not. This would ensure that proper plans and specifications relating to drainage, ventilation and sanitary works are submitted to and approved by the local board before their construction is commenced and that the construction is carried out with such materials and in such manner as the local board prescribes, thus avoiding the necessity,

where inadequate or unsuitable conditions of drainage and sanitation are found, for boards to declare such conditions as insanitary and invoke the provisions of Part VI of the Health Act to require their correction. The amendment is merely to provide machinery whereby local boards of health can ensure that conditions are satisfactory before drains, means of ventilation and sanitary requirements are installed, rather than to wait until afterwards and then condemn them.

The Hon. Sir Frank Perry—Has there been any demand for this?

The Hon. Sir LYELL McEWIN—Yes, from local boards of health, which have not the necessary authority now. I submit that the Bill is worthy of consideration.

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

LAND AGENTS ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Land Agents Act, 1955-1959. Read a first time.

The Hon. C. D. ROWE—I move—

That this Bill be now read a second time.

The objects of this Bill are—

- (1) to protect purchasers and prospective purchasers of subdivided land from false representations and other unlawful acts by vendors and persons acting on behalf of vendors of such land; and
- (2) to confer on authorized persons power to inspect the books and other documents of land agents which relate to moneys received by them on behalf of other persons in the course of their business as land agents or which contain information as to whether any such business is carried on in partnership with others.

Subsection (2) of section 65 of the principal Act provides that any person who, in connection with the selling of any subdivided land or any interest in such land, knowingly makes a false representation which is likely to induce another person to buy such land or interest, shall be guilty of an offence. Subdivided land is defined in subsection (1) of that section as any one or more vacant allotments of land shown on a plan of subdivision deposited in the Land Titles Registration Office or the General Registry Office at Adelaide or any part of such an allotment. In order that a prosecution under sub-section (2)

might succeed it would therefore be necessary to show that the false representation was made in connection with one or more vacant allotments of land shown on a plan of subdivision and that the plan was in fact deposited in the Land Titles Registration Office or the General Registry Office.

Cases have recently come to the notice of the Government where persons have offered for sale land shown on a plan of subdivision which, though submitted for the Town Planner's approval, had not in fact been deposited in the Land Titles Registration Office or the General Registry Office as required, and any false representation in respect of such land would not be punishable under subsection (2) of section 65 because, for that reason, the land would not come within the definition of subdivided land.

Clause 3 accordingly amends subsection (1) of section 65 by widening the definition of subdivided land to include land shown on a plan of subdivision or of re-subdivision submitted for approval under the Town Planning Act, whether or not such approval has been granted. Section 33 of the Business Agents Act empowers a person authorized in writing by the Attorney-General to inspect documents relating to trust accounts and the like in the custody or control of licensed business agents and wilful obstruction of a person so authorized and failure to produce such documents for inspection when required by such a person is an offence. The Commissioner of Police has recommended that similar provisions be inserted in the Land Agents Act as occasions have occurred in the course of police inquiries where production, when requested, of documents and books of account relevant to those inquiries have been sought to be avoided, and the inquiries consequently delayed and obstructed.

Clause 4 amends the principal Act by inserting a new section 77a conferring on persons authorized in writing by the Attorney-General a power of inspection similar to that contained in section 33 of the Business Agents Act. The penalty prescribed for a breach of the new section is the same as that prescribed for a breach of section 33 of the Business Agents Act with the exception that the new section does not prescribe a penalty for a continuing offence. The Bill seeks to prevent undesirable practices in connection with the selling of land which could have serious consequences, particularly for the small investor.

The Hon. S. C. BEVAN secured the adjournment of the debate.

**METROPOLITAN TRANSPORT ADVISORY
COUNCIL ACT AMENDMENT BILL.**

The Hon. N. L. JUDE (Minister of Railways) obtained leave and introduced a Bill for an Act to amend the Metropolitan Transport Advisory Council Act, 1954-1957. Read a first time.

The Hon. N. L. JUDE—I move—

That this Bill be now read a second time.

Its object is to extend the life and powers of the Metropolitan Transport Advisory Council for a further period of three years from December 31 last. The operation of the existing Act came to an end on December 31, 1959. The Government is of the opinion that the problems of co-ordination and provision of public transport within the metropolitan area have by no means been solved and will continue to arise and believes that the council, as the appropriate authority, should be retained. The council has functioned very effectively since its inception and it is thought that no good purpose would be served by altering its constitution or powers. Clauses 3 and 4 of the Bill accordingly extend the operation of the Act and the life and powers of the council until December 31, 1962. Clause 5, providing for retrospective operation of the Bill, is designed to avoid any gap in the life of the council. The Act as it now stands expressly provides not only that the members hold office until December 31, 1959, but also that the council should cease to exist on that date. This Bill will provide for the amendment to become effective as on the day before that express provision could otherwise have taken effect.

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

ADDRESS IN REPLY.

(Debate on motion for adoption adjourned on April 21. Page 251.)

Motion carried.

The PRESIDENT—I have to inform members that His Excellency the Lieutenant-Governor will be pleased to receive them for the presentation of the Address in Reply at 2.30 p.m. tomorrow.

ADJOURNMENT.

The Hon. Sir LYELL McEWIN (Chief Secretary) moved—

That the Council do now adjourn until Wednesday, April 27, at 2.15 p.m.

The Hon. S. C. BEVAN (Central No. 1)—I wish to oppose the motion—

The PRESIDENT—This is one of the subjects that cannot be debated.

The Hon. S. C. BEVAN—Then, Sir, may I seek your guidance? I wish to ascertain when the Bills, on which the second reading speeches have just been delivered, will be available to members in order that they may be able to examine them before being called upon to resume the debate tomorrow.

The PRESIDENT—The honourable member can ask for a further adjournment of the debate tomorrow if he wishes.

Motion carried.

At 2.53 p.m. the Council adjourned until Wednesday, April 27, at 2.15 p.m.