

LEGISLATIVE COUNCIL.

Wednesday, November 2, 1960.

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

QUESTIONS.**HEPATITIS.**

The Hon. F. J. CONDON—The number of cases of hepatitis is increasing, and last week we had the highest weekly total yet. Can the Minister of Health say whether any extra precautions are being taken by the Public Health Department to combat the spread of the disease?

The Hon. Sir LYELL MCEWIN—The Public Health Department is always anxious concerning any contagious disease, but I do not know that anybody has any specific answer to it, other than the warnings which have been issued and which are allied very closely to conditions of hygiene. There have been suggestions that certain injections can be of assistance, but I am not clear about whether any injections can be used in a preventive manner. I have received correspondence regarding the problem from migrants who have come here and claimed that they know something about the history of it. They say that the cause of hepatitis is to be found in drinking water rather than from the sources that have been suggested here. That matter has been referred to the department. I will submit the honourable member's question to it to see if there is any real answer and whether anything can be done, other than the suggestions that have been already circulated about the need for strict hygiene in the handling of food.

BABY HEALTH CARRIAGE.

The Hon. L. H. DENSLEY—Owing to the fact that the baby health carriage no longer calls at Bordertown, can the Minister of Health say whether anything can be done to have it call there in future?

The Hon. Sir LYELL MCEWIN—I have received a communication from Bordertown regarding the matter, which I have referred to the Mothers and Babies Health Association. As honourable members are probably aware from the Estimates submitted from year to year, the Government deals with the parent organization or central body, which in turn deals with the administration between branches. What the problem is and the action to be taken I will know when I get the answer from the executive of the Mothers and Babies Health Association. I do not know whether the calling

of the carriage has been stopped by the railways, or what is the position. The association may have something to meet the situation.

ALCOHOLICS.

The Hon. F. J. CONDON—On several occasions I have referred to the need for something to be done for alcoholics. Other people, including councils, are taking up this matter. Can the Minister of Health say whether the Government will establish a centre where alcoholics can be given a home and treatment, as is done in some other States?

The Hon. Sir LYELL MCEWIN—The people referred to by the honourable member are not the only people that have been giving some consideration to this matter. I also have given it consideration and I am about to submit a proposal to Cabinet. I think it will meet the situation perhaps somewhat in advance of anything done anywhere else in Australia.

LIQUEFIED PETROLEUM GAS BILL.

The Hon. C. D. ROWE (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to regulate the storage, conveyance and quality of liquefied petroleum gas and for other purposes. Read a first time.

The Hon. C. D. ROWE—I move—

That this Bill be now read a second time.
This is a short Bill designed to give effect to a report of a committee appointed last year to consider the matter, that there is need for regulation and control of liquid petroleum gas in this State. The committee consisted of the Chief Inspector of Factories, the Director of Chemistry, a representative of the oil industry, and two representatives of the liquid petroleum gas trade. The committee, after considering Victorian and West Australian legislation and control by voluntary agreement in New South Wales, has recommended that the form of control should be by way of legislation covering basic principles with details to be made by regulations, which would be based upon international and Australian codes from time to time, with a view to achieving, if practicable, some measure of uniformity among the various States. The Bill is based upon a draft prepared by the committee.

It provides for controlling the keeping and storage of liquid petroleum gas, its conveyance, standards for containers and standards of quality. These matters are governed by clauses 5, 6, 7 and 8, with which

should be read clause 13 which empowers the making of regulations, including power to require the gas to have a distinctive smell and to limit impurities and toxic substances. The remaining clauses are of a machinery nature, clause 9 covering powers of inspectors, and clauses 10, 11 and 12 dealing with offences, penalties, and evidence. Clause 14 is a saving clause providing that other remedies, civil and criminal, are not to be affected by the Bill. As I have said, the Act itself is in general terms so that the controls can be kept up-to-date in accordance with changing conditions.

Liquid petroleum gas, which is defined in clause 3, will be known to honourable members under various trade names, as gas which is used in portable stoves or on a larger scale, especially in country areas, for cooking on large gas ranges. It is a highly dangerous substance and the need for some form of control to ensure that it is properly and safely stored and carried about, that containers in which it is kept are safe and to ensure minimum standards of quality, is, I believe, clear. Already in New South Wales control over these matters is achieved by voluntary co-operation between Government and industry pending some legislative action which would ensure universal application of safety codes.

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

EARLY CLOSING ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Early Closing Act, 1926-1954. Read a first time.

The Hon. C. D. ROWE—I move—

That this Bill be now read a second time.

The main objects of this Bill are to remove many of the anomalies found in the principal Act and to amend that Act to meet the growing needs of the public. The Bill will also iron out many of the difficulties that have arisen in the administration of the Act in its present form. Clause 3 makes two amendments to section 4 of the principal Act. The first amendment relates to the definition of "shop" which at present means, inter alia, the whole or any portion of a building or place in which goods are offered or exposed for sale by retail or by auction and includes a building or place in which the business of a hairdresser, pawnbroker or undertaker is carried on. The Government feels that a place where the

business of an undertaker is carried on should not be included within the definition of a shop unless it is a place where goods are offered or exposed for sale and paragraph (a) of clause 3 accordingly deletes from that definition the reference to the business of an undertaker. The second amendment relates to the definition of "shop assistant". While a shop is defined as including a building or place in which the business of a hairdresser is carried on, hairdressers are not included in the definition of "shop assistant" although clerks and messengers are. Paragraph (b) of this clause accordingly rectifies this omission.

Subsection (2) of section 5 of the principal Act exempts from the application of the Act any shop erected and carried on at any industrial exhibition or agricultural or other similar show so long as no goods other than goods of the prescribed kind are sold at that shop. This imposes an unnecessary restriction and clause 4 seeks to exempt from the application of the Act any shop erected and carried on at any industrial, agricultural or horticultural exhibition or show or at any other exhibition or show approved by the Minister, without any restriction on the kind of goods that may be sold or the hours at which goods may be at that shop.

Section 6 of the principal Act empowers the Governor to suspend the operation of the Act in so far as it applies to the closing times for shops. Under subsection (2) (a) of that section the suspension can apply only to the whole of the State or to such shopping district or districts as are specified in a proclamation. Some shopping districts are quite large: for instance, Wallaroo and Kadina are in one district. Clause 5 seeks to extend the application of such suspension also to such part or parts of a district or districts as are specified in the proclamation. The definition of the metropolitan shopping district in section 8 (3) of the principal Act is in need of revision as most of the district council districts referred to are now municipalities and one is no longer in existence. Clause 6 defines the metropolitan shopping district as it now exists.

Under section 10 (1) a petition may be presented praying that an area defined therein be constituted a shopping district, and section 14 (1) provides that if a counter-petition signed by more petitioners than the number who signed the petition is not presented within the prescribed time, the Governor may by proclamation constitute that area a shopping district. Section 15 (1) provides that if a counter-petition is presented within the prescribed time in accordance with the relevant provisions of the

Act, the petition shall not be granted and shall be deemed to have been finally dealt with. Section 14 (2) provides that a petition shall also be deemed to have been finally dealt with

- (a) upon the publication of the proclamation, or
- (b) if no proclamation is published within a period of two months after the expiration of the time within which a counter-petition may be presented, then at the end of that period of two months.

Paragraph (b) of the subsection serves no useful purpose. As I have already mentioned the Act provides that if no counter-petition as required is received, the petition will be granted by the publication of the proclamation and if a counter-petition is presented in accordance with section 15 (1) the petition shall not be granted and it shall be deemed to have been finally dealt with. The paragraph further gives rise to many administrative difficulties. Each petition and counter-petition have to be referred for examination to the Crown Solicitor, the Returning Officer for the State and usually to the Town Clerk for the district in question, and the time limit imposed by the paragraph could present considerable difficulty when petitions and counter-petitions are received at or about the time of a Parliamentary election. Clause 7 accordingly simplifies the provisions of section 14 (2) by re-enacting the subsection omitting paragraph (b). Clause 8 repeals section 16 as the same subject matter is dealt with in section 14 (2) as amended by clause 7.

The object of clause 9 is to empower the Governor to redefine by proclamation the boundaries of any shopping district whenever in his opinion those boundaries are or have become uncertain. This is a desirable provision especially where a shopping district is defined with reference to a municipal or district council area the limits of which are subsequently altered. Clause 10 (a) amends section 25a (1) to enable a petition to be presented praying that part of a shopping district be excised from that district. Paragraph (b) of that clause makes a consequential amendment to subsection (2) of that section by requiring a petition for the excision of a part of a shopping district from that district to be signed by a quorum of electors residing in that part. Paragraph (c) of that clause adds a new subsection to section 25a which will ensure that no part of a shopping district will be excised from that district unless both the part to be excised and the remaining portion of the district are of a minimum size

consisting of the whole of any municipality or municipalities or, if outside a municipality, of an area of at least 36 square miles.

Clause 11 and clause 12 (a) correct two printing errors in sections 25b and 25c of the principal Act and paragraphs (b) and (c) of clause 12 make two consequential amendments to section 25c. Clause 13 makes two consequential amendments to section 25d arising out of the provision in clause 10 enabling a petition to be presented for the excision from a shopping district of a part thereof. Paragraph (a) of clause 14 clarifies the wording of the first part of section 25e (1) while paragraphs (b), (c) and (d) of that clause make consequential amendments to that section arising out of clauses 10 to 13. Paragraph (e) of the clause substitutes for subsection (2) of that section a provision similar to that proposed by clause 7 and my remarks relating to clause 7 also apply to this provision.

Clause 15 repeals and re-enacts section 25f of the principal Act with a consequential amendment arising out of clauses 12 (c) and 13. Clause 16 adds a new subsection to section 25g. The new subsection applies the same restrictions as are imposed by that section in relation to a petition for the abolition of a shopping district to a petition for the excision from a shopping district or part thereof. Clause 17 (a) makes a consequential amendment to section 26 (1), while paragraph (b) of that clause corrects a drafting error in subsection (2) of that section. With the increasing number of migrants now being employed in shops it has been found most desirable to enable inspectors and members of the police force, who now have power to enter and inspect shops, to take with them interpreters. Similar powers are contained in sections 228 and 296 of the Industrial Code. Clause 18 accordingly inserts in section 29 of the principal Act two new subsections which have been modelled on those sections of the Industrial Code. Paragraphs (a), (b) and (c) of clause 19 make consequential amendments to section 30 of the principal Act arising out of clause 18, while paragraph (d) increases the penalty for an offence under that section from £5 to £50. This penalty has been unchanged since 1911.

Section 31 of the principal Act, *inter alia*, requires a person who goes into occupation of a shop to apply to have his shop registered and to apply annually for renewal of the registration. The application is to be made in the prescribed manner and within a prescribed time and each applicant must furnish the registrar

with certain particulars to enable him to classify the shop. The provisions relating to closing times and working hours in relation to a shop are contained in Part V of the Act. The closing time of a shop, however, depends on its classification as determined by the registrar, but section 31 at present does not empower the registrar to classify a shop until application has been made for registration and the required particulars are furnished to the registrar by the applicant. Thus it is not possible to prosecute a shopkeeper under section 38 for selling goods after closing time if he has not applied to have his shop registered under section 31. In order to meet such a case clause 20 proposes to insert in section 31 a new subsection which will empower the registrar in his discretion to determine the class of a shop, application for the registration of which has not been made. The subsection requires the registrar in such a case to serve on the occupier of the shop a notice of his determination and provides that on such service the provisions of Part V shall apply to that shop as if it belonged to that class although the shop itself has not been registered.

Under section 34 it is an offence to occupy or use an unregistered shop after the period allowed by the Act for effecting the registration or the renewal of registration. Clause 21 seeks to make it an offence also to sell from any unregistered shop any goods whatsoever. The clause also raises the daily penalty from £2 to £5. Clause 22 raises the penalties prescribed by section 37 from £10 to £20 for a first offence and from £25 to £50 for a subsequent offence. Under section 37a of the principal Act, a shopkeeper of any shop outside the metropolitan shopping district in which only the members of his family and a manager are employed may at any time sell any goods to any person who resides at least five miles from the shop and has within six hours previously travelled from his residence to the shop. Thus a tourist or traveller holidaying or staying in a country town cannot be served from such a shop unless he has within the six hours previously travelled from his residence to the shop. Clause 23 clarifies the application of section 37a to any shop, whether or not it is an exempted shop, and strikes out the requirement that the customer must have travelled from his residence to the shop within the preceding six hours.

Paragraph (a) of clause 24 makes an amendment to section 38 (1) which had been overlooked when section 37a was enacted in 1945. Paragraphs (b) and (c) of that clause remove the undue restriction imposed by subsections

(1) and (3) of that section on the delivery of goods from shops, while paragraphs (c) and (d) raise the penalties from £10 to £20 for a first offence under the section and from £25 to £50 for a subsequent offence. Clause 25 (a) clarifies the first part of section 39, while paragraphs (b) and (c) of that clause bring the penalties into line with section 38 as amended by clause 24. Section 40 of the principal Act provides that the Minister or any authorized officer may permit a shopkeeper in the metropolitan shopping district to employ any shop assistants on one compulsory weekly half holiday in each year for the purpose of stocktaking. The application of this provision only to the metropolitan shopping district cannot be justified. The section also provides that application must be made by the shopkeeper for this purpose and that it is a condition of the granting of the application that the shop in question must be kept closed in the morning of the half holiday. It is considered that these provisions serve no useful purpose, nor does the condition in paragraph (d) of subsection (1) of the section requiring the shopkeeper to pay the shop assistants so employed the minimum rates of pay as the relevant awards by which shopkeepers are bound take such cases into account. Clause 26 accordingly repeals section 40 and substitutes a new section under which a shopkeeper is not obliged on one compulsory weekly half holiday in each year to allow each shop assistant that half holiday if the assistant's services are required on that day for the purpose of stocktaking and the shopkeeper complies with such conditions as may be prescribed with respect to the employment of assistants for that purpose.

Section 41 makes it an offence for a shopkeeper to require or permit an assistant to work for him or remain in the shop after closing time. Section 43 makes it an offence for a shop assistant to work for his employer or remain in the shop after closing time and section 44 empowers the Minister or an officer authorized by him to suspend the operation of sections 41 and 43. It is considered that these provisions are no longer needed. Employment of assistants after normal working hours is now governed by appropriate awards and clause 27 accordingly repeals these sections. Clauses 28 and 29 raise the penalties provided for in sections 45 and 46 (1), respectively. Provision is made in section 47 of the principal Act for the Chief Inspector to grant a licence permitting the sale of goods after normal closing time if the proceeds are to be devoted to any benevolent, charitable, religious

or public purpose or in aid of any friendly or benefit society, or permitting a commercial traveller to expose samples for the purpose of securing wholesale orders, or permitting the sale and delivery of goods for provisioning a ship. There appears to be no reason why a licence should have to be granted in these cases, or why the sale of goods after closing times should now be allowed in aid of friendly or benefit societies under conditions prevailing today, and clause 30 accordingly repeals section 47 and substitutes a provision whereby the acts for which a licence was hitherto required could be done without licence if the Bill becomes law.

Clause 31 raises the amount of the fee for a licence provided for in section 48 from 2s. 6d. to £1. By section 49 (1) of the principal Act, power is conferred on the Minister, by licence, to permit a shopkeeper to sell motor spirit and lubricants for motor vehicles on week days after closing time and on Sundays. Paragraphs (a) and (b) of clause 32 extend the application of the section to the sale of spare parts and accessories for motor vehicles on week days after closing time and on Sundays and to the sale of all these commodities on public holidays. Paragraph (c) of the clause inserts in that section a new subsection which provides that the licence may authorize the licence holder to sell the motor spirit, lubricants, spare parts and accessories, or such of them as may be specified in the licence, in any one or more of the following ways:—

- (a) by means of coin-operated machines or pumps;
- (b) in accordance with such roster system as the Minister determines;
- (c) in such other manner as the Minister thinks fit.

There has been a continuous and growing public demand for such a service in the metropolitan area and the Government feels that under this provision a system of distribution could be evolved that is fair to all sections of the community. Paragraphs (d) and (e) of clause 32 are consequential amendments arising out of the earlier provisions of this clause and the repeal of sections 41 and 43 by clause 27. Clause 33 raises the penalties prescribed by section 50 of the principal Act.

Paragraph (a) of clause 34 amends section 72 (1) of the Act by making it an offence for a shopkeeper to sell goods, other than exempted goods, on a public holiday. This provision appears to have been overlooked when the section was originally passed. Paragraphs (b) and (c) of that clause raise the penalties

for an offence under subsection (1). Paragraph (d) brings the wording of subsection (3) (b) of that section into line with the wording of subsection (1) of this section. Section 72 (3) of the Act provides that in any proceedings for an offence under that section, evidence that goods were covered or screened merely with a cloth, paper, or other similar material shall be conclusive evidence that the goods were exposed for sale. Such a provision in most cases is a reasonable one, but there are occasions when the provision could result in hardship. For instance, when the Apollo dining room at the Myer Emporium is used at night, persons using the dining room have to enter the ground floor of the building and it is felt that some provision enabling the Chief Inspector to approve of goods being covered or screened on such occasions would not be contrary to the spirit of the section. Paragraph (e) of clause 34 has been designed accordingly.

Section 90 of the Act provides that any petition shall be deemed to be duly presented if delivered at the Minister's office to the Minister or his secretary personally. Clause 35 simplifies the procedure by enabling a petition to be delivered to any responsible officer employed in the office of the Minister or the secretary for Labour and Industry. The second schedule to the Act contains a list of exempted goods under the Act. Paragraph (a) of clause 36 re-enacts paragraph 1 of that schedule with the addition of margarine. Paragraph (b) of the clause includes "seeds" in paragraph 5 of the schedule. Paragraph (c) of the clause includes the following items in paragraph 8 of the schedule, razor blades, shaving creams, toothpaste and toilet soaps, sanitary napkins, hot water bags, and films for use in cameras. Paragraph (d) of the clause includes greeting cards and envelopes for greeting cards in paragraph 9 of the schedule and paragraph (e) of the clause adds a new paragraph 12 to the schedule listing therein eggs, bacon, sausages, uncooked rabbits and uncooked poultry. The third schedule to the Act contains a list of exempted shops under the Act. To this list clause 37 adds greeting-card shops.

The Bill seeks to make necessary and desirable amendments to the existing law and for the most part reflects the needs and demands of all sections of the community and I commend the measure for favourable consideration by all members.

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

ROAD TRAFFIC BOARD BILL.

Returned from the House of Assembly with the following amendment (new clause):

9. The cost of any traffic control devices placed or marked on a road by the Commissioner of Highways with the approval of the Board shall be paid out of any money voted by Parliament for expenditure on roads.

Consideration in Committee.

The Hon. N. L. JUDE (Minister of Roads)—Honourable members will recall that this is a financial clause and therefore could not be dealt with in this House. It has been dealt with in another place and we have been asked to accept the amendment.

Amendment agreed to.

EDUCATION ACT AMENDMENT BILL.

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

REAL PROPERTY ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

TOWN PLANNING ACT AMENDMENT BILL.

Read a third time and passed.

TRAVELLING STOCK RESERVE:
HUNDRED OF EBA.

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That the portion of the travelling stock reserve north-west of sections 70, 81, and 82, hundred of Eba, and south-west of the Morgan to Whyalla pipeline, as shown on the plan laid before Parliament on August 9, 1960, be resumed in terms of section 136 of the Pastoral Act, 1936-1959, for the purpose of being dealt with as Crown lands under the provisions of the Crown Lands Act, 1929-1957.

HAWKERS ACT AMENDMENT BILL.

In Committee.

(Continued from November 1. Page 1595.)

Clause 3—"Amendment of principal Act, section 20."

The Hon. N. L. JUDE (Minister of Local Government)—The Leader of the Opposition yesterday raised the point whether an itinerant hawker covering two or three towns during one selling tour would thereby incur heavy charges.

Although the Act permits a council to make a charge per day for a permit, in general this is limited to one or two permits depending, I presume, on the amount of business done in the town by the hawker. However, if he covers two or three towns and his business warrants his getting two or three licences in the course of the day, he can do so. I ask members to accept the clause as printed.

Clause passed.

Title passed.

Bill read a third time and passed.

EXCHANGE OF LAND: HUNDRED OF WATERHOUSE.

Consideration of the following resolution received from the House of Assembly:—

That the proposed exchange of land in the hundred of Waterhouse, as shown on the plan and in the statement laid before Parliament on July 21, 1959, be approved.

(Continued from November 1. Page 1595.)

The Hon. F. J. CONDON (Leader of the Opposition)—When a resolution comes to the Council from another place, whatever it might deal with, we should give it some consideration, and that is why I secured the adjournment of the debate yesterday. The plan and statement were laid before Parliament on July 21, 1959—almost 15 months ago. Why has it taken so long for the matter to be considered here? The Minister said that the exchange was recommended by the Land Board, and that it would be satisfactory to the Government. I have read the report presented by the Land Board, and, in consequence, I support the motion.

The Hon. L. H. DENSLEY (Southern)—I, too, support it. The Government must be congratulated on getting what it wanted in this matter without having to pay too much for it. The exchange of the land will also be beneficial to the vendor, the Lees. I regard this as a desirable transaction and commend the Government for making the transfer on such a good basis. I hope that when it deals with other land in the same district it will be equally fortunate, but that it will not take so long to conclude the business.

Resolution agreed to.

ADJOURNMENT.

At 3.02 p.m. the Council adjourned until Thursday, November 3, at 2.15 p.m.