LEGISLATIVE COUNCIL.

Thursday, November 3, 1960.

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

ASSENT TO ACTS.

His Excellency the Lieutenant-Governor, by message, intimated his assent to the following Acts:—

Births and Deaths Registration Act Amendment.
Companies Act Amendment.
Dog Fence Act Amendment.
Enfield General Cemetery Act Amendment.
Highways Act Amendment.
Mental Health Act Amendment.
Police Pensions Act Amendment.
Prevention of Cruelty to Animals Act Amendment.
Prices Act Amendment (No. 1).
Vermin Act Amendment.
Water Frontages Repeal.

QUESTION.

OFFICIAL VISITS TO TATIARA DISTRICT.

The Hon. L. H. DENSLEY—The Tatiara District Council is concerned because country tours by important people, particularly distinguished people such as the Governor, have not included Bordertown. A request has been made that Bordertown be included in the itinerary of any such people touring South Australia, particularly those who may be interested in the Tatiara district and who would be able to give information on world affairs. Will the Chief Secretary keep that in mind and take it up in the near future, if possible?

The Hon. Sir LYELL McEWIN—Yes, I am sure the Government will be pleased to facilitate arrangements to visit that area for any appropriate people who would be interested in the Tatiara district.

EDUCATION ACT AMENDMENT BILL.

Second reading.

The Hon. C. D. ROWE (Attorney-General)—I move—

That this Bill be now read a second time.

Its main object is to make provision for a Teachers Appeals Board which will take over the hearing of appeals in respect of certain promotions from the Teachers Salaries Board. These provisions are dealt with in clauses 6, 7 and 8, but before dealing with these I mention one administrative matter dealt with by clause 5. That clause makes a consequential amendment, regarding long service leave for teachers who become public servants, which was overlooked when the Act was amended in 1958. When the maximum entitlement for long service leave for public servants was increased, the Education Act was amended to make similar provision for teachers, but section 18b of that Act (which covered the case of teachers transferring to the Public Service) was not amended. The result is that a teacher who transfers to the Public Service after 26 years as a teacher and who has already become entitled to 189 days of long service leave can, on transferring to the Public Service, count only 20 years of his service as a teacher, giving him 180 days, a loss of nine days on the transfer. As the length of his service as a teacher is increased the loss is greater. To correct the anomaly, clause 5 will amend section 18b so as to permit a teacher on transferring to the Public Service to carry over the equivalent of the maximum amount of long service leave to which he could have become entitled under the Education Act. As there has been at least one case of a retired officer to whom an *ex gratia* payment was made, the amendment is made retrospective to the passing of the 1958 amendment.

The Hon. F. J. Condon—Is it a one-man Act?

The Hon. C. D. ROWE—In that particular respect at the present stage it looks as though it is. I come now to the provisions governing the Teachers Appeals Board. Under the principal Act, the Teachers Salaries Board performs two functions. The first relates to the fixation of salaries and the second to the hearing of appeals concerning appointments to special positions. The vesting of both these functions in the one board does not appear to be very satisfactory in principle, although I should say that no criticism of the way in which the board has performed its functions is implied in this statement. It is felt desirable to separate the two functions and the Bill accordingly provides for a new board which will be constituted in a different way and along different lines from the Salaries Board. That board consists of a chairman (being a special magistrate), two members appointed by the Governor and a male and a female teacher elected by male and female teachers respectively. The new Appeals Board will

consist of five members, namely, an independent chairman and two members to represent the Director of Education to be appointed by the Governor on the Minister's recommendation, plus two members to represent teachers. But the members representing teachers will be elected by the various branches of the teaching service, each branch electing two representatives, and the board being constituted on each appeal so far as the teachers' representatives are concerned by those members who have been elected by the branch of the service in which the position concerned exists. These provisions, along with supplementary provisions regarding vacancies in membership and other machinery matters, are provided by the new sections 28za and 28zb introduced by clause 7.

Clause 6 repeals the section 28t of the principal Act. That section now provides that appointments to special positions are to be made provisionally in the first instance and that any teacher who has applied for such a special position may appeal against the provisional appointment. It is proposed to vary the procedure, not only by making the appeal to the Appeals Board rather than the Salaries Board, but also by requiring the appeal to be in writing. The Appeals Board is to consider the written submission of the teacher appealing and may confirm the Director's recommendation, that is, dismiss the appeal. But if the board considers that the written submission discloses that there are grounds for further enquiry, it may hear the appellant in person and the Director, consider the matter fully in the ordinary way, and either dismiss or allow the appeal. The object of the new procedure is to avoid a multiplicity of proceedings and lengthy hearings in cases where it is apparent from the written submission that an appellant has no *prima facie* case. These provisions are contained in new section 28zc which re-enacts the first three subsections of the repealed section 28t of the principal Act and adds the special provisions concerning appeals. It has been necessary to repeal section 28t of the principal Act and re-enact the first three subsections in the new section 28zc because section 28t now occupies a central position among the provisions of the principal Act governing the Salaries Board, and the form of the amending Bill is to insert a completely new part relating to appeals.

Clause 7 effects a further amendment to the law regarding appointments to positions. New clause 28zd provides that certain groups of special positions, to be defined by regulations, are to be filled from special promotion lists drawn up by the Director after consideration of all the applicants; two lists being made in each case, one including selected male applicants and the other selected female applicants. Any teacher who has applied for a position can appeal against his exclusion from or his place in the promotion list. The procedure on appeal is the same as that which applies to the ordinary special positions.

Complicated as the provisions regarding special positions and defined special positions may appear to be, they have the backing of the Teachers Institute and, in fact, all of the provisions in this Bill concerning the Appeals Board and appointments are based upon agreement reached after full and lengthy conferences between teachers on the one hand and the Minister and the department on the other. I believe that these amendments will give satisfaction not only to teachers but also to the department and should result in greater efficiency and better conditions throughout the service. As will be gathered from my remarks, this is a Bill that in many respects will streamline the procedure of the appointment of teachers to new positions. It has been brought down following upon very close and detailed collaboration between those interested in the matter. They reached a unanimous agreement and the stage has been reached when this Bill can be placed on the Statute Book. It is therefore with confidence that I submit it to honourable members.

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

LIQUEFIED PETROLEUM GAS BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 1617.)

The Hon. S. C. BEVAN (Central No. 1)—The object of the Bill is to control the use and storage of liquefied gas, which is proving very convenient to country people. Its use has become more pronounced in recent months. Liquefied gas is a highly inflammable and explosive material and is readily affected by heat. Any carelessness in its storage or use could result in considerable damage to property, and perhaps cause death. Containers and fittings must be comparatively safe to prevent accidents. Safety legislation is enacted in this and other States to control the storage of highly inflammable fuels such as petrol, oil, kerosene and so on, but there is no legislation in South Australia concerning the storage and safety of liquefied gas. I

believe legislation already operates in Queensland, Western Australia and Victoria, and according to the Minister's statement an agreement is operating in New South Wales relating to the storage and safety of this type of gas. Therefore, I consider the Bill should be supported.

There has been an extensive increase of the use of liquefied gas in this State, one form of which is known as Porta-gas. A small portable gas stove contained in a steel case and fitted with two burners that can be used conjointly or singly is on the market. I consider that the time has arrived when the storage and use of this type of gas should be controlled. I understand from the Attorney-General's second reading speech that a small committee was appointed to inquire into the feasibility of controls and that it included representatives of all parties concerned. This Bill is the result of its inquiries. Honourable members should examine clause 13, the main clause, before studying the earlier clauses. It provides for the making of regulations—not the issue of proclamations—dealing with the use, storage and transportation of the gas, and the installation of equipment, containers and situation of stores—in fact all matters coming within the Bill. Such regulations would have to be placed before Parliament.

The gas, when stored outside country distributing centres, could be affected by heat and leakages. Clauses 5, 6, 7 and 8 are incidental to clause 13, which deals with regulations. Clause 5 refers to the keeping of the liquefied petroleum gas. Clause 6 deals with the conveyance of the gas from point to point. Clause 7 states that the petroleum gas shall be placed in containers that conform to a prescribed standard. That is necessary because a weak container could cause trouble. Clause 8 stipulates that the gas offered for sale shall conform to a prescribed standard. Clause 9 sets out the powers of the inspectors that are appointed to police the administration of the Act. Clause 11 says that any person who contravenes the Act or the regulations shall be guilty of an offence and liable to a penalty not exceeding £50. The Bill deals with all matters that can be visualized in connection with the storage, conveyance and quality of liquefied petroleum gas, and I support it.

The Hon. Sir FRANK PERRY (Central No. 2)—I, too, support the Bill. It has become necessary to control in South Australia the storage, conveyance and quality of liquefied petroleum gas, which is produced by oil refineries. A definite use has been found for it. It is used in industry and in homes, and it can be used advantageously for pleasure purposes. If handled properly it is a safe gas. The Bill provides for the storage and conveyance of the gas from the refinery to the user. No-one will object to a measure that deals with a product that, under some circumstances, could be dangerous. The use of the gas will grow, and as more refineries are constructed in South Australia we shall have more of it available for use in various fields. The petroleum gas that we now have in South Australia comes from Victoria. The Minister said that a committee had investigated the matter covered by the Bill and had agreed to the form of control set out. Up to a point I do not think any objection can be raised to the Bill, but it does not set out how the control is to operate, and there is no mention of fees and other things. It simply gives the Government power to deal with the matter by regulation, but it may be a little dangerous for Parliament to accept legislation of this nature. It gives the Government power to do what it likes without considering the user or the distributor. I do not think that a Government would use the power in that way but the power will be there for it to be done.

I take it that the work of the committee ceased when the Bill was introduced and now it will be left to the authority, perhaps the Chemistry Department or the Factories Department, to control the storage, conveyance and quality of the gas, and to promulgate regulations. When the regulations are made I hope it will be realized that, although the gas has been introduced to South Australia only recently, it has been used in other parts of the world for years. The controls found sufficient there should be sufficient for South Australia. There should be no need for any special controls which our Government, or its officers, may deem desirable. It is advisable to control the storage and conveyance of the gas, but the regulations, besides covering the safety of the user, should not hamper in any way its handling and distribution. The best and cheapest methods of handling this gas should be adopted. Information from places where it has been used should be the basis of the regulations. When the oil refinery is completed here this gas will be in greater demand. It is cheap to make, the cost of distribution being the biggest factor in its total cost. I hope that the regulations will be in such a form as to be acceptable to Parliament, the

user and the distributor without any argument or discussion. I support the Bill.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I indicate my support for this Bill and share most of the views of the Hon. Sir Frank Perry. It is a well drawn Bill, but it is what one might call a skeleton of an Act. It is almost an empty shell at the moment because, as the Hon. Sir Frank Perry pointed out, the whole of the real content of the Bill will be formed by regulations yet to be drafted. The Bill provides for all the standards and requirements to be fixed by regulation and does not seem to indicate any standards of its own. However, I am not worried about that. I do not share my honourable colleague's worries to the same extent, because as the Hon. Mr. Shard would appreciate, the standards have to be fixed by regulation, which will have to come before both Houses of Parliament, and not by proclamation. I am not altogether clear whether it is intended to cover only petroleum gas in bulk or whether it is proposed to set standards for the actual user of the gas as well. I am not certain if the Minister referred to that point in his second reading speech because one cannot absorb all these things at once, and we are getting little time to study the precise details at this stage, but this is a Bill which because of its very nature one does not have to know much more about than its own content.

The Hon. Sir Frank Perry mentioned that the gas consists of by-products of refineries. That no doubt is the case, but it is also known as natural gas. Various forms of hydrocarbons consisting in the main of butane, propane and also propene are mentioned in the Bill. I am not familiar with propene, but methane is a slightly different type. There are many different types of natural gas, but fundamentally they have the same structure and are known by an aggregate sort of term such as butane or propane. To my knowledge there have been two discoveries of gas in Australia recently but whether it exists in commercial quantities has yet to be proved. I know that a gas of this nature of a very good content was discovered at Port Campbell by the Frome-Broken Hill Company last year or early this year, and the new Roma field being developed has a considerable quantity of this type of gas. I read in the newspaper that there is a possibility of a pipeline being constructed from that somewhat remote town to the main centres of Queensland. That means it is more important that we should pass this Bill because if the discoveries prove commercially valuable it will no doubt lead to cheaper natural gas or petroleum gas and its wider use in this country.

I am speaking on this Bill because possibly I have had a longer experience of the use of this gas in South Australia than anyone else I know. About 23 years ago a firm was considering taking an agency for what was known as rock gas, which was imported from America and I bought their plant and one cylinder of that gas. So far as I know, that was the first plant in South Australia and I have been using this gas regularly for some 23 years and have put up with its hazards for longer than anyone else.

The Hon. F. J. Condon—You are pretty good on the gas.

The Hon. Sir Frank Perry—And there are no regulations about it either.

The Hon. Sir ARTHUR RYMILL—I am using this gas unregulated at the moment. I understand that it is supposed to be five times as hot as domestic gas. I was told that 23 years ago, and having singed myself a few times I have no doubt that it is very hot.

The Hon. Sir Frank Perry—They put it into gas systems here now.

The Hon. Sir ARTHUR RYMILL—Yes, and the South Australian Gas Company has been retailing it in cylinders for several years now. The company was very late in this field, but it is a logical development of that company because the gas can be taken to remote areas without the expense of laying mains. The flame of this gas is much smaller than that of coal gas for the same result.

Another thing about this gas is that it will condense under pressure, whereas coal gas will not. Coal gas is carried in huge bags whereas 20 lb. cylinders of this gas will last for several weeks of normal cooking. The gravamen of what I am trying to say is that it is a highly dangerous substance and I feel that not only is legislation required to deal with bulk handling—it is terrifically explosive—but everything possible should be done to warn the ordinary user of its nature before he gets into any trouble with it. However, I am not trying to be alarming about it, because properly handled there is no danger. The cylinder I use is some 15 feet from the stove in which it is used, and the gas runs through a pipeline. A pressure reducer is used between the cylinder and stove, which reduces the high pressure in the cylinder to about 2 lb. a square inch. When the gas is no longer required it is turned off, and if it is left turned off for any length

of time and the tap is then turned on again it will be found that the gas has slowly leaked out of the low-pressure pipe and instead of the pipe carrying gas it will have become full of air. A person then wanting to use the stove has to wait a while, after turning on the tap, for the gas to come through. It may take the gas about 15 seconds to come in through the low-pressure pipe. A friend of mine had the experience, at my place, of turning on the gas and waiting a short while for it to come through. He then lit a match to the stove and there was a terrific explosion. That made me realize how dangerous this gas could be. Fortunately, on that occasion, the doors were open in the house and nothing serious happened, but the nature of the explosion was a good lesson to everyone concerned. It indicated to us that the gas had to be handled with care.

This gas is heavier than air and that further fact makes it necessary to handle it with care because the lighter than air gas will escape quickly, whereas the heavier gas will linger around the room or laboratory or wherever it may be used. I have spoken on my practical experience because it shows that this type of gas is more dangerous than petrol. The gas that I have been using gives off an oniony smell, but that is artificially induced. The pure gas does not smell at all and that makes it more dangerous than petrol. No doubt the Standards Association will attend to that matter and members will probably have an opportunity to examine that question in this Council and in another place when the regulation is drawn. However, an important feature is that this gas may be in a dangerous state without its being noticed unless it has some artificially induced smell. Therefore, it seems right and proper that some standards should be drawn up for the protection of the public in general, particularly with the increasing use of this gas.

I do not wish to discourage anyone from using the gas, and I hope my remarks will not be interpreted in that way because, with proper control and reasonable care, the gas is not dangerous at all. It is dangerous if proper precautions are not taken, but Parliament should see that the public is properly protected in the use of this gas, which I think is already proving and will prove to an even greater extent a boon to country people, particularly those few who have not the advantage of an electricity supply. I say "those few" because very little of our countryside is without the wonderful advantage of electricity, thanks to the good Government we have had over such a long period. Certain people have to rely on this gas for cooking, and as an amateur cook I know that the gas is very good. Gas is, for the amateur cook, a flexible means of cooking. It acts quickly and has certain advantages, but electricity also has its advantages.

I support the Bill and I think it is proper that it should have been introduced. It is only in the last year or two that this gas has been extensively used, but it has been available in South Australia for about 23 years. Its use has become much more common since the Gas Company became interested in it. I know that the Education Department has been using it for many years because it received gas from my supplier. At this stage I cannot see anything in the Bill that I need argue in Committee.

The Hon. C. D. ROWE (Attorney-General)—I thank honourable members for their contribution to this debate, and I appreciate their remarks. The Bill contains what the committee recommended. The Government considers that the real effect of the Bill should be covered by regulation so as to enable the standards to be varied from time to time in accordance with the varying recommendations that may be made by the Standards Association of Australia, which makes alterations quite frequently, and we think it is better for us to be able to implement those alterations by regulation to avoid delay that may be caused if it were done by legislation.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Application."

The Hon. Sir ARTHUR RYMILL—This is a slightly unusual clause in a Bill introduced by the Government. Will the Attorney-General explain why the Act is to bind the Crown when the usual formula is that "this Act shall not bind the Crown"?

The Hon. C. D. ROWE—There is no logical reason why the Government, in its handling of this particular gas, should not be subject to the same rules, regulations and restrictions as are other people. I think that is part of the democratic approach that the Government makes these days to most questions.

The Hon. Sir ARTHUR RYMILL—I am delighted to hear that explanation, and would like to congratulate the Attorney-General on his altruism in this instance.

The Hon. F. J. CONDON—I am pleased to hear the explanation of the Attorney-General

because next week I shall be asking him why councils should not have the right to receive rates from Government property.

Clause passed.

Clauses 5 to 11 passed.

Clause 12—"Evidence."

The Hon. Sir FRANK PERRY—What authority or Government department will administer this Bill? There is a reference to the Director of Chemistry and the Government Analyst, but there is no indication of the authority or department that will administer the Bill.

The Hon. C. D. ROWE—It is intended that this Bill shall be under the jurisdiction of the Minister of Labour and Industry, and the Labour and Industry Department will attend to the working of the Bill.

The Hon. Sir Frank Perry—Will it be done by factory inspectors?

The Hon. C. D. ROWE—Yes.

Clause passed.

Remaining clauses (12 to 14) and title passed.

Bill reported without amendment and Committee's report adopted.

TRAVELLING STOCK RESERVE: HUNDRED OF EBA.

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

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.

The Hon. C. D. ROWE (Attorney-General)—A request for a lease of this area, which contains approximately 85 acres, has been received from a local resident who wishes to use it for grazing cows. It was stated that the area is no longer required for travelling stock. The question was referred to the Stockowners' Association, which has intimated that it saw no logical reason why the area should not be resumed and leased by the Department of Lands. The District Council of Morgan has advised that it has no objection to a lease being granted by the department. The Pastoral Board has examined the position and favours resumption and leasing of the land.

Since the plan was laid before the Council the Stockowners' Association has submitted an objection by Mr. S. R. Morphett, based on the claim that the resumption of the area would interfere with two routes used in moving stock between saleyards used by Elder, Smith & Company Limited and the railway trucking yards. The Pastoral Board and the Surveyor-General, after considering the objection, do not consider that there is any need to alter the proposal, as there would be little difficulty in adjusting the boundaries to retain the routes desired by Mr. Morphett, and this could be done following resumption. In these circumstances, it is considered that the resumption should proceed, and I ask members to agree to the resolution.

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

GARDEN SUBURB ACT AMENDMENT BILL.

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

The Hon. N. L. JUDE (Minister of Local Government)—I move—

That this Bill be now read a second time.

It makes four substantive amendments to the Garden Suburb Act. The first substantive amendment is to section 15, which empowers the Garden Suburb Commissioner to sell any block or blocks in the suburb. Although "block" is defined as one of the blocks into which the suburb was subdivided pursuant to the Act, some doubts have been raised as to the power of the Commissioner to dispose of certain areas within the suburb which appear to have been laid out originally as reserves. These areas have been used over the years mainly by adjoining residents for recreational purposes, particularly by young children, but the time has come when they are no longer suitable for this purpose. In fact, some of them have become unusable by virtue of the accumulation of grass and the deposit of rubbish. The means of access are limited and their use by organizations would encroach on the privacy of residents whose properties abut them on two sides. The Commissioner has been in consultation with organizations and residents and has recommended that they be subdivided and an attempt made to dispose of them to adjoining owners. The object of the amendment effected by clause 3(*a*) is to make it clear that the Commissioner may exercise the power to sell off these reserves in the same manner as he can dispose of blocks in the strict sense. Clause 3 (*b*), which was inserted upon the recommendation of a Select Committee, will provide that two reserves in the Garden Suburb known as Light Place Reserve and Hill View Estate will be permanently set

aside and cannot be disposed of by the Commissioner.

The second substantive amendment is effected by clause 3 (*c*), which will remove the restrictive covenants which were placed on the blocks when they were originally sold. These covenants provided for payment within 20 years, the erection and completion of buildings within certain times and a prohibition of selling the blocks without the Commissioner's consent. The Garden Suburb was established many years ago, and virtually all of the blocks have now been sold. It is considered unnecessary to encumber the certificates of title to the blocks with restrictive covenants or to continue to impose the original restrictions now that the suburb has been developed. It is proposed therefore to remove the conditions for the future and clause 5 effects the necessary consequential amendments. A further consequential amendment is made by clause 9, which removes the conditions imposed on the original sales.

The third substantive amendment is made by clauses 6, 7 and 8, which are designed to ensure that the Commissioner shall have all the powers of a corporation and council of a municipality not only under the Local Government Act but also any other Act. It will also empower the Commissioner to exercise the functions of a mayor or town clerk, while clause 7 will make it clear that the Commissioner may exercise the functions of a local board of health and the chairman and secretary of the local board of health. Honourable members will appreciate that local governing powers are sometimes specifically conferred upon a mayor or a town clerk as such and not upon the corporation or the council. Clauses 6 and 7 are designed to make it clear that the Garden Suburb Commissioner may exercise all such powers and effect amendments of a practical nature. Clause 8 repeals section 23d of the principal Act which now becomes redundant in view of the amendment made by clause 6 to section 23. Clause 10 is consequential having regard to the removal of the provisions concerning forfeiture from the principal Act requiring the Commissioner to include in his annual statement information concerning forfeiture.

The fourth substantive amendment is effected by clause 11. Since the early days assessments for rating within the suburb have been based upon land value. Under the Local Government Act, in order to bring the relevant division into operation, a proclamation is necessary, but the Act provides that it can be made only after a petition following a poll of owners. It appears that no such poll has been held and clause 11 is designed to validate past transactions and make it clear that this method of assessment is to be applied. The clause will not, of course, make it necessarily apply for all time, since it goes no further than to provide that the relevant provisions shall be deemed to be in force. The Local Government Act itself provides for the withdrawal of an area from the method of assessment of ratings upon land value whereupon the annual value method becomes operative. Clause 11 does not affect these provisions of the Local Government Act. I point out to honourable members that this Bill, being a "hybrid" Bill has, in accordance with the Joint Standing Orders, been investigated by a Select Committee in another place and, with certain amendments now incorporated, was recommended. I therefore commend its consideration to honourable members.

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

PUBLIC SERVICE SUPERANNUATION FUND (ARRANGEMENT) BILL.

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

ADJOURNMENT.

At 3.20 p.m. the Council adjourned until Tuesday, November 8, at 2.15 p.m.