

**LEGISLATIVE COUNCIL.**

Tuesday, October 15, 1963.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

**ASSENT TO BILLS.**

His Excellency the Governor, by message, intimated his assent to the following Bills:

Amusements Duty (Further Suspension),  
Brands Act Amendment,  
Fruit Fly (Compensation),  
Supply (No. 2),  
Thevenard to Kevin Railway.

**QUESTIONS.****PORT ROAD INTERSECTION.**

The Hon. K. E. J. BARDOLPH: On behalf of the Leader of the Opposition, I ask the Minister of Roads whether he has a reply to the Leader's recent question regarding the intersection of Clark Terrace, Port Road, and Cheltenham Parade?

The Hon. N. L. JUDE: The Commissioner of Highways reports:

Negotiations between this department and the landholder did not progress as quickly as anticipated, but the property officer of this department states that he anticipates agreement being reached within a week or two. Roadworks will be started as soon as practicable when right-of-entry to the property has been obtained. It should be possible for the installation of the traffic lights to be carried out concurrently with the roadworks.

I have had this reply available for some time, but because of the adjournment of the Council I have not had the opportunity to present it before.

**SEWERAGE FOR GAWLER.**

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question. Leave granted.

The Hon. M. B. DAWKINS: Recently I received a letter from the Town Clerk of the Corporation of Gawler concerning sewerage for that town. He enclosed a copy of the report of the corporation's health inspector on the septic tank effluent disposal problems in the Gawler area. The inspector has gone into considerable detail and listed many areas unsuitable for septic systems and in which existing septic installations are ineffective. The document concludes by seeking information as to when the town is likely to be sewered. It states that in his opinion the only solution is the sewerage of the town. The council wishes to know when it is likely to be sewered and whether this can be done within five years.

Will the Minister take up the matter with the Minister of Works and endeavour to ascertain the answer to this problem?

The Hon. N. L. JUDE: I shall be pleased to do so.

The Hon. C. R. STORY: I have received a similar request. Could I have a copy of the report to be prepared?

The Hon. N. L. JUDE: Certainly.

The Hon. L. R. HART: I have also received a similar letter. Could I have a copy too?

The Hon. N. L. JUDE: Yes.

**STRONTIUM 90.**

The Hon. G. O'H. GILES: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. G. O'H. GILES: Over the weekend I heard a report from a certain board advising the British Government on the extent of radio-activity in the community. The purport of the television news item was (and I believe this is accurate) that there is a build-up of strontium 90 in the bone marrow of young children under the age of four years in Great Britain. Did the Minister of Health see the report and will he seriously consider supporting the Commonwealth Government in its efforts to ban the carrying out of atomic explosions in the Pacific in the foreseeable future? I am not a member of a "ban-the-bomb" or similar organization but I imagine that the build-up of strontium 90 could be quite serious to the future health of the people of Australia.

The Hon. Sir LYELL McEWIN: I did not see the report to which the honourable member refers. Legislation exists to deal with radio-activity as it affects the State. The Commonwealth Government has its own advisers on this question and whether it would welcome advice from us I do not know. However, I can find out and inform the honourable member if any further recommendations are necessary.

**BUCKINGHAM ARMS CORNER.**

The Hon. Sir ARTHUR BYMILL: Has the Minister of Roads any further information in reply to my question of October 1 about the Buckingham Arms corner?

The Hon. N. L. JUDE: The Road Traffic Board has already been asked to investigate traffic delays at the Buckingham Arms intersection by the Walkerville council. This investigation has been completed, and a recommendation is being sent to the council, the implementation of which recommendation

should materially reduce the delays at the intersection and thereby facilitate the various manoeuvres. Should the proposal be not successful, then investigations can be made into alternative solutions, such as the by-passing of traffic through the side streets mentioned. Detailed traffic counts on the streets mentioned by the Hon. Sir Arthur Rymill are not currently available.

#### PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table the following final reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Athelstone, Elizabeth Field, Hawthorndene, Parafield Gardens, Pooraka and Steven-ton Primary Schools,  
Dental Hospital Additions.

#### SECOND-HAND DEALERS ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Second-hand Dealers Act, 1919-1958. Read a first time.

#### CHILDREN'S PROTECTION ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Children's Protection Act, 1936-1961. Read a first time.

#### MINING (PETROLEUM) ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Mines) obtained leave and introduced a Bill for an Act to amend the Mining (Petroleum) Act, 1940-1958. Read a first time.

#### CHURCHES OF CHRIST, SCIENTIST, INCORPORATION BILL.

Read a third time and passed.

#### ELDER SMITH & CO. LIMITED PROVIDENT FUNDS BILL.

Read a third time and passed.

#### SCAFFOLDING INSPECTION ACT AMENDMENT BILL.

Read a third time and passed.

#### BUSINESS AGENTS ACT AMENDMENT BILL.

Read a third time and passed.

#### METROPOLITAN TAXI-CAB ACT AMENDMENT BILL.

Read a third time and passed.

#### HEALTH ACT AMENDMENT BILL.

Read a third time and passed.

#### NURSES REGISTRATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 2. Page 910.)

The Hon. JESSIE COOPER (Central No. 2): I rise to support this measure. It is a straightforward Bill designed principally to facilitate the training of nurses in the field of mental health and provide for higher standards of training and recognition in this field. The Minister of Health gave complete details when introducing the Bill. A tremendous advance has taken place in the field of mental health in the past 10 years, both in the care and in the treatment of patients with mental disabilities and disorders, and this Bill makes an advance in the welfare of those who care for people who have mental deficiencies or who suffer mental diseases.

This measure will advance the welfare of those unfortunate people as well as those who minister to them, and we therefore welcome it for those reasons and for the fact that it affords a prospect of a better and more extensive system of training of these specialized nurses. I congratulate the Government on bringing forward this measure and ask members to support it on humanitarian grounds.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

#### REAL PROPERTY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 3. Page 783.)

The Hon. K. E. J. BARDOLPH (Acting Leader of the Opposition): I support the second reading of this Bill, but I think it will be admitted by all members that it has been received with somewhat mixed feelings. The granting of greater powers to the Registrar-General of Deeds may have far-reaching effects. I am not suggesting that, if this Bill is carried, those powers will be used arbitrarily, but over the years we have witnessed, in this place and another place, the effects of giving arbitrary powers to those administering the economic affairs of the State.

The powers now proposed to be given to the Registrar-General relate to the rejection of mortgages and other instruments in connection with land transactions unless certain details are provided when the instrument is submitted to the Registrar-General for registration. The amendments also require the rates of interest and other matters in connection with the transaction to be disclosed. The instrument to be registered must be accompanied by plans and specifications in connection with the proposed registration.

I submit that perhaps there are valid reasons (I am not suggesting that there are not) for the amendments suggested by the Government but, in dealing with matters such as this, an opinion should be sought from the lending institutions (and perhaps the Law Society) so that they would be amendments agreed to by those vitally concerned with them. Then they could be welded into the principal Act to prevent further controversy in the matter. It is purely a Committee Bill which in the Committee stage will be dealt with clause by clause so that the views of honourable members can be obtained. I support the second reading and reserve the right to offer criticism in Committee where necessary.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

#### TRAVELLING STOCK RESERVE: OODNADATTA.

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

That the portion of the reserve for travelling stock and teamsters, adjacent to the town of Oodnadatta, north Out of Hundreds, shown on the plan laid before Parliament on June 12, 1963, be resumed in terms of section 136 of the Pastoral Act, for the purpose of being dealt with as Crown lands.

The Hon. C. D. ROWE (Attorney-General) moved:

That the resolution be agreed to.

Resolution agreed to.

#### TRAVELLING STOCK RESERVE: HUNDREDS OF DAVENPORT, WOOLUNDUNGA AND WINNINOWIE.

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

That the travelling stock reserve in the hundreds of Davenport, Woolundunga and Winninowie, shown on the plan laid before Parliament on June 12, 1963, be resumed in terms of section 136 of the Pastoral Act, 1936-1960, for the purpose of being dealt with as Crown lands.

The Hon. C. D. ROWE (Attorney-General) moved:

That the resolution be agreed to.

Resolution agreed to.

#### EXPLOSIVES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 3. Page 788.)

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the second reading of this Bill. The second reading explanation of the Minister sets out clearly the proposed amendments to the principal Act. In the main, they concern the power of the Minister to acquire land to serve as a reserve for the storage of explosives. It is necessary, in the interest of public safety, that the Minister have the power in this case so that he may control any activities that are likely to occur within an area where explosives may be stored.

I am somewhat surprised that the occasion has not arisen before when this acquisition has been necessary. Clause 5, which is unrelated to the arrangements concerning the acquisition of land, in fact gives more power to the Harbors Board regarding ships carrying explosives. Previously, any ship carrying more than the prescribed quantity of explosives (which, according to the principal Act, is 25 lb. of gunpowder or 5 lb. of explosives in other forms) was not allowed to enter port except to discharge explosives. The power now given to the board will allow it under certain conditions, as it thinks fit, to permit ships to enter port in order to shelter from adverse weather, to seek medical assistance for crew members, or for any other reason the board deems fit. I think this is a necessary measure. I see nothing objectionable in the amendments contained in this Bill. Therefore, the members of my Party support it.

The Hon. C. R. STORY (Midland): I support the Bill. Mr. Bardolph has given the Council such a lucid explanation of it that it is hardly necessary for me to speak, but there are one or two things that one should say about this measure. Recently, a number of Bills of this type have passed through the Chamber bringing down specific legislation dealing with the acquisition of land. It has been for various purposes—mainly, I think, in connection with reform schools.

I have no objection to this practice because, when a specific thing is brought down to be decided by Parliament, in my opinion it is a good practice rather than having to amend the Compulsory Acquisition of Land Act to embrace

all these transactions. I have read the Bill closely and cannot see anything objectionable in it. As a matter of fact the position will be improved and, in view of current developments, we have to consider more the safety of the public in the movement of explosives. That is really what the Bill sets out to do. I have no reason to doubt that it will be passed as drafted.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—“Amendment of principal Act, section 31.”

The Hon. Sir LYELL McEWIN (Chief Secretary): The Parliamentary Draftsman has communicated something to me which may necessitate my moving an amendment in Committee. Until I get a report on it, I prefer that the matter remain in Committee in case such action is necessary.

Progress reported; Committee to sit again.

#### LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 3. Page 784.)

The Hon. S. C. BEVAN (Central No. 1): Although it is only short, it is an important Bill. Many desirable amendments to the principal Act are required and I expected that the Minister would have embodied a number of them. I know that representations along these lines have been made to him and this leads me to believe that there is a very good reason for the legislation, at least from the Government's point of view. The question of who should pay for the removal of transmission lines and poles has been a controversial one for some time, and, in an attempt to have this position clarified, the Municipal Association wrote to the Electricity Trust more than two years ago but has not yet received a reply. Councils previously accepted the responsibility of paying for the removal of poles and have exercised their legal right of rating land and buildings and transmission lines within their areas. Some municipalities did not levy a rate on the trust for poles and transmission lines; other councils did, especially in country districts. I believe that, in co-operation with the trust, the rate on the poles and transmission lines has been on the basis of 5 per cent of the total revenue collected in the area and I understand that this arrangement has been quite satisfactory and acceptable to the trust.

Apparently the trust now considers that it should not be rated on transmission lines and equipment and at a conference between the Premier and council representatives an agreement was reached concerning the contents of this Bill, which was introduced and passed in another place. Since then the legal rights of the trust to charge councils for the cost of shifting poles and transmission lines has been challenged. The Municipal Association sought the opinion of its solicitors who, after careful consideration, said that the trust did not have that power. The association then sought a further conference with the Premier, who, in the meantime, had obtained the opinion of the Crown Solicitor. This conference took place on October 8 last. The association was informed that the Crown Solicitor's opinion was that the trust had a legal right to charge for the removal of poles and transmission lines.

This means that there is now a conflict of expert opinion and rather than resort to litigation the councils accepted the Bill, which provides that the trust will continue to pay rates on land and buildings but will be exempt from rates on poles, transmission lines and other equipment. Also, the trust will remove poles where this is desirable without cost to the councils. I believe this is of benefit to the councils, especially in view of the extent of street widening being carried out by them to cope with present-day traffic problems. The volume of traffic has increased enormously and many street widening programmes are being undertaken by councils. These programmes necessitate the shifting of poles and transmission lines to an alignment suitable to the street after it has been widened.

Questions have been asked in this Chamber on various occasions about the danger caused by these poles remaining in their original position after a street has been considerably widened. Before the introduction of this Bill councils were faced with a fair amount of expense because the trust, on the application of a council, removed the poles and transmission lines to a new position and recovered the cost for this operation from the council concerned. This Bill will eliminate the necessity for the councils to pay that cost. Because of this the councils will forgo their right in relation to the rate on transmission poles and equipment but will continue to recover rates on land and buildings held by the trust within their areas.

In his speech on the second reading, referring to section 871g, the Minister said:

Section 871g of the Local Government Act provides that if the Adelaide City Council requests that a pole, pipe or other work in a roadway be moved, the cost of the removal and replacement may be recovered from the council. This section may also be extended by proclamation to other councils.

It is apparent, therefore, that this authority has already been extended to other councils, because they have been charged for the removal of poles. In his speech the Minister also said:

Consequently, in the Adelaide City Council area, as well as other council areas, the trust will bear the cost of removal in appropriate cases.

I am not aware whether the section the Minister quoted can be extended by proclamation to other councils; it deals specifically with the Adelaide City Council, which, as all honourable members know, is involved in an intensive programme of street widening. I understand the council objects seriously to the portion of the Bill that deals with it, because it desires no alteration in the present position. I think that is reasonable from the council's point of view because, as I understand it, the amount of rates collected from the Electricity Trust far exceeds the cost to the council of moving poles and transmission lines in its street widening programme. Section 871g (1) states:

If by reason of the widening, altering, diverting, or extending of any street or road pursuant to this Division, it becomes necessary or expedient to remove any wire, cable, pipe, conduit, pole, feeder-pillar, inspection pit, drain or other works of whatsoever kind (all of which shall hereinafter in this subsection be deemed to be included in the term "works") constructed, erected or laid above, upon, in, or under the said street or road, the owner of such works may, and upon receiving notice from the council requiring him so to do, shall

remove such works and may, subject to compliance with section 871f, construct, erect, or lay down the same or other similar works in the street or road. Any such owner may in any court of competent jurisdiction recover from the council any costs reasonably incurred by such owner by reason of or incidental to the removal, or construction, erection, or laying down of such works.

The Bill deals with that subsection, but subsection (2) relates to works by other authorities, and therefore is not covered by the Bill. Nothing in section 871g (1) says that it may be extended by proclamation to other authorities. I cannot see how it can be extended. Other provisions may refer to extending the whole Act by proclamation, but the section does not do it, according to my reading of it. If there is considerable objection from the Adelaide City Council to the provision in the Bill, it would be a simple matter to strike out clause 6. Then the council would not be covered by the Bill, but would continue to operate under section 871g (1).

The Municipal Association has carefully considered this matter and feels that it would be a considerable relief to the other councils by their not being indebted to the Electricity Trust for the cost of moving poles and transmission lines. The Adelaide City Council objects to being so indebted. We have an authority objecting to a provision that will benefit many. In this Council we hear much about the desirability of the majority ruling, and that should apply with this Bill. Because of that, and my other comments, I support the second reading.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

#### ADJOURNMENT.

At 3.12 p.m. the Council adjourned until Wednesday, October 16, at 2.15 p.m.