

LEGISLATIVE COUNCIL.

Tuesday, February 18, 1964.

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

QUESTIONS.**PORT ROAD INTERSECTION.**

The Hon. A. J. SHARD: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. A. J. SHARD: Last year I asked two or three questions of the Minister of Roads about the intersection of Clark Terrace, Port Road and Cheltenham Parade at Cheltenham. On October 15 last the Hon. Mr. Bardolph asked a question on my behalf about the same matter. The Minister was good enough to provide a report from the Commissioner of Highways who, amongst other things, said that he anticipated agreement being reached within a week or two, and that roadworks would be started as soon as practicable when right-of-entry to the property had been obtained. He added that it should be possible for the installation of the traffic lights to be carried out concurrently with the roadworks. Has the right-of-entry been satisfactorily settled, has the work commenced and, if so, can the Minister give an approximate date of its completion and say when the lights will be installed?

The Hon. N. L. JUDE: I regret that I have not that information on hand but, if the honourable member likes to put the question on notice, I will get a reply as soon as possible, and if the Council is not then sitting I will give it to him privately.

BLANCHETOWN BRIDGE.

The Hon. C. R. STORY: I direct my question, which concerns the Blanchetown bridge, to the Minister of Roads. Some time ago I wrote to the Minister requesting that at the opening of the bridge representatives of the Murray Valley Development League should be included among the invited guests as the league had done much in the early organization of the case to be presented. Will he consider that request and can he give me any idea of the approximate opening date?

The Hon. N. L. JUDE: I have no doubt whatsoever that the honourable member's representations will be considered on the appropriate occasion. The Government hopes to have the official opening of the bridge on

Friday, April 10, this being subject to confirmation by next weekend, as one or two problems are outstanding.

H.M.A.S. VOYAGER.

The Hon. K. E. J. BARDOLPH: Can the Minister representing the Treasurer say whether the Government intends to make a substantial donation to the distress fund now established in South Australia to assist the dependants of men of the ill-fated naval vessel, H.M.A.S. *Voyager*, similarly to what has been done by the Governments of New South Wales and Victoria?

The Hon. C. D. ROWE: Unfortunately, I was not present at the Cabinet meeting yesterday as I was away from town on Government business. I am not aware whether the matter has been discussed, but I shall get an answer for the honourable member.

KINGSTON FERRY.

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

Leave granted.

The Hon. M. B. DAWKINS: In company with some of my colleagues I had the pleasure of visiting Waikerie at the weekend to attend local government's fiftieth anniversary celebrations there. I was pleased to note the progress on the Blanchetown bridge and the fact that it was nearing completion. I noticed, too, that the approaches were well under way. I intended to ask, had my colleague not beaten me to it, when the opening date would be. I was also interested, on journeying further up the Murray, in the progress on the approaches for the second ferry at Kingston. It is essential—and I am sure the Minister agrees—that the second ferry at Kingston should be introduced as soon as possible after the opening of the bridge or even to coincide with it, if possible. Can the Minister of Roads say when the second Kingston ferry will come into operation?

The Hon. N. L. JUDE: I do not have the latest information on this matter but I assure the honourable member that the Government intends to put the second ferry into use at the earliest possible moment.

SWIMMING POOLS.

The Hon. JESSIE COOPER: Can the Minister representing the Minister of Education inform me how many Government primary and secondary schools in South Australia are equipped with swimming pools, where they are located, and their average cost of installation and maintenance?

The Hon. C. D. ROWE: I do not have that information on hand but I shall be pleased to get it from my colleague and make it available to the honourable member.

The Hon. A. F. KNEEBONE: Can the Minister representing the Minister of Education tell me the maximum amount of Government subsidy for school swimming pools and can he say whether there is any variation in Government policy where two adjoining schools combine to provide one swimming pool for the use of the pupils of both schools?

The Hon. C. D. ROWE: I will get an answer from the Minister of Education. However, if the honourable member is referring to a particular instance, I shall be glad if he will supply full details so that I can submit them to the Minister.

VANDALISM IN SCHOOLS.

The Hon. K. E. J. BARDOLPH: In view of the spate of vandalism and incendiarism taking place at Government schools, which is costing taxpayers many thousands of pounds, will the Minister representing the Minister of Education ascertain whether the Government will consider the establishment of some form of security service whereby a rigid watch can be kept on schools over weekends and holidays?

The Hon. C. D. ROWE: I think my colleague, the Minister of Education, has made a statement concerning this matter. The Government is very concerned at the loss and damage to schools, which is occurring because of vandalism and other acts of an improper nature. It is not only financial loss that is involved but also the disruption to the students who have to go to another school and to those who are deprived of proper classrooms in the meantime. Consequently, the position is being discussed by the Minister of Education in conjunction with the Crown Solicitor and myself to see that people who perpetrate these crimes meet with adequate punishment.

TWO WELLS FIRE.

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. L. R. HART: I direct my question to the Minister of Railways. On Thursday, January 30, a fire occurred on the eastern side of the railway line south of Two Wells at about 1.40 p.m. Some property owners claim that a steam train passed through the area immediately prior to the fire. An examination of the log book kept at the Two Wells railway

station shows that the only vehicle to pass along this line near the time in question was a Casey Jones diesel car. The records show, however, that a steam train passed through Two Wells, bound for Adelaide, at 12.11 p.m. The temperature on this day at these times was in the vicinity of 107°. As no burning off has been done along the line this year, and as a very grave fire risk exists, will the Minister give an assurance that no further steam trains will be used on this line during days of high fire danger?

The Hon. N. L. JUDE: It is already the policy of the Railways Commissioner to avoid the use of steam trains in the country whenever possible on days of high fire hazard. Of course, emergencies can occur during the summer when every draught horse, so to speak, has to be used, particularly for the cartage of grain. I will have the particular case referred to examined. According to the honourable member's statement, the steam train passed the place where the fire was later seen to break out one and a half hours beforehand. I think the honourable member as a man of the land, like myself, would agree that it would be somewhat unusual for a fire to break out one and a half hours after a train had passed. Therefore, I cannot accept the implication that the fire was started by the train. However, I will have the facts examined.

FIRE BAN DAYS.

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: There have been far fewer fire ban days this year than I can remember in past years. Can the Minister of Local Government, representing the Minister of Agriculture, say whether this is entirely because of the cooler summer and fewer extremely hot days or because of some change of policy in assessing days of high fire risk?

The Hon. C. D. ROWE: I shall be pleased to refer the question to the Minister of Agriculture, but I should think that the standard of assessing days of high fire risk has remained the same and that fewer days have been proclaimed because of variation in temperatures.

INSURANCE ON SCHOOLS.

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. L. R. HART: In the burning down of a number of schools in recent years

much valuable material purchased by school welfare clubs and school committees has undoubtedly been destroyed. Can the Minister representing the Minister of Education say whether this material and equipment is covered by an insurance policy or does it become a complete loss to the committees that raised the money for its purchase?

The Hon. C. D. ROWE: I understand that at the moment the Government's policy is to effect an outside insurance cover on these buildings so that the loss does not immediately fall on it. However, I do not know the position in regard to property inside the buildings that does not actually belong to the Government. I will get the information for the honourable member.

GAWLER COURTHOUSE.

The Hon. M. B. DAWKINS: Previously I have sought information from the Attorney-General about the modernization of the Gawler courthouse. He has instituted inquiries and I believe that plans have been prepared. Recently, I was reminded of the shortcomings in the interior of this building. Can the Minister tell me when the necessary work will commence?

The Hon. C. D. ROWE: Some investigations have been made but I cannot say when the work will commence. I will obtain the information for the honourable member.

SKELETON WEED.

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: I believe that the Department of Agriculture has undertaken experiments in the north-east of the State to deal with the skeleton weed scourge which has occurred in various parts of South Australia. It has been difficult to ascertain whether any results have been achieved. Can the Minister representing the Minister of Agriculture say whether, as a result of the experiments conducted, any method has been found to eliminate the weed and whether any set pattern of control has been evolved from these experiments?

The Hon. C. D. ROWE: I am concerned about skeleton weed because two outbreaks have occurred in my district on Yorke Peninsula, and I realize how serious the matter is. I shall be pleased to obtain a detailed statement and give the Council as much information as possible.

PEST CONTROL.

The Hon. C. R. STORY: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. C. R. STORY: Last year legislation was passed dealing with the control of San Jose scale and the oriental fruit moth. Growers in various Murray River districts where these plagues have occurred have voted in favour of the appointment of committees to control these pests. Can the Attorney-General representing the Minister of Agriculture say when regulations will be brought down regarding the method of levying growers to pay for any eradication work that may be undertaken and what will be the basis of those levies?

The Hon. C. D. ROWE: I shall be pleased to get the information for the honourable member.

PUBLIC WORKS COMMITTEE REPORTS.

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

Alcoholics Centre,
Divisional Headquarters and Police Station
at Port Adelaide,
Elizabeth High School (New Wing).

TOTALIZATOR AGENCY BOARD.

The Hon. C. D. ROWE (Attorney-General) laid on the table the report of the Betting Control Board on inquiries into Totalizator Agency Board betting in Victoria and Queensland.

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, 1955-1960. Read a first time.

The Hon. C. D. ROWE: I move:

That this Bill be now read a second time.

It makes a number of necessary amendments, most of them of an administrative nature, to the principal Act and I deal with the clauses in their order.

Clause 3 amends section 5 of the principal Act in three respects. Subclause (a) includes in the definition of "land" any exclusive right to the occupation of a home-unit or any part of a building to be used as a separate place of residence, and is intended to cover the practice of selling unit homes under various arrangements. In this State we have not yet made any provision for strata titles and the extension of

the definition of "land" in the manner indicated is designed to bring persons selling unit homes within the general provisions of the Act.

Subclause (b) is designed to clear up some doubts as to the meaning of the present definition of "land agent" so far as it relates to the business of selling land in allotments. It is not considered to be clear whether this means selling land in subdivisions comprising a number of allotments, or whether it also includes the sale of single allotments from different subdivisions. There is also some doubt whether the expression "land in allotments" means only vacant land. It is proposed, therefore, to strike out the words "in allotments" and to insert in their place the words "whether with or without improvements thereon", thus leaving the definition to include persons whose business is the selling as owner or otherwise of land whether with or without improvements. Subclause (c) of clause 3 is consequential upon the amendment made by subclause (b) in that, without the provision of subclause (c), a person carrying on the business of selling his own land through a licensed land agent would himself come within the definition of a land agent and be required to hold a licence.

Clauses 4 and 7 (b) relate to the qualifications of land agents and managers. Under sections 27 and 56 respectively of the principal Act the Land Agents Board has to be satisfied that applicants have sufficient knowledge and commercial experience to be licensed or registered and it has been the practice of the board to conduct oral examinations. A yearly course in real estate is, however, given at the South Australian Institute of Technology and an examination is held at the end of each year. The passing of this examination could be made a qualification for the grant of a land agent's licence or manager's registration, subject to the board having power in special cases to dispense with this requirement. Accordingly, clauses 4 and 7 (b) provide in general terms that applicants shall be required to prove to the satisfaction of the board that they have complied with such qualifications or passed such examinations as may be prescribed so that in due course appropriate regulations may be made. However, the new requirements will not operate until after January 1, 1966, in any event. This will enable applicants to take the necessary steps to qualify themselves before making any application after that date. Clause 14 empowers the making of the necessary regulations.

Clause 5 amends section 32 of the principal Act by empowering the board to refuse a renewal (which otherwise is automatic unless there are well-founded objections) where a land agent has not complied with audit requirements. Under present regulations an annual audit is required and the agent is required to submit a statement thereon by a certain date to the board. Cases have occurred where the necessary statement has not been received within the proper time or is irregular in some respect; in the meantime the agent has applied for his renewal and the board is under an obligation to grant the application. This is clearly an unsatisfactory position which the amendment is designed to prevent.

Clause 6 of the Bill inserts a new section into the principal Act to preclude land salesmen from being employed by more than one land agent at the same time and prohibiting a land agent from knowingly employing a land salesman employed by another land agent, or paying commission or remuneration to a land salesman or manager not in his service. The Land Agents Board regards the practice of land salesmen being in the employ of two land agents at the same time as very undesirable.

Clause 7 (a) makes a minor drafting amendment to section 56 of the principal Act which, as now worded, could be considered to mean that managers could be registered only for the purpose of managing the business of corporations. In view of the provision in clause 9 for the management of registered branch offices of land agents, it is considered desirable to remove any doubts on this matter.

Clause 8 provides for registered branch offices. Section 58 of the principal Act requires every licensed land agent to have a registered office and the address of that office must, by section 64, be stated in every advertisement relating to the sale or disposal of land. Some agents wish to have branch offices and in their advertising to give the address of the branch office instead of the registered office. The board considers that branch offices are unobjectionable if they are properly supervised. Clause 8 accordingly inserts a new section in the principal Act which will enable any land agent to register a branch office, but every such registered branch office must have at all times a registered manager in charge thereof. Provision is made preventing the person nominated as manager of a branch office from being at the same time the registered manager of the land agent concerned or any other land

agent or of being the nominated manager of any other registered branch office whether of his principal or of any other licensed land agent.

Clause 9 amends section 60 of the principal Act to make it obligatory for a land agent's trust account to be so designated. This amendment will mean that an account which is in fact made up of trust moneys is known to the banker as such and not available, for example, as security for an overdraft. Clause 10 amends section 64 to enable advertisements to state the address of a registered branch office.

Clause 11 inserts a new section into the principal Act which will prohibit a registered manager or land salesman from publishing advertisements otherwise than in the name of the land agent by whom he is employed and containing the particulars required in the case of advertisements by land agents. Section 64 of the Act prohibits a land agent from publishing an advertisement unless his name and address are included therein. There is, however, nothing to prevent a registered manager or salesman publishing an advertisement merely giving a telephone number and not stating any name or address. The new section 64b will prevent this practice.

Clause 12 will confer upon courts the power to reprimand. At present courts have power to order cancellation of a licence or registration. It is proposed that the courts should be given also the power to reprimand, a power which the board itself has.

Clause 13 will extend the time limit for prosecutions from the general period of six months to a period of two years. It has been found that offences against the Act cannot in many cases be detected and fully investigated within a period of six months.

This Bill differs from the Bill introduced in 1962 in only a few respects. Some administrative provisions in the earlier Bill have been omitted, on further consideration by the board, as unnecessary while the definition in clause 3 (a) relating to home units has been slightly redrafted. Clauses 5 (relating to renewals) and 9 (designation of trust accounts) are new and are both, together with an addition to clause 7 to cover payment of remuneration to managers by agents other than their employers, designed to tighten up the provisions of the Act generally. Apart from the matters which I have mentioned, the Bill is substantially the same as the earlier one.

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

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the University of Adelaide Act, 1935-1950. Read a first time.

The Hon. C. D. ROWE: I move:

That this Bill be now read a second time.

It makes a small amendment to section 18a of the principal Act, which was enacted in 1950. Paragraph (g) of subsection (1) of that section empowers the council of the university to make regulations to regulate the parking of vehicles on university grounds and to empower authorized persons to remove any vehicle from the university grounds without assigning any reason. It was considered that that provision, together with a further provision in the same section empowering the University Council to make by-laws generally to regulate traffic on the university grounds, would enable the making of a by-law prohibiting the parking of vehicles on the university grounds. However, it was recently held in proceedings in the Adelaide Police Court that an existing by-law purporting to have been made under the Act was invalid on two grounds, one of which was that the power to regulate parking did not include or extend to a prohibition of parking.

In view of this decision, the council has requested an amendment of the relevant section to remove any doubts that exist as to the power of the council to make by-laws not only to regulate but also to prohibit parking. This Bill accordingly inserts by clause 3 the additional power in the subsection that I have mentioned. At the same time, the clause rearranges the powers to regulate and prohibit parking, and to empower the removal of vehicles by setting out each power in a separate paragraph in accordance with the general scheme of section 18a.

Honourable members will, I think, appreciate the need for the amendment. It is clearly necessary under modern conditions that the council should be in a position to prohibit, either absolutely or subject to prescribed conditions, parking or leaving of vehicles on the university grounds. Clause 3 (c) of the Bill provides that certain by-laws made by the council in December shall be deemed to have been made under the Act as amended by the Bill. Part of the magistrate's decision rested upon the form of the by-laws under which the proceedings in the police court were taken. In consequence of this, fresh by-laws were made in December and at the urgent request of the council were approved by His Excellency

the Governor in January. To preclude any argument that may arise concerning the validity of the new by-laws on the grounds that they may prohibit and not only regulate parking, paragraph (c) of clause 3 of the Bill provides that these regulations shall have the same force and effect as if the present amendment to the by-law-making power had been in force when the new by-laws were made. I point out that the amendment does not of itself validate the by-laws in the sense of precluding any arguments that would go to power: it still leaves it open to anyone to argue that they do not come within the terms of the power as extended by this Bill.

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

ASSENT TO BILLS.

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

Balhannah and Mount Pleasant Railway (Discontinuance),
 Book Purchasers Protection,
 Churches of Christ, Scientist, Incorporation,
 Highways Act Amendment,
 Licensing Act Amendment,
 Local Government Act Amendment (Poles and Rates),
 Maintenance Act Amendment,
 Marine Stores Act Amendment,
 Mining (Petroleum) Act Amendment,
 Opticians Act Amendment,
 Physiotherapists Act Amendment,
 Prices Act Amendment,
 Real Property Act Amendment,
 Road Traffic Act Amendment (Seat Belts),

Scaffolding Inspection Act Amendment,
 Second-hand Dealers Act Amendment,
 Statutes Amendment (Mental Health and Prisons),
 Statutes Amendment (Public Salaries) (Public Servants),
 Statutes Amendment (Public Salaries) (Members),
 Succession Duties Act Amendment,
 Weeds Act Amendment,
 Workmen's Compensation Act Amendment (Benefits),
 Australian Mineral Development Laboratories Act Amendment,
 Business Names,
 Elder Smith & Co. Limited Provident Funds,
 Industrial Code Amendment,
 Local Government Act Amendment (General),
 Marketing of Eggs Act Amendment (Producer Representation),
 Nurses Registration Act Amendment,
 Road Maintenance (Contribution),
 Parliamentary Superannuation Act Amendment,
 Road Traffic Act Amendment (Diamond Turns),
 Town Planning Act Amendment.

CONSTITUTION ACT AMENDMENT BILL (GOVERNOR'S SALARY).

His Excellency the Governor, by message, notified Her Majesty's assent to the Bill.

ADJOURNMENT.

At 3.4 p.m. the Council adjourned until Wednesday, February 19, at 2.15 p.m.