

LEGISLATIVE COUNCIL.

Wednesday, August 26, 1964.

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

QUESTIONS.

LOCAL GOVERNMENT ACT.

The Hon. C. R. STORY: Can the Minister of Local Government say whether the Government intends this session to introduce an amendment to section 423 of the Local Government Act?

The Hon. N. L. JUDE: Yes. The borrowing powers of councils are being considered by the Parliamentary Draftsman at the moment.

CAVAN RAILWAY CROSSING.

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

Leave granted.

The Hon. M. B. DAWKINS: I appreciate the consideration that the Minister of Roads has shown me in the matter of the Cavan railway crossing. I was pleased to receive the answer he gave recently but at the same time I was concerned about the complications that had arisen, which would appear to delay for some time the finding of a permanent solution for that crossing. Widening the present crossing slightly on the western side would allow motor vehicles proceeding north to pass to the left of vehicles wishing to turn right immediately to the north of the crossing. Lately I have seen increasing instances of a vehicle wishing to turn to the right immediately north of the crossing where the driver has not given a signal soon enough, trapping the succeeding vehicle on the line. As I think this is a dangerous situation that should be cleared up, will the Minister consider widening the crossing slightly on the western side (which I think can be done) so that traffic proceeding north can continue freely?

The Hon. N. L. JUDE: I will refer the matter to the Chief Executive Officer of the Road Traffic Board for consideration.

WATER RATES.

The Hon. A. F. KNEEBONE: Has the Chief Secretary a reply to a question I asked yesterday about police officers collecting water rates?

The Hon. Sir LYELL McEWIN: I have obtained a report from the Deputy Commissioner of Police, which states that two

constables (A. A. Thorsteinsen and R. W. Ward) who visited Mr. T. B. Clark, of 153 Hogarth Road, Elizabeth Grove, on August 18, 1964, had in their possession a warrant to distrain issued by the Engineering and Water Supply Department. The amount of the warrant was £2 10s. for unpaid water rates in the name of Mr. T. B. Clark. This sum, plus a levy of 2s. 6d., was collected from Mr. Clark, and has since been paid to the Engineering and Water Supply Department.

CITY OF ADELAIDE BY-LAW: NEWSPAPERS.

Order of the Day No. 1: Hon. F. J. Potter to move:

That By-law No. 12 of the Corporation of the City of Adelaide in respect of newspapers, made on June 24, 1963, and laid on the table of this Council on June 10, 1964, be disallowed.

The Hon. F. J. POTTER (Central No. 2): As the matter has been dealt with in another place, I move that this Order of the Day be discharged.

Order of the Day discharged.

PUBLIC PURPOSES LOAN BILL.

Adjourned debate on second reading.

(Continued from August 25. Page 552.)

The Hon. A. J. SHARD (Leader of the Opposition): I support the second reading of this Bill, which authorizes the Treasurer to borrow moneys and to expend £36,540,000 on capital works and purposes during 1964-65. I wish to speak about one or two provisions covering school buildings, and particularly school canteens. As this matter greatly affects the relationship between the Minister of Education and school committees, councils and associated bodies, I think it best first to enumerate their duties as laid down in the legislation. In regard to school committees, regulation 17 provides:

The duties of a committee shall be:

- (a) to exercise a general oversight over the school buildings and grounds, and to report to the Director on the condition thereof when deemed necessary;
- (b) to promote the improvement of the school grounds; the maintenance of school gardens and agricultural plots; the decoration of the school rooms; and the formation of school libraries and museums;
- (c) to assist in providing for the sanitary services of the school;
- (d) to use every endeavour to induce parents to send their children to school regularly;

- (e) to arrange, when necessary, for the suitable board and lodging of the teacher, at reasonable rates, especially when the teacher is a woman;
- (f) to visit the school from time to time, and to stimulate interest on the part of both children and parents;
- (g) to prepare the accounts of the committee for inspection by the district inspector at least once in every financial year;
- (h) to furnish to the Director, whenever required by him, a properly audited statement of receipts and payments.

There are comparable regulations relating to school councils and other bodies, but as the provisions are similar it is not necessary for me to enumerate them in detail. Of course, that which has been proven over the years is that one of the main objects of a school committee is fostering improvement in the school and in the amenities, and this is assisted by general fund raising by the committees, which may be subsidized by the Government. Regulation 57 under the Education Act provides that money raised by a committee, council or other approved body may be subsidized at the rate of pound for pound, and section 6 of the Education Act, in relation to the powers of the Minister, provides:

This Act shall be administered by the Minister of Education, who shall have power to do all such matters and things as may be necessary or expedient for the purposes of this Act, and is entrusted with the expenditure, subject to the provisions of this Act, of all moneys provided by Parliament for the purposes of this Act.

This section of the Act leaves no doubt that it is the Minister's sole responsibility for the recent niggardly decision in relation to the non-payment of power costs in school canteens. In broad terms, the Education Department provides only the basic framework such as the land and buildings and pays the salaries of the teachers, but many additional expenses are incurred over and above these. Expenditure on sports and recreation ovals, public address and wireless systems for broadcast lessons, and projectors, are a few examples of essential amenities provided by the parents. These are normally purchased on a 50/50 subsidy basis or similar basis from the Government. Once the equipment is purchased it becomes the property of the Minister of Education but although he accepts the asset it is still the responsibility of the parents for any subsequent maintenance of the equipment. In a reply on this matter of canteen power costs recently, the Minister of Education adopted the rather odious tactic of attempting to shift the responsibility to the Director of Education and the Auditor-General when he said:

The Director also justified his decision on the ground that lack of accountability might encourage irresponsibility because he and the Auditor-General had been concerned over what appeared to be exorbitantly high power bills from some schools with canteens. When the Public Schools Committees Association wrote to me in protest, I considered the whole matter and confirmed the Director's decision.

I shall not elaborate on the powers and duties of the Director of Education at present, for I have already mentioned that the responsibility rests solely with the Minister for this decision. However, the Minister mentioned the Auditor-General by name when replying to a question on this matter and, therefore, I would like to clear up a few matters regarding the reports and responsibility of this officer. In his last report to Parliament the Auditor-General drew attention to several unsatisfactory features of educational financial matters, and school funds in particular. Page 57 of his report for 1962-63 contains the following statement:

The Treasurer requested that advice be given to the department by the Auditor-General on the measures necessary for the implementation of proper control over the school funds. This advice was given in September, 1961, but the department has not completed the necessary internal investigation. At some schools, considerable sums are held in school funds which, in terms of the regulations under the Education Act, are under the sole control of the head teacher who alone is responsible.

On page 59 of the same report it states:

In previous reports, comment has been made on the necessity for improved accounting and financial control in this department.

It has been said on many occasions that mal-administration is rampant in the Education Department, and these comments by the Auditor-General agree completely with a promise our Leader in another place made to the people more than two years ago that a Labor Government would appoint a competent committee to inquire into education, and this would have provided the blueprint with which to remedy the evils caused by the inefficiency of this Government. In that campaign, which was overwhelmingly endorsed by the people of South Australia, the Leader also said that the Labor Party would institute a special inquiry into the Education Department to ascertain why we are not receiving value for the colossal sums being spent, and it is interesting to note that the Auditor-General said practically the same thing in his report to Parliament last year on page 59, as follows:

A thorough investigation of the activities of the Accounting Branch of the department has been long overdue and although the Public Service Commissioner has reviewed some

aspects, the standard of work to satisfy audit requirements will not be attained until a full scale investigation is made.

In spite of severe criticism by the Auditor-General on many education matters, nowhere did he say that the payment of canteen power bills by the department was a canker in our society which should be stopped forthwith, which is what the Minister of Education has attempted to infer during his discussions on this subject. This is one occasion when the Minister cannot sidestep the issue. It would have been preferable to remedy some of the major shortcomings rather than attempt the pettifogging economy that the Government has done on this occasion.

I have no doubt that teachers greatly appreciate the work done by the various voluntary auxiliaries of the respective schools and apparently they are more appreciative than is the Minister of Education. What a great satisfaction it must be to a head of any school to have sufficient parents and friends who are interested and energetic enough to help their children's school. They should be given the highest praise and the utmost encouragement but, instead, the actions of the Minister of Education have had the effect of dealing a body blow to those people.

Possibly these people will not be so willing in the future if the Government obstructs them at every turn. The Government, instead of hindering, should be encouraging. The services from the canteens also contribute to the health and well-being of the students, because the standard of food from the canteens is high. Hot drinks, foods and soups served are beneficial and particularly pleasing in the winter time. If a person is public-spirited enough to volunteer in the first place, it is doubtful whether there would be any undue waste, as has been suggested by the Minister in his attempt to whitewash the Executive control of the State by an unjust criticism of a socially responsible people.

During the year ended December, 1963, the committees, councils and associated bodies raised about £316,000 after much toil and effort, and every £1 of these funds should be readily subsidized by the Government. I might mention that Labor policy in regard to education is for free books and requisites for all schools from primary level to the university, but so long as the present Government remains in power it should carry out the existing Act and regulations without quibble. I believe the Minister, with his petty approach, lost sight of the fact that the profits from canteens

are being ploughed back into the education system, anyway. The impression gained from the Minister's remarks, in his attempt to justify his decision, is that voluntary workers in school canteens have been obtaining some gratuitous handout from the Government, but the boot is on the other foot! The Government should feel grateful that parents and friends are public-spirited enough to come and help at the school in the first place.

The Hon. C. R. Story: Who wrote that?

The Hon. A. J. SHARD: I wrote it myself.

The Hon. C. R. Story: It looks like the matter dished up last week in the other place.

The Hon. A. J. SHARD: I wrote it myself. As I said earlier, I believe the action by the Government was petty in the extreme, as well as being a most ill-conceived and ill-considered alteration.

The ladies who work in these places are most pleasant and keen to do their utmost for the children. The food is freshly delivered, and is beautifully prepared by the voluntary workers. In addition to all the work of preparing and cutting lunches, these ladies do the heavy manual labour necessary in handling the many hundreds of dozens of bottles of cool drink and milk. They are doing a terrific job. It would do anybody the world of good to see some of the work that is done.

I hope the Government will relent on this question and revise its view on canteen people being asked to pay for the gas or electricity used. There are many ways in which these people are doing a magnificent job. To my mind many things done by school committees and parents' associations should be the responsibility of the Government. I often wonder whether it is good or bad to have school children coming around at night asking people to buy tickets for various functions in order to provide amenities for sports days and the sports requisites they need. If anyone tells me that the education of the boys and girls who take part in various sporting activities is not the responsibility of the Education Department I shall want to know where it starts.

The Hon. C. R. Story: Or the parents!

The Hon. A. J. SHARD: That is part of the layout. They provide the goods for the children to take part in sport.

The Hon. C. D. Rowe: Your speech is nearly word for word the same as a speech made in another place.

The Hon. A. J. SHARD: That may be, but I wrote it.

The Hon. Sir Frank Perry: Copied it, you mean.

The Hon. A. J. SHARD: No, it was not copied. There is one thing about this matter: we in our Party all think alike on this subject. Many of the speeches made by my friends opposite are identical with speeches made in another place. Is that right or wrong?

The Hon. S. C. Bevan: Don't get caught up in it.

The Hon. A. J. SHARD: I am not getting caught up in it, but I repeat that many of the speeches delivered in this place are word perfect with speeches that have been delivered in another place.

The Hon. C. R. Story: Few members on our side ever read a speech made there.

The Hon. A. J. SHARD: Well, there it is.

The Hon. Sir Arthur Rymill: Do you suggest that members in this place write speeches for members in another place?

The Hon. A. J. SHARD: No. I am saying that members of the Government Party deliver many speeches in this Chamber that are word for word identical with speeches in another place. Is that true or not?

I return now to the point I raised in the hope that it might reach the proper place. It is wrong for children of school-going age to go out door knocking and selling tickets after dark. At 6.45 last night, when I was trying to catch up with the news, there was a knock on my front door by a child from a school. I do not want to mention the name of the school. The child was selling tickets that had printed on them "Sports Day, Friday, September 25, 1964, at 1 p.m. Proceeds in aid of sports equipment. Refreshments. Admission 1s." That is what is going on in various places to raise funds for amenities for schools, but I consider it is the responsibility of the Government to do that. I almost asked the boy his name so that I could give his parents some kindly advice, but I thought I might be told to mind my own business. I don't think it is the right thing to do. The Government and the Minister of Education have done many good things in the matter of education, but I would like an instruction given telling headmasters that if children are to do this selling of tickets they should do it in daylight. Young boys and girls of school-going age should not be out after dark trying to raise money.

The Hon. Sir Lyell McEwin: Wouldn't the parents have some say in the matter?

The Hon. A. J. SHARD: I suppose so, but I bring the matter forward because I do not

think it is a good thing. I suggest that a memorandum be forwarded to the various schools, because it may do some good. It was not a question of the value. The child would have been happy if I had just taken one ticket, but we took several.

Another matter I want to mention deals with roads and bridges. In his second reading explanation the Chief Secretary said:

For 1964-65 a loan supplement to the Highways Fund of £200,000 is proposed, and the funds will be devoted to various road and bridge works.

This gives me the opportunity to refer to the Redbanks Road and Gawler by-pass intersection and to comments made recently by other members. With the Minister and the Hon. Mr. Dawkins I was shocked to hear that another fatal accident had occurred there. I think that makes three fatalities there in 18 months.

The Hon. C. R. Story: Is everything in order in Central No. 1?

The Hon. A. J. SHARD: Yes. I am covering not only Central No. 1 but everywhere else. I discussed this intersection with a gentleman from the Highways Department and suggested that a possible answer was an overway or a subway. He said that the cost of such work would be about £200,000 and that the aim of the department was to seal as much of the road as possible with the money available. I join issue with the department if that is to be its policy. It would be foolhardy to seal a road and make a speedway of it without due consideration being given to the safety of the people who use it. I make the point and hope the Minister will consider it. I would far sooner see five miles of sealed road with safe conditions for all who use it than 15 miles of sealed road to be used as a speedway, with not much thought given to the safety of the people who use it. I should like to catch the ear of the Chief Secretary on this. I hope he does not come in too quickly. I seek information here and he may be able to help me. In his second reading explanation of the Bill he referred to the Parkside Mental Hospital as follows:

The sum of £87,000 is provided for steam heating of wards, drainage and improvements to courtyards, additions to nurses' home, nurses' training school, drainage of creek, and a new chapel.

I do not complain about that. I have visited Parkside and seen that what has been done is up to standard. My complaint is that not enough has been done quickly enough. Coupled with that, we see a little further on in the Minister's explanation:

The Government has submitted to the Parliamentary Standing Committee on Public Works a proposal for the erection of a new hospital and training centre at Northfield for the care and treatment of intellectually retarded patients. The scheme is estimated to cost approximately £3,250,000. Subject to a favourable report from the committee every effort will be made to provide funds to enable preliminary work to commence during the year. Will the new hospital at Northfield relieve the pressure of patients at Parkside Mental Hospital by enabling those patients who are not seriously affected mentally to be transferred to Northfield? If so, that will relieve the position at Parkside. I hope that the Public Works Committee deals with this matter quickly so that work can commence at Northfield as soon as possible. I am trying to express myself with some understanding of the difficulties of the position. I appreciate there are far too many patients in a small area at Parkside Mental Hospital for the good of their peace of mind and comfort, and the sooner we have fewer patients in those dormitories the better it will be for all concerned.

If the new hospital is intended to relieve the position at Parkside I shall be only too happy, and I hope the new hospital at Northfield will be erected as soon as possible. Many people are not sufficiently ill to be at Parkside and, if they can in the near future be accommodated at Northfield, it will be all to the good.

I turn now to the paragraph in the Minister's explanation headed "Police and Courthouse Buildings, £750,000." He states:

A sum of £293,000 is provided to complete the construction of the new police headquarters building and cell block in Angas Street. The estimated total cost of this project is £1,260,000 and the building, comprising basement, ground floor and nine upper floors, will provide for the requirements of the Police Department for some years ahead. Also, £50,000 is proposed to commence work on the construction of new and improved accommodation at Fort Largs to make it suitable for use as a police training academy.

How far has the construction of the new police headquarters progressed? The police deserve the best possible accommodation for they do a splendid job in the interests of the community at large. Can the Chief Secretary say whether that building will be completed within the next 12 months?

The Hon. Sir Lyell McEwin: Two months.

The Hon. A. J. SHARD: Two months—very good. My only other reference is to the Yatala Labour Prison. I visited that prison a few months ago and was most impressed by the improvements there, effected for the rehabilitation of those unfortunate people who find themselves there as the guests of Her Majesty. The

present position is a great improvement on the past, as it was some 20 years ago. I am impressed by the help given to these people, who show distinct signs of wanting to return and be good citizens in the community. The way they are being treated and handled in Division C is something worth seeing. I have seen the prison in the day time and have had things explained to me. I also had the privilege of being there and listening to a person giving a lecture one evening. When one sees them there and notes the efforts made to help them to return to the community, one wonders how they ever got there. This good work is a step in the right direction and I hope it will continue. The tragedy is that once in a while a "trusty" will make a break, which is unfortunate for the rest of the people there. The warders that I met in Division C are doing a particularly good job, which I hope will continue. The Minister also states:

An amount of £100,000 is required for various alterations and additions at Yatala Labour Prison, including the provision of accommodation for the treatment of alcoholics. I take it (the Chief Secretary will correct me if I am wrong) that the people there will be treated similarly to the people in Division C—perhaps a little more freely. If the alcoholics section at the Yatala Labour Prison ever becomes as good and clean as the other sections and the patients are looked after as well as the people are in Division C, they will be given every opportunity to correct their illness and become worthy members of the community once again. Anything I have omitted to mention I shall have an opportunity of dealing with later, in the debate on Budget. I support the second reading.

The Hon. C. R. STORY secured the adjournment of the debate.

FRUIT FLY (COMPENSATION) BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary): I move:

That this Bill be now read a second time.

It is in similar form to the Acts passed in 1959 and 1963, its object being to enable the payment of compensation for losses arising from the campaign for the eradication of fruit fly. A proclamation relating to the Port Augusta area was made in November of last year under the Vine, Fruit and Vegetable Protection Act and, as honourable members know, the practice has been for compensation to be given for losses arising by reason of any act of officers of the Agriculture Department

within proclaimed areas. Clause 3 accordingly provides for such compensation and compensation for loss arising from the prohibition of removal of fruit from land in a proclaimed area.

Clause 4 fixes the time limit for lodging of claims, but this year the date is fixed at November 1, 1964, rather than February 1, 1965, having regard to the late stage of last year when the proclamation was issued. Otherwise the Bill is in the usual terms, and I submit it for the consideration of honourable members.

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

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

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

SWINE COMPENSATION ACT AMENDMENT BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary): I move:

That this Bill be now read a second time.

Its principal purpose is to legalize the practice, which is adopted by certain firms purchasing swine without an agent, of deducting swine duty from the price payable to the owner. Section 13 of the principal Act provides that, on the sale of pigs or carcasses of pigs, the owner or agent must, under penalty, take certain steps, one of which is the deduction of swine duty from the proceeds of the sale. However, several firms purchase pigs or carcasses direct from the owners, without the intervention of any agent in the transaction. In order that they will be entitled to compensation if the pigs or carcasses are later condemned, they have been deducting the duty payable from the purchase price, and either affixing duty stamps to the account sales or subsequently submitting a return to the Agriculture Department. There is, however, no legal justification for the deduction—it is the owner or his agent and not the purchaser who is required to pay the duty. Where an owner sells directly to a purchaser, however, it is convenient for the purchaser to pay the duty and deduct the amount from the purchase price.

Clause 4 inserts a new section 13a into the principal Act to legalize this practice in the case of a purchaser who is granted a permit for the purpose. (This corresponds with the necessity for an agent, if there is one, to obtain

a permit under the provisions of section 13.) Subsections (3) and (4) of the new section require the purchaser to pay the swine duty by choosing one of two alternatives. He may affix swine duty stamps to the account sales and send them to the owner within seven days. This is the practice adopted by purchasers carrying on business in a small way. The alternative procedure, appropriate to large businesses, is for the purchaser to specify the duty payable in the account sales and submit a return to the Minister within the time fixed by the Minister when granting the permit. Subsection (5) is a machinery provision. Subsection (6) provides for the purchase price to be reduced by the amount of the duty, and subsection (7) provides for an offence if the purchaser neglects to pay the duty or does not comply with the conditions of his permit. Generally, these new provisions are on similar lines to the amendments made in 1962.

The amendment contained in clause 3 (a) is a clerical correction to an amendment of section 13 made in 1962. Clause 3 (b) repeals subsection (2) of that section and replaces it in exactly the same form, the purpose being to obviate any difficulty arising from a typographical error in the 1962 amendments.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

CATTLE COMPENSATION ACT AMENDMENT BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary): I move:

That this Bill be now read a second time.

Its principal purpose is to legalize the practice, which is adopted by certain firms purchasing cattle without an agent, of deducting cattle duty from the price payable to the owner. Section 12 of the principal Act provides that, on the sale of cattle, the owner or agent must, under penalty, take certain steps, one of which is the deduction of cattle duty from the proceeds of the sale. However, several firms purchase cattle direct from the owners, without the intervention of any agent in the transaction. In order that they will be entitled to compensation if the animal is later condemned, they have been deducting the duty payable from the purchase price, and either affixing duty stamps to the account sales or subsequently submitting a return to the Agriculture Department. There is, however, as in relation to swine, no legal justification for the deduction—it is the owner

or his agent and not the purchaser who is required to pay the duty. Where an owner sells directly to a purchaser, however, it is convenient for the purchaser to pay the duty and deduct the amount from the purchase price.

Clause 4 inserts a new section 12a into the principal Act to legalize this practice in the case of a purchaser who is granted a permit for the purpose. (This corresponds with the necessity for an agent, if there is one, to obtain a permit under the provisions of section 12.)

Subsections (3) and (4) of the new section require the purchaser to pay the cattle duty by choosing one of two alternatives. He may affix cattle duty stamps to the account sales and send them to the owner within seven days. This is the practice adopted by purchasers carrying on business in a small way. The alternative procedure, appropriate to large businesses, is for the purchaser to specify the duty payable in the account sales and submit a return to the Minister within the time fixed by the Minister when granting the permit. Subsection (5) is a machinery provision. Subsection (6) provides for the purchase price to be reduced by the amount of the duty and subsection (7) provides for an offence if the purchaser neglects to pay the duty or does not comply with the conditions of his permit. Generally, these new provisions are on similar lines to the amendments made in 1962. The amendments contained in clause 3 are clerical corrections to amendments made in 1962.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary): I move:

That this Bill be now read a second time.

It is designed to empower the Wheat Board to deduct from moneys payable by the board to wheatgrowers certain tolls and charges due to South Australian Co-operative Bulk Handling Ltd. and is based on an amendment made in 1955 to section 12 of the Wheat Industry Stabilization Act, 1954. The Wheat Industry Stabilization Act, 1954-1955, was repealed in 1958 and replaced by the Wheat Industry Stabilization Act, 1958. This in turn was repealed and replaced by the Wheat Industry Stabilization Act, 1963. Neither the 1958 Act nor the 1963 Act contains empowering provisions similar to those contained in the 1955

amendment, but the Wheat Board has continued to make deductions of the tolls and charges due to the company and seeks an amendment to the present legislation to authorize the board to do so. This arrangement has been found to be convenient both to the company and to the wheatgrowers themselves.

Clause 3 adds three new subsections to section 14 of the principal Act. Under these provisions the board is authorized to deduct from the amount otherwise payable under this Act in respect of wheat harvested on and after October, 1963, the following amounts:

- (a) Where the payee is a member of South Australian Co-operative Bulk Handling Ltd., any amounts of money which the payee by writing authorizes the board to deduct and pay to the company in respect of tolls which the payee has agreed to pay to the company; and
- (b) Where the payee is not a member of the company, any amount payable to the company by way of a charge for the receipt, storage or handling of wheat delivered by the payee.

The board is not to deduct any amount pursuant to paragraph (b) referred to above unless the charge in respect of which the deduction is made has been fixed by the company, approved by the Auditor-General and published in the *Government Gazette*. The Bill goes on to provide that all amounts deducted by the board pursuant to the Bill are to be paid to the company and such payment will be a discharge of the board's liability to the payee. As I have indicated earlier, these provisions will have the same effect as the amendment made in 1955 to section 12 of the Wheat Industry Stabilization Act, 1954. In order to validate deductions made by the board since the 1963 harvest the amendments made by this Bill will be deemed to have come into operation on the day on which the principal Act came into force.

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

NURSES REGISTRATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 19. Page 499.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of the Bill, the principal object of which is to provide for the enrolment of dental nurses. The effect of the enrolment, as the Minister of Health said in

his second reading explanation, is really three-fold. First, it provides that the qualified dental nurses who have enrolled shall be the only persons entitled to hold themselves out as being enrolled dental nurses; secondly, it will enable those persons who are qualified and enrolled dental nurses to wear a distinctive badge; and thirdly, it will enable these persons also to wear a distinctive uniform.

Some fears were expressed during the course of the debate that it might not be possible for girls in future who wished to qualify as dental nurses to do so in the same way as the great majority of girls at present qualify, namely, by doing a part-time course of training under the supervision of a registered dentist and passing a series of examinations that have been approved by the Dental Association, but it is quite clear under the Bill that this will be possible. Indeed, in section 33nb it is specifically provided that every person who passes such examination and has undergone such courses of training as are prescribed will be entitled to registration. So, this particular provision will deal not only with girls who are at present in training under the existing scheme but will also enable a modification of the existing scheme to be approved by the Nurses Board. I understand from inquiries that the Dentists Association is prepared to leave this matter in the hands of the Nurses Board; and that its members feel certain that some provision will have to be made for the present part-time system to be also a system prescribed by the Nurses Board.

I had a look at the principal Act on this matter and it seemed to me to be a little doubtful whether or not the Nurses Board had sufficient powers to go ahead and prescribe an actual course of training. The reason for this is that in the principal Act it appears that the only thing the Nurses Board has power to do is prescribe examinations and approve of institutions as training schools. Although this appears in section 15 of the principal Act it seems to conflict with the regulation-making powers in section 44. It may be that there is no legal difficulty in the Nurses Board being able to prescribe a course of training outside of an institution. If this is not so, I have no doubt that we shall have an amendment to clear up the matter, but at the moment I think it is clear that the Nurses Board shall have the right to prescribe a course of training and an examination for persons who wish to undertake a course of training in order to follow the occupation of a dental nurse. As the Minister of Health said, the Bill will

raise the status of dental nurses, which is obviously a good thing. I have pleasure in supporting the second reading.

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

SECOND-HAND DEALERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 25. Page 557.)

The Hon. C. R. STORY (Midland): As I briefly comment on this Bill I shall endeavour to speak to it. I have become completely confused about it. We have heard of much confusion in this debate. It started with the first speaker when he said he was confused, and the further we have gone the more confusion there has been.

The Hon. S. C. Bevan: I was not confused about the reason for the Bill.

The Hon. C. R. STORY: Apparently it was my reading of the honourable member's speech that left me with the impression that he was confused.

The Hon. S. C. Bevan: I will have my speech written out for you next time and then you will be able to understand it.

The Hon. C. R. STORY: There is an advantage when a member has a typed sheet in front of him. He can keep to the subject and know what he is talking about. This is a simple Bill, as I see it. We have had many references to other Acts in an endeavour to clarify it—I suppose that is what was intended—or to justify past actions. My honourable friend (Mr. Shard) yesterday paid a compliment to two of my colleagues, because if a member can make an impression on the Leader of the Opposition and bring him to his feet he must have hit where it hurts most. My friend (Mr. Dawkins) . . .

The Hon. A. F. Kneebone: I thought you were going to talk about the Bill.

The Hon. C. R. STORY: I will get around to that in a minute. Mr. DeGaris and Mr. Dawkins must have made a great impression.

The Hon. S. C. Bevan: Not on me!

The Hon. C. R. STORY: It was on the Leader. We have noticed that all the members of the Labor Party think similarly on this Bill. When my friend was speaking he referred to what the Labor Party did in 1932 and seemed to think that one should not point out these things. In this place on a number of occasions I have heard what the Chifley Government did. That is going back a fair way, just to point out the wonderful age in which we

lived at that time. It is ridiculous to say that one should not do a little research to ascertain what made these things tick. To follow that policy is proper, but it is improper for the Leader to chastise my friends for bringing up the matter. I do not know whether he was proud of the fact that the Hon. Mr. Jelley was a Minister in that Labor Government, but he was an honoured man, as far as I can understand. Mr. Shard went to great pains to say that times had changed.

The Hon. S. C. Bevan: For the better.

The Hon. C. R. STORY: They have changed so much that it is necessary to amend the Act. I don't think there is anything wrong with that. A person may be out driving on Easter eve and want a motor tyre. Almost every garage proprietor is registered as a second-hand dealer, and if that person cannot buy a new tyre, which he cannot often do at country garages, he can get a reconditioned one, but under existing law the garage man would be unable to sell him a second-hand tyre. It seems to me that at Easter time in particular second-hand dealers should have the same privileges as people who sell new goods. Provision is made for people to sell new articles, but not second-hand articles. I should not get all steamed up about this matter. To me it is very simple, and as far as I can see it will not affect the Labor Party very much. They have some reason for objecting to the Bill so violently, but we have not been given any good reason up to the present.

My honourable friend said that people have not always taken advantage of the provisions. I don't know that that is a reason why we should preclude another group, which has obviously asked for it. I cannot see why the public should be pushed around. If I had my way the Early Closing Act would be altered, also. It would help people who want to give a service to the public to get on with the job of improving their position. I would never subscribe to the great restrictions upon people that we seem to have been imposing. This measure is perfectly legitimate and proper. If I could understand why my friends in the Labor Party are voting so solidly "No" on it I could perhaps be convinced, but I do not think I have heard the real reason why they are opposing it.

The Hon. S. C. Bevan: I made it clear that I did not believe in fleching a public holiday.

The Hon. C. R. STORY: There must be more to it than that. I cannot think it is the only thing that worries Labor members.

The Hon. S. C. Bevan: Do you believe in retrograde legislation?

The Hon. C. R. STORY: I do not understand what the honourable member means. I support the Bill.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 19. Page 502.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): I support the second reading of the Bill. Its motive is simple and I agree with everything that was said in the Minister's explanation, so I need not enlarge on that any further. I just want briefly to outline what I propose to do. I do not want to debate the matter because probably that would not be in order at this stage, but I have on the Notice Paper a contingent notice of motion asking for an instruction in relation to an amendment that I propose to move, which should be on honourable members' files now, and I am sorry it could not be ready earlier.

The purpose of the instruction is to enable me to move an amendment that is within the title of the Bill and is relevant to the topic of the Bill if not completely to the subject matter of the clauses. If it were completely relevant to the subject matter, I should not of course have to ask for an instruction, but I claim that it is relevant to the topic if not to the subject matter; and certainly it is within the title. The purpose of the amendment, which is being submitted at the request of the Law Society of South Australia, is to tighten up section 11a of the Legal Practitioners Act, which was put into the Act in the year 1948 and which has been evaded by various methods since. The idea is to tighten up the loopholes in that section in so far as one can at present see where they are being shot through. I need not say anything further at this stage.

Bill read a second time.

The Hon. Sir ARTHUR RYMILL: I move:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause dealing with persons holding out as legal practitioners.

The Standing Orders fairly clearly provide for this procedure. Standing Order No. 293 provides:

Any Amendment may be made to any part of a Bill provided the same be relevant to the subject matter of the Bill, or pursuant to any Instruction.

In other words, if the amendment is relevant to the subject matter of the Bill one needs no instruction but, if one wants anything else, one has to have an instruction. The Standing Order continues:

But if any Amendment shall not be within the Title, the Committee shall amend the Title accordingly and report the same specially to the Council.

That is, of course, a very wide section. It reads, to me, much more widely than it has been interpreted in the past, because it even provides for one to get an instruction to make an amendment which would require an alteration to the title—and we could not have anything much wider than that. Standing Order No. 423 reads:

An Instruction empowers the Committee to consider matters which are relevant, and not contradictory, to the Order of Reference, but which had not been expressly referred; and to make Amendments to Bills which are relevant to the title.

Obviously, this amendment on the files is relevant to the title.

The Hon. A. J. Shard: It is relevant to the Bill, isn't it?

The Hon. Sir ARTHUR RYMILL: I think it is. This is a question of interpretation, but the Bill itself provides for machinery for penalizing solicitors who have committed some offence or breach of etiquette. My amendment provides machinery to discipline or prosecute people who are not solicitors but pretend to be solicitors. I think that is very close to the subject matter.

The Hon. A. J. Shard: I would be on your side there.

The Hon. Sir ARTHUR RYMILL: I thank the honourable member. I think I need say nothing further on that. The amendment will be clear to honourable members. The matter is in their hands, assuming that you, Mr. President, rule that my motion is in order.

The Hon. C. R. STORY (Midland): I second the motion.

The PRESIDENT: Before proceeding with any debate on this motion, I think it is my duty to call the attention of honourable members to the report of the Standing Orders Committee of the Council tabled on November 12, 1958, and recorded in the Minutes at page 125, which reads, *inter alia*:

In cases where motions for instructions comply with the Standing Orders in all respects other than relevancy, the President direct the attention of the Council to the position and leave it to the Council to decide whether the instruction should be given to the Committee.

This Bill deals with one topic only, namely, increasing the number of members of the Statutory Committee of the Law Society from seven to nine, to overcome a difficulty in obtaining the necessary quorum of three members to hear charges of misconduct against legal practitioners. Standing Order 293 of the Council requires "any amendment to be relevant to the subject matter of the Bill or to be made pursuant to an Instruction."

As I understand it, the Hon. Sir Arthur Rymill desires to move a new clause dealing with persons holding themselves out as legal practitioners. I am unable to regard such a proposal as relevant to the subject matter of the Bill as disclosed by its clauses and consider that an instruction is required before the Committee on the Bill can consider the proposed new clause. Standing Order 423 dealing with instructions permits instructions to Committees of the Whole to be given to enable amendments to be made when they are relevant to the title of the Bill. I put the motion to the Council.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Incorporation."

The Hon. C. D. ROWE (Attorney-General): The proposed amendment is to insert a new clause after clause 3. I should like to have an opportunity of examining the drafting of this particular clause. In the circumstances I ask that progress be reported.

The Hon. Sir ARTHUR RYMILL: I was going to suggest the same thing. I apologise for this amendment not being on honourable members' files earlier. It has involved a certain amount of investigation and research in various directions through one or two misunderstandings. I should like honourable members to have a further opportunity to examine this amendment, so I am wholly in accord with the Attorney-General's request.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 3.36 p.m. the Council adjourned until Tuesday, September 1, at 2.15 p.m.