

LEGISLATIVE COUNCIL

Thursday, June 17, 1965.

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

ADDRESS IN REPLY.

The PRESIDENT: I propose now to proceed to Government House for the purpose of presenting the Address in Reply to His Excellency the Governor and I ask the mover and the seconder and all other honourable members to accompany me.

At 2.17 p.m. the President and honourable members proceeded to Government House. They returned at 2.41 p.m.

The PRESIDENT: I have to inform the Council that accompanied by the mover and the seconder of the Address in Reply to the Governor's Opening Speech, and by other honourable members, I proceeded to Government House and there presented to His Excellency the Address adopted by the Council yesterday, to which His Excellency was pleased to make the following reply:

I thank you for your Address in Reply to the Speech with which I opened the first session of the Thirty-eighth Parliament. I am confident that you will give your best attention to all matters placed before you. I pray for God's blessing upon your deliberations.

QUESTIONS**HOSPITALS.**

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 am interested in the provision of hospital facilities in the district of Midland. I was pleased with the decision finally reached with regard to the Hutchinson hospital at Gawler. As honourable members may know, this has been on the way for some time, and the fact that the present Government saw fit to carry on with the previous arrangements that were not complete is pleasing to me. I am also interested in the provision of hospital facilities in the Tea Tree Gully area, and I understand that the district council had purchased a 10-acre site for a hospital with the assistance of the previous Government. Can the Minister of Health inform the Council whether it is the intention of the present Government to build their new large hospital on this site? If not, has the Government been able to procure an alternative site and, if so, where is the location of the new site?

The Hon. A. J. SHARD: The question is in two parts. First, it was asked, "Is it the intention of the Government to build a hospital on the site previously obtained by the Tea Tree Gully District Council?", and the answer to that is "No". Secondly, it was asked whether the Government intended to go on with the planning of the hospital, and the answer to that is, "Yes, just as soon as possible." I would like to say that the position and locality of the hospital has not been decided. Representatives of the Tea Tree Gully District Council, the Enfield Council and I think the Campbelltown Corporation interviewed me and suggested two sites, but no final decision has been made as to that. I do not desire to pursue the question of the site any further than that, for obvious reasons. The only reason why it was decided not to proceed with the proposed site at Tea Tree Gully was that it was believed that it was not large enough to meet the growing requirements of the district. As soon as it is humanly practicable to have the plans for the hospital drawn up and money is available, it is our intention that the first new hospital in the metropolitan area will be established there. Members should realize (as I think they do) that hospitals do not come about over night like mushrooms. However, I want to assure the Council that it is my personal wish that the hospital in the Tea Tree Gully area will be commenced as early as practicable. I do not think I can say any more than that.

RURAL ADVANCES.

The Hon. H. K. KEMP: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. H. K. KEMP: Under the Rural Advances Guarantee Act it has been the custom that the proposition must be a practicable living area and within this definition no limit has been placed on the amount available to an individual who wishes to obtain a guarantee under the Act. Can the Chief Secretary, representing the Treasurer, say whether the State Bank has now placed a limit on the amount available to an individual and, if so, what that limit is?

The Hon. A. J. SHARD: I have not the information but I assure the honourable member that I will secure it and let him have it on the next day on which the Council sits.

EGG MARKETING.

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

Leave granted.

The Hon. L. R. HART: Last night a large number of poultry breeders held a meeting at Murray Bridge. I understand that this was an enthusiastic meeting. The question discussed was the proposed Council of Egg Marketing Authorities of Australia. I understand that representatives from other States who attended this meeting included Mr. K. O. Triggs, Chairman of the New South Wales Egg Marketing Board, who addressed the meeting, and Col. McArthur, the Chairman of the Victorian Marketing Board, who, I believe, will be Chairman of C.E.M.A. I also understand there were other interstate representatives. Can the Minister representing the Minister of Agriculture say how many persons from other States were invited to attend this meeting, for what purpose they were invited, whether the State Government bore the cost of their visits to this State and, if so, what was the cost of bringing these people to Murray Bridge?

The Hon. S. C. BEVAN: I thought that the report in this morning's *Advertiser* would adequately answer the questions asked by the honourable member. However, I will obtain a full report from my colleague the Minister of Agriculture and let the honourable member have an answer as soon as possible.

BORDERTOWN POLICE STATION.

The Hon. R. C. DeGARIS: It is rumoured that there is to be an increase in the complement of officers at the Bordertown police station. Can the Chief Secretary say whether it is intended that Bordertown shall be a divisional headquarters and, if it is, what the total complement of officers will be and whether the present accommodation will be sufficient for the expansion?

The Hon. A. J. SHARD: Somebody mentioned this to me the other day, but I do not know what is intended. I will obtain the information sought and let the honourable member have it as soon as possible.

WIRABARA POLICE STATION.

The Hon. R. A. GEDDES: Will the Chief Secretary say whether tenders have been let for the reconstruction of the Wirrabara police station?

The Hon. A. J. SHARD: I am unable to say, but I will find out and let the honourable member know.

OVERLAND EXPRESS.

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

Leave granted.

The Hon. L. R. HART: Recently I had the privilege of making a train journey from Adelaide to Brisbane and back, and the rail facilities for the most part were exceptionally good. The Overland Express between Adelaide and Melbourne is regarded as one of the best trains in the world. Dining facilities between Melbourne and Sydney and between Sydney and Brisbane are provided in a dining car, but between Adelaide and Melbourne there are no similar facilities. Breakfast can be obtained at Murray Bridge on the return from Melbourne if a person leaves the train; otherwise, what is known as a continental tray is provided for those who wish to have breakfast on the train. The continental tray would probably be sufficient if there were no breakdowns on the line, but there are breakdowns so that often the train is several hours late in arriving at its destination. In these circumstances, it is necessary for passengers to have a reasonably substantial breakfast. However, at Murray Bridge, although it is situated in an area that produces many eggs and probably considerable quantities of bacon, nowhere on the menu is one able to obtain bacon and eggs, which is regarded as the typical Australian breakfast. Will the Minister of Transport make investigations into the quality of the menu provided at Murray Bridge and into the possibility of having a dining car attached to the Overland Express between Adelaide and Melbourne?

The Hon. A. F. KNEEBONE: First, I thank the honourable member for praising the train facilities between Adelaide and Melbourne, with which comment I agree. I shall have an inquiry made into the practicability of having a dining car on the train. Although the honourable member said this was necessary in case of breakdown, I do not know that that is a reason why there should be a dining car on the train. I shall also investigate the quality of the menu at Murray Bridge, and obtain a report for the honourable member.

LOTTERY AND GAMING ACT AMENDMENT BILL.

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It is in the same form as the amending Bill which was introduced in 1963 but which lapsed on prorogation, and has a very simple purpose. It will enable the Chief Secretary to increase the number of totalizator licences in respect of

any racecourse in the metropolitan area on condition that a corresponding decrease is made in the number of licences available to another racecourse in the metropolitan area. Section 19 of the principal Act sets the limit of totalizer licences for Morphetville at 17 and for other metropolitan racecourses at 16 days a year. I should imagine that that would exclude Gawler.

Leaving aside the next two paragraphs of the section, which deals with the South-East and an area within 50 miles of Barmera, I refer to paragraph (b), which limits the number of licences on racecourses other than those in the metropolitan area, the South-East and the Barmera area, to eight days a year. However, it contains a proviso to the effect that, on the application of the clubs concerned and the recommendation of the Commissioner of Police, the Chief Secretary may increase the number of licences for any racecourse if a corresponding reduction is made in the number for any other racecourse to which paragraph (b) applies. This proviso does not relate to the metropolitan area.

This Bill will by clause 3 add a similar proviso to paragraph (a). Its effect will be to authorize the Chief Secretary to increase the number of licences for, say, Morphetville by, say, one, if the number of licences for some other metropolitan course is reduced by one; the 16 days on a metropolitan racecourse other than Morphetville could likewise be increased with a corresponding decrease for Morphetville or some other metropolitan course; again the number of 16 for a metropolitan course other than Morphetville could be increased if another metropolitan course, other than Morphetville, were correspondingly decreased.

I believe that honourable members will appreciate that occasions arise when for one reason or another (for example, bad weather) it becomes impossible for a race meeting to be held on a particular course. In such a case the club concerned could apply for the right to use another course in the metropolitan area for the purpose of its meeting, in which event, with the other club concerned, it could make an application for the necessary additional licence for that other course. The Chief Secretary would be empowered to grant it but only on the condition that the number of licences for the course that could not be used were reduced. In other words, the effect will be to give the Chief Secretary the discretion he already has in country areas other than the South-East and the Barmera district. The overall number of licences would not be increased in any one year.

This Bill is exactly the same as the one that the Council passed without much comment in 1963 but which unfortunately was shelved because of amendments in another place dealing with different matters altogether. It simply gives the Chief Secretary or the Commissioner of Police the right to transfer a race meeting which should be held at, say, Morphetville but which, because of rain or other factors, needs to be transferred to another place. It simply legalizes what is going on in practice. I commend the Bill to honourable members and trust it will be accepted by this Council.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

PHYSIOTHERAPISTS ACT AMENDMENT BILL.

Second reading.

The Hon. A. J. SHARD (Minister of Health): I move:

That this Bill be now read a second time.

Its object, and there is only one clause of substance, is twofold. Paragraph (a) of clause 3 will raise the maximum annual subscription of practising physiotherapists, which can be fixed by regulation, from £3 3s. to £6 6s. It is understood that it would be the intention of the board to increase the annual fee only if it found it necessary to do so. Paragraph (b) of clause 3 provides that non-practising physiotherapists will pay an annual fee of £1 11s. 6d. to remain on the register of physiotherapists. At present there is no charge.

The reason for this proposed increase of fees is that the administration costs of the Physiotherapists Board have risen substantially since 1946 when the fees were last raised. These administration costs include legal fees, stationery, postages and the annual remuneration of the Registrar. Non-practising physiotherapists share with practising physiotherapists the protection of the board and other benefits, and it is considered fair and equitable that those who wish to remain on the register should bear the financial burden equally. Paragraph (c) of clause 3 makes a consequential amendment.

I commend the Bill to members and intimate that it has been submitted at the unanimous request of the Physiotherapists Board. Its purpose is to bring the fees into line with present-day money values, raising them from the 1946 standard to that of 1965.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

STATUTES AMENDMENT (INDUSTRIES DEVELOPMENT AND LAND SETTLEMENT COMMITTEES) BILL.

Adjourned debate on second reading.

(Continued from June 16. Page 355.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): This Bill has been introduced and explained by the Chief Secretary. Its purpose is to overcome a problem that has arisen regarding representation of the groups in Parliament on the Land Settlement Committee and the Industries Development Committee, which committees are different from the one discussed earlier. They are not Parliamentary committees, but committees appointed by the Governor; consequently, they fall into a different category.

In connection with the Industries Development Committee, provision was made in the Act for the representation to be two from each Chamber, one representing the Opposition and one the Government, with an independent chairman appointed by the Governor. The Land Settlement Committee was constituted when soldier settlement was to take place on undeveloped land in the South-East. The representation on it was to be five members from the Assembly and two from the Council. There were no particular conditions relating to the representation from the Council—whether the two members were to be members of one Party, or whether there was to be one member from each Party. However, in practice, the previous Government adopted the principle that both Parties should be represented, so there has always been a representative from each group. There is nothing to say that this must continue, but I hope that it will do so. Perhaps the Minister will indicate that it is intended to preserve the *status quo*.

A committee of this nature makes investigations for the Government and submits reports and recommendations. Because of this, it is important that both sides should be represented. I think this is the intention of the measure, because it preserves the representation from the two Houses, whenever that is practicable.

The Hon. A. J. Shard: That is right.

The Hon. Sir LYELL McEWIN: Where it is not practicable, as is the case at present, the Bill provides that where, in the Council, the Leader of the Opposition, or the Leader of the Government, reports to the President that in the circumstances it is not physically possible to appoint a representative on the committee, and after the President has transmitted

the necessary message, an appointment can be made from members of that group in another place. I think that sets out the intention of the Bill and I accept it. My Party also is prepared to accept it.

Another provision relates to the problem of remuneration for honourable members. Unless it is especially provided in the Statute, honourable members are governed by the Constitution Act, which does not permit them to take a position of profit under the Crown. If they do, their Parliamentary seats can be declared vacant. This has been provided for in the Public Works Committee Act. In the Land Settlement Act there is also a saving clause. However, such a clause does not exist in connection with the Industries Development Committee. As the Chief Secretary pointed out, probably it is because the amendment to the Constitution Act was put through about two years before the Act was passed dealing with committees appointed by Parliament.

The Hon. A. J. Shard: The Constitution Act was amended in 1939, whereas the other Act was passed in 1941.

The Hon. Sir LYELL McEWIN: Yes, a difference of two years. It is suggested that, as this committee is appointed by the Governor, some members have been holding positions on that committee to the prejudice of their Parliamentary seats. That will be corrected by this Bill. The provision is made retrospective to the date of the original Act.

Another provision deals with the quorum. At present the quorum is six members, but the Bill makes it five. There have been occasions recently when the committee has been unable to meet because of the absence of one member on Parliamentary duties abroad. The Bill remedies the position. The committee was unable to meet and make a report, because it did not have a quorum. We can accept the provision because it will enable the committee to function as it is expected to function.

Another provision looks rather complicated in the drafting. Clause 3(3) provides for the striking out of "seventeen" in section 27a(4) of the Act and for the insertion in lieu thereof of "nineteen". The effect of that is to extend the period of compulsory acquisition of land under the Act in areas south of drains K and L to coincide with the extended time in the Bill. In the original Act the period was nine years from 1948, but each time the life of the committee is extended there must be a corresponding adjustment of that period. It has gone from nine to 11 and to 17, and now

it is to be increased to 19. That will carry the period up to 1967. I would like to have an assurance from the Minister in charge of the Bill that my interpretation is correct. I think it is and, consequently, I have pleasure in supporting the Bill.

The Hon. A. J. SHARD (Chief Secretary): I give the Leader the assurance that this Bill does exactly what he says it does. It meets the position in which the Labor Party finds itself because it has insufficient members to fill Committee positions. If we get more members at the next election, this legislation will not apply. I know that the Leader of the Opposition is jealous of the standing of this Council, and I assure him that I am none the less jealous. The Bill does not take from this Council the right of representation. I give that assurance and believe that what I have said is correct.

The PRESIDENT: Under Standing Order No. 282, this Bill is required to be passed by an absolute majority of the whole number of members of the Council, and there being present an absolute majority of the whole number of members, I submit the motion for the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of sections 4, 5, 8 and 27a of the Land Settlement Act."

The Hon. Sir ARTHUR RYMILL: I find that the draftsmanship of this clause is not tremendously satisfactory to me, although in view of the assurance given by the Chief Secretary I do not propose to move an amendment, because to move an amendment on the lines I would think satisfactory would involve going much more deeply and fundamentally into the matter than does the clause. I can see perfectly well the intention of the clause, but I point out for the information of the Chief Secretary what I consider to be a defect in the draftsmanship. As Sir Lyell McEwin said, the Land Settlement Act, which is affected by this clause, provides for the appointment of two members from the Council and five from the Assembly. Unlike another Act that was mentioned, it is left to nominate members from each House irrespective of Party. In other words, all its quota of members could be nominated from either House from one Party. There is no requirement that a proportion be from one Party and a proportion from the other. It

has been a convention, but a convention only, that the membership of this committee from each House should be divided between the two Parties. I think the intention of this clause is that there should be a similar sort of balance from the totality of the two Parties if the membership of either Party in a House is insufficient.

If a certificate is given stating that from either Party in this place there is no-one available to take a seat, one of the seats shall be filled from the other place. This, in respect of this Chamber, gives legislative effect to what has been only a convention previously. There is at present a convention in the Council that one of the seats goes to a member of one Party and one to a member of the other Party, but the Statute does not say that. It is purely a convention. In effect, this puts the convention into legislation, because it says that if one of the seats cannot be filled from either Party it must be filled by a member from the other place. There is no definition saying who shall get the seat in the other place. In other words, legislative effect is given to the convention in this Council, but not in respect of the other place.

A further defect I see (and again it applies to the Council) is that if the Labor Party could not fill one of these seats, despite this new legislation, the Liberal Party could take both seats for itself. This operates in a fairly lop-sided way, because, again, if the Labor Party cannot fill the seat here it can be filled from the other place, but the clause does not say whether it is to be a member of the Labor Party or the Liberal Party. If the Labor Party can fill the seat, it does not necessarily get a seat here. It is a rather clumsy way of dealing with the situation. The Chief Secretary has said that this convention will be observed. I believe that it is a good thing to have conventions such as this, and that there should be a proper balance between the Parties on these committees. Although this legislation will go on to the Statute Book, I am prepared to accept the assurance. However, I suggest that, in respect of the Land Settlement Act, it is not a very good way to draft legislation.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

The Hon. A. J. SHARD (Chief Secretary) moved:

That this Bill be now read a third time.

The PRESIDENT: Let me again point out that according to the Constitution Act this is a constitutional Bill, and it will be necessary to have a constitutional majority. As there is a constitutional majority present in the Council,

if there be one dissentient voice a division must be held to prove that the motion is concurred in by an absolute majority.

Motion carried. Bill read a third time and passed.

ADJOURNMENT.

At 3.30 p.m. the Council adjourned until Tuesday, June 29, at 2.15 p.m.