

LEGISLATIVE COUNCIL

Wednesday, July 28, 1965.

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

QUESTIONS

OVERLAND EXPRESS.

The Hon. L. R. HART: Has the Minister of Transport a reply to my question of June 17 about dining facilities on the Melbourne express?

The Hon. A. F. KNEEBONE: Yes. I have a reply in the following terms:

The question of providing a dining car on the Overland has been considered many times in the past. There are a number of difficulties, probably the most important being that we could not attach such a vehicle to the train without reducing the passenger accommodation between Adelaide and Tailem Bend. Having regard to the departure and arrival times of the Overland and the fact that provision of the dining car would not permit the closing of the refreshment rooms at Murray Bridge and Ballarat, I am firmly of the opinion that the provision of a dining car on the train could not be justified. In regard to the breakfast menu provided at Murray Bridge, the standard menu is: one grilled chop, one sausage, mashed potatoes and gravy, bread and butter, coffee or tea. The average number of passengers who require such a breakfast is six, and the maximum number between 16 and 20.

It would be possible to provide an alternative breakfast of bacon and eggs, but this would require the provision of special cooking facilities in the counter area. I have asked that the cost of providing these special facilities be ascertained and for a recommendation as to whether or not bacon and eggs should be added to the breakfast menu.

EQUAL PAY.

The Hon. JESSIE COOPER: In view of the Government's statement that it proposes to give equal pay for male and female members of the Education Department doing similar work, will the Chief Secretary inform the Council whether the Government proposes to introduce similar conditions of pay for other sections of the State Public Service generally, and specifically for male and female medical practitioners employed in Government hospitals and other treatment institutions?

The Hon. A. J. SHARD: I do not want to ask that the question be put on notice. The matter is not one for my department. I think everybody may know that the extension of equal pay in the teaching section may have been the first step, and a very laudable one. I do not know just how far or when it will be extended to members of the Public

Service Association, etc., but I will take up the matter with the Treasurer and get a considered reply as soon as practicable.

TIMBER FOR MILLING INDUSTRY.

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

The Hon. M. B. DAWKINS: Yesterday I drew attention to the fact that my colleague, the Hon. Mr. Hart, had made some representations about timber for cases in the Upper Murray area, and at Loxton in particular, and I was interested to hear the Minister's reply. However, the second part of my question related to the position obtaining in the Barossa Valley, where there are small industries in the Nuriootpa, Sheoak Log and Williamstown areas capable of some development and expansion. These industries and the sawmills serving them are now experiencing hardship because they are not getting sufficient logs from the Government forest in the Mount Crawford area. Will the Minister of Local Government ask his colleague, the Minister of Forests, to see whether more logs can be made available to the sawmills at Williamstown that supply these small industries to enable them to carry on and expand in the normal manner?

The Hon. S. C. BEVAN: I will refer the question to the Minister of Forests and obtain the information desired by the honourable member.

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

The Hon. C. R. STORY: In view of the replies given recently in the Council regarding the shortage of box timber, will the Minister representing the Minister of Agriculture ascertain whether the Agriculture Department will furnish a report as to the suitability of an alternative container, such as a fibre board carton, for the presentation of tomatoes, particularly on markets in other States?

The Hon. S. C. BEVAN: I will refer the matter to the Minister and obtain the desired information.

EYRE PENINSULA RAILWAYS.

The Hon. C. C. D. OCTOMAN: I ask leave to make a statement prior to asking a question. Leave granted.

The Hon. C. C. D. OCTOMAN: The Eyre Peninsula rail system is very heavily taxed, particularly in view of its type and condition. During the last two or three years about 100,000 tons of superphosphate, between

10,000,000 and 12,000,000 bushels of wheat, about 4,000,000 bushels of barley, as well as other grain and general freight, have been carried on the system annually. For some considerable time a portion of the line between Rudall and Kimba has been in the process of being re-laid. Will the Minister of Transport indicate how much of the system has had new tracks laid, and the programme for the continuation of this re-laying? In view of the retention of the Yeelanna-Kapinnie spur line and the possibility that bulk grain silos will be built at Kapinnie, will he say what action is contemplated to restore the line to a condition in which it can be safely operated?

The Hon. A. F. KNEEBONE: I shall have inquiries made and bring down a reply for the honourable member as soon as possible.

TRAIN TOILETS.

The Hon. C. R. STORY: On June 15 I asked the Minister of Transport a question concerning toilet facilities on metropolitan and near-metropolitan trains. Has he a reply?

The Hon. A. F. KNEEBONE: Yes. I have given further consideration to this matter, as requested. The honourable member must agree that forms of transport other than rail do not provide toilet facilities on journeys of half to three-quarters of an hour's duration. In addition, rolling stock is not available to provide this facility.

POTATOES.

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

The Hon. H. K. KEMP: I do not think the chaotic state of the potato industry needs emphasis here. In the last two or three weeks the chaos is worse confounded. Although there is an overall shortage of potatoes, consumption has dropped from 1,000 to 600 tons, and growers cannot place their potatoes. The only hope of rationalizing this industry appears to be in reorganizing the board to give representation and power to the growers actually producing the crop instead of having the rigged board now operating with divided loyalty. This matter has been considered in detail by us before. It rests on the reorganization of the electoral boundaries that give the growers voice in their representation. The matter was under way a long time ago, and before the present Government took office. I understand that it is now bogged down in the Crown Law Department, and that it has been there for three months or more. Will the Minister representing

the Minister of Agriculture say whether the Government appreciates the urgency of this matter, which affects every housewife as well as every grower; whether the Minister of Agriculture will bring pressure to bear upon both the Crown Law Department and the Agriculture Department to get the reform pushed through as rapidly as possible; and how soon the function of the board can be separated from the wholesalers' association, which at present serves as agent for the board with divided loyalty?

The Hon. S. C. BEVAN: The question involves a matter of policy and I ask that the honourable member place it on notice.

BROKEN HILL TO PORT PIRIE RAILWAY LINE.

The Hon. G. J. GILFILLAN: I ask leave to make a statement prior to asking a question. Leave granted.

The Hon. G. J. GILFILLAN: My question is directed to the Minister of Transport and refers to the reconstruction of the Broken Hill to Port Pirie railway line. As most members are aware, the work on this line has commenced east of Peterborough between Peterborough and Cockburn and this is scheduled as the first stage of the project. The route west of Peterborough has been surveyed several times over a period and landholders, particularly around the Gladstone area, have been given notice that another survey is to take place. At this time of the year, a season of growing crops, there are many miles of this line that are, in fact, completely surrounded by these crops. Will the Railways Department consider deferring any non-essential survey work until after completion of the harvest period? Where an immediate survey is necessary will the department ensure that every precaution is taken against vehicles being driven through growing crops?

The Hon. A. F. KNEEBONE: Yes, I will make the necessary inquiries and inform the honourable member as soon as possible.

CITRUS INDUSTRY.

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

The Hon. C. R. STORY: During the term of the last Government, and because of the difficult position of the citrus industry as regards marketing, a Citrus Inquiry Committee was appointed under the chairmanship of Mr. Dunsford, the Director of Lands. That industry is still in a difficult position, and the report of this committee is eagerly awaited by

all sections engaged in the industry. I ask the Minister representing the Minister of Agriculture in another place whether any information can be obtained as to when that report is likely to be tabled and whether it will, in fact, be tabled in Parliament?

The Hon. S. C. BEVAN: I will refer the question to the Minister and make known his reply to the honourable member when the information is available.

SOLDIER SETTLERS' ALLOWANCE.

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

Leave granted.

The Hon. M. B. DAWKINS: On June 29 I asked a question of the Minister representing the Minister of Agriculture and Lands in another place regarding allowances for soldier settlers in the Upper Murray areas. The Minister was good enough to give me a written reply on July 12 in which he explained the situation, and he mentioned—as I mentioned in my previous question—that the allowance had been increased from £712 to £800 per annum. The Minister also mentioned that this increase occurred on January 1 of this year, but further inquiries from some of my constituents reveal that they have been receiving it since July 1 of last year. Because this increase took place more than a year ago, I asked the Minister whether the Government would consider further liberalizing this allowance to soldier settlers. As I have not an answer to that additional question, will the Minister refer it to the Minister of Lands and the Government for further consideration?

The Hon. S. C. BEVAN: Yes; I will refer it to the Minister of Lands and get the necessary information.

ABORIGINAL AND HISTORIC RELICS BILL.

The Hon. H. K. KEMP (Southern) obtained leave and introduced a Bill for an Act to provide for the preservation of aboriginal and historical relics. Read a first time.

NOXIOUS TRADES ACT AMENDMENT BILL.

The Hon. A. J. SHARD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Noxious Trades Act, 1943-1955. Read a first time.

The Hon. A. J. SHARD: I move:

That this Bill be now read a second time.

Its object is to amend the Noxious Trades Act, 1943-1955, so as to remedy a defect in section 13 of the Act (which deals with pro-

tection conferred upon licences under the Act against action for nuisances) which was revealed in a recent prosecution of a company charged, in general terms, with causing a nuisance on its premises. The owner or occupier of these premises was licensed under the Act to carry on his noxious trade. More specifically, the owner or occupier was charged before a Court of Summary Jurisdiction under section 83 (2) of the Health Act, 1935-1963, and section 540a of the Local Government Act, 1934-1963, with causing the state of his premises to be a nuisance by allowing emission of smoke, soot and ash in such quantities as to constitute a nuisance. The owner or occupier was acquitted on the charges by virtue of the protection afforded to him under the provisions of section 13 (2) of the Noxious Trades Act.

This subsection afforded a defence to the charges since the owner or occupier was licensed under the Act to carry on the noxious trade of tanning, fellmongering and wool-scouring, and the nuisance arose from the carrying on of such noxious trade. Section 13 (2) of the Act confers protection from prosecution upon any person carrying on any noxious trade under a licence under this Act for "any nuisance arising" from the carrying on of such noxious trade. As the law now stands, it makes no difference so far as exemption from criminal liability is concerned that the person has failed to carry out the noxious trade in accordance with his licence or has caused a nuisance which arises from the carrying on of the noxious trade whether such nuisance is directly related to the particular trade or not or could be avoided or remedied by the taking of reasonable precautions.

It is considered that the protection granted under subsections (1) and (2) of section 13 of this Act, which confers protection from both civil and criminal proceedings, is too wide, having regard to present industrial and social conditions. It is, therefore, proposed that this protection should be limited in much the same way as the protection afforded an occupier of a factory under section 4 of the Manufacturing Industries Act, 1937, has been limited, with regard to the prevention of noise and vibration in a factory under that section.

Clause 3 of this Bill accordingly provides for an additional curtailment of the protection conferred by section 13 (1), so far as civil remedies are concerned, by adding at the end thereof the passage "unless it is shown that the noxious trade was not conducted in a proper manner to prevent the same becoming a nuisance". The protection conferred upon any person under section 13 (2) of the Act is for

immunity from criminal proceedings in respect of any nuisance arising from the carrying on of any noxious trade under licence under the Act, and this protection is likewise limited by the addition of the above-quoted passage. The other minor amendments to subsections (1) and (2) are consequential on the foregoing amendments and are inserted to avoid drafting detailed saving provisions with regard to pending proceedings. I commend the Bill to honourable members for their consideration.

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

HAWKERS ACT AMENDMENT BILL.

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Hawkers Act, 1934-1960. Read a first time.

The Hon. A. J. SHARD: I move:

That this Bill be now read a second time.

The Federation of Chambers of Commerce of South Australia has requested amendment to the Hawkers Act to increase the fees for hawkers' licences to not less than £15 per annum for a hawker using a motor vehicle without a trailer and to make corresponding increases in all fees laid down in the Second Schedule of the Act, and also to increase the maximum amount that can be charged by a district or municipal council for a visiting trader's licence from not less than £2 a day to not less than £5 a day.

The principal reasons advanced to justify these increases are that the fees specified in the schedule to the Act have not been changed since the passing of the Act in 1934 and no longer reflect the present-day costs that have to be borne by local traders in such matters as payment of wages to employees, rent for their premises and local government rates. Itinerant traders have an unfair advantage over local traders in the sense that they are not called upon to bear such costs and, while enjoying the amenities provided by local authorities out of local rates, they contribute little in the way of fees to the revenue of such local authorities. The problem is a real one since a considerable number of these itinerant traders come from Victoria, particularly to the South-East of the State, and local traders there are unable to compete with them on equal terms. An increase of fees would, it is considered, in addition to providing a measure of protection to local traders in the country areas, also contribute to increasing the revenue of local authorities and the Main Road Fund, established under the Highways Act, into which fees received under the Act are paid.

The Government considers that there is merit in the proposal of the Federation of Chambers of Commerce to increase the fees payable by itinerant traders under the Act. It is not considered, however, that these fees should be increased to the extent sought by the federation but the Government agrees that it would be fair and proper in the circumstances to permit an increase of double the present rate, both as regards the fees payable in the Second Schedule of this Act and as regards the maximum fee per day chargeable by local authorities to itinerant traders. By clause 3 accordingly the maximum fee chargeable by local authorities is increased from £2 to £4 a day. By clause 4 the rates in the Second Schedule are doubled. I commend the Bill to honourable members.

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

STATUTE LAW AMENDMENT BILL.

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to revise the Statute Law and for other purposes. Read a first time.

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL.

Read a third time and passed.

ADJOURNMENT.

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

That the Council at its rising adjourn until 2.15 p.m. on August 3, 1965.

Motion carried.

The PRESIDENT: The Honourable the Chief Secretary.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): Mr. President, we have had placed before us by the Chief Secretary this afternoon three Bills for the consideration of this Council.

The PRESIDENT: Order! I point out that I have put the question.

The Hon. Sir LYELL McEWIN: I am not aware that any vote has been taken and I was standing here while you, Mr. President, were in conversation with the Clerk and I am afraid I did not get the call.

The PRESIDENT: Order! I would point out that I was not in conversation with the Clerk until after the honourable member had started to speak. I call on the Honourable the Chief Secretary.

The Hon. A. J. SHARD (Chief Secretary): I move that the Council do now adjourn.

Motion carried.

At 2.54 p.m. the Council adjourned until Tuesday, August 3, at 2.15 p.m.