LEGISLATIVE COUNCIL

Thursday, August 5, 1965.

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

QUESTIONS

SITTINGS AND BUSINESS.

The Hon. Sir LYELL McEWIN: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir LYELL McEWIN: My question relates to the sittings of this Chamber. I notice that in another place there is a very long Notice Paper containing about 30 items. In this Chamber, with the attention that we give to Bills, the business would probably be cleaned up smartly, leaving two Bills to be introduced by Ministers and two by private members. I notice also from this morning's press that the Loan Estimates are about to be introduced in another place, and they will no doubt have priority over all items on the Notice Paper there. Can the Chief Secretary say whether the Government can introduce more legislation in this Council in order to enable it to function and avoid what inevitably happens in all Parliaments—a terrific flush of business at the end of the session? We get no marks for not being able to sit and doing nothing, nor do we get any credit when we have to catch up with the arrears. Will the Chief Secretary take that into consideration?

The Hon. A. J. SHARD: Yes; it will be taken into consideration, but let me say frankly that this Council has sat just as frequently this year in the normal early part of the session as it has done for the last 20 years, to the best of my knowledge.

The Hon. Sir Lyell McEwin: Hear, hear!

The Hon. S. C. Bevan: It could be more.

The Hon. A. J. SHARD: It could be more. When work is to be done, I as Leader of the Government here hope for the co-operation of all honourable members to come and work when necessary. As the Leader of the Opposition should know, the bulk of the legislation that the Government considers important must first be dealt with by another place and, until it is dealt with there, it cannot come here. But I hope that honourable members will be ready and prepared to make more than one speech a day on important Bills when they come here, and in that way we may obviate the rush at the end of the session. Nobody has complained more than I have about that position over the years. I should like to be able to say that it will be avoided but, because of our Parliamentary procedure, I am afraid that at the end of the session we shall find ourselves in the same position as we have been in ever since I have been in this Council.

The Hon. Sir LYELL McEWIN: I do not know whether the Chief Secretary, in his reply, intimated that this place has not given attention to the full agenda that has been placed before it, but he suggested that only one speech a day was made on the business before us. I think that he probably did not mean that literally.

The Hon. A. J. SHARD: No. I was not referring to what is before the Council now when I mentioned one speech a day. However, it can be taken, perhaps, that because there is only one speech a day, that is why we are here on so many occasions. What I mean is that, when the more important legislation comes along, I hope honourable members will be prepared to make more than one speech a day. I want to be frank and I do not think anyone will say that this Chamber has not functioned as well this session as in any other session.

STATUTES CONSOLIDATION.

The Hon. Sir ARTHUR RYMILL: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL: I am in my tenth year as a member of this Chamber and quite regularly over that period I have asked the former Attorney-General whether he would consider a new consolidation of the South Australian Statutes. He told me from time to time that the matter would be looked at, but over that rather lengthy period that I have mentioned I have not as yet achieved any results. I realize that the Government has a lot of drafting of Bills to do and am not wishing to embarrass it in any way but, if this matter is to go ahead, it will obviously need planning in advance. Can the Minister representing the Attorney-General say whether the Government will take this matter into account with a view to expediting a complete new consolidation of the Statutes, which would be very advantageous to many people in this State?

The Hon. A. J. SHARD: I am happy to state that we are in front of the honourable member. We have already taken action and it has been decided that the Statutes will be consolidated again. I am only speaking from memory and my colleague can correct me if I

am wrong. It will be an expensive and, as the honourable member said, long job but I think a complete revision of the Statutes is being aimed at, with a certain number being done each year, and with a complete new set of Statutes being ready within the next five years. It may be done even more quickly than that.

WATER SUPPLY.

The Hon. R. A. GEDDES: Can the Minister of Mines say whether the Mines Department, when carrying out drilling operations in the northern areas of the State, will inform leaseholders in pastoral country when any water is located on those leases and, also, the quality of the water?

The Hon. S. C. BEVAN: When water is located and it is of good quality the practice has been that that water is harnessed for use. It is not locked off, or anything like that, and the water is there for future use. This has been done, for instance, on the Gidgealpa field, where good quality water has been located, and the bore has been harnessed for future use.

EYRE PENINSULA ROAD.

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: My question, which is directed to the Minister of Roads, arises from resolutions passed at meetings on Lower Eyre Peninsula. There appears to be considerable uncertainty in the minds of those people using the new west road, locally known as the freezers road, into Port Lincoln about plans for sealing this road. I believe that more than one survey has been made on the route that this road may eventually take. Heavy traffic approaching Port Lincoln from the Flinders Highway and Main Road 42 must use this road to avoid a steep climb over Winters Hill at Port Lincoln. It is thought in the area that the sealing of this road is urgently required. Will the Minister of Roads say whether this survey has been completed, whether finance for the road has been approved, and, if it has been approved, when the work will commence?

The Hon. S. C. BEVAN: I do not have the necessary information at the moment, but I will obtain it and inform the honourable member later.

MAITLAND AREA SCHOOL.

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

Leave granted.

The Hon. M. B. DAWKINS: For some time the erection of a new area school in the township of Maitland on Yorke Peninsula has been planned. As many honourable members know, this is a much needed project, and it will be welcomed by the people on Yorke Peninsula. Will the Minister who represents the Minister of Education in this Chamber say whether tenders have yet been called by the department and when construction is likely to commence?

The Hon. A. F. KNEEBONE: I shall be pleased to convey the question to my colleague and bring back a reply as soon as I have got it.

BORDERTOWN RAILWAY YARD.

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

Leave granted.

The Hon. R. C. DeGARIS: Over the past two or three years the Bordertown railway station yard has been undergoing reorganization. Before the line can handle any large increase in the volume of traffic from the South-East to the metropolitan area, the reorganization of this yard must be completed. Can the Minister of Transport furnish a report on the progress of work on this yard and on when the reorganization will be completed?

The Hon. A. F. KNEEBONE: Naturally I have not got the details here, but I will obtain the report the honourable member has requested and make it available to him.

EMPLOYEES REGISTRY OFFICES ACT AMENDMENT BILL.

Second reading.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I move:

That this Bill be now read a second time.

The Employees Registry Offices Act, 1915-1953, provides for the licensing and control of employment agencies. It was passed in 1915 and has been amended three times since then. The last occasion was in 1953, when there were three licensed registry office-keepers. In recent years there have been a number of applications for licences under this Act—four were granted in 1963, six were granted in 1964, and so far three applications have been approved this year. The total number of licensed registry offices in South Australia is now 21.

The Act, as at present framed, is inappropriate to present-day conditions. A prerequisite to obtaining a licence is to have a

character certificate signed by six ratepayers in the municipality in which the registry office is to be located. As most of these offices are situated in the city of Adelaide, it has become increasingly difficult to find six ratepayers in the city to vouch for them. Also, the Act makes no provision for the registration of a partnership or a company, which is necessary under present conditions. The principal provisions of the present Bill are as follows:

(1) By clause 4, section 2 of the principal Act, which deals with definitions, is amended. The definition of "licensee" has been extended to cover a licence issued to two or more persons jointly to carry on an employees registry office. The definition of "metropolitan area" under the Act is no longer appropriate since it refers to certain House of Assembly electoral districts as they existed in 1915. The new definition incorporates the definition of "metropolitan area" as it appears in the Industrial Code, 1920-1963. It is a common practice for employer organizations and trade unions to obtain employment for their members without fee or reward. It was never intended that the Act should apply in such cases and the definition of an "employees registry office" has been changed so as to make it clear that these bodies do not have to be registered under the Act so long as they obtain employment for their members without fee or reward.

(2) The authority to issue licences and the general administration of the Act has been transferred by clause 3, which amends section 2 of the principal Act, from the Chief Inspector of Factories to the Secretary for Labour and Industry. This is consequential upon the formation of the Department of Labour and Industry, of which department the Secretary for Labour and Industry is the permanent head and the Chief Inspector is one of his officers.

(3) At present a licence to keep and conduct an employees registry office may only be issued to a single person. This is considered unnecessarily restrictive and it does not take into account modern developments in the recruitment of employees. Clauses 7 and 10 provide for a licence to be issued to a company through its manager or to two or more persons of a partnership by inserting the new sections 4a, 4b, 6a and 6b respectively.

(4) The Minister is given power in clause 5, which inserts a new section 2b, to exempt any person licensed under this Act from any of such provisions as the Minister considers necessary, where he is satisfied that the conducting of an employees registry office is subsidiary to any other business of the company. This clause would enable the Minister to exempt, for example, management consultant companies, which, as a subsidiary part of their business, conduct a registry office for the recruitment of management and stenographic staff, from exhibiting their scale of fees in their public office.

(5) As mentioned earlier, a prerequisite to the granting of a licence under the Act is that the applicant should get a character reference from six ratepayers in a municipality within the district in which the employees registry office is conducted. Clause 6, by amending section 4 of the principal Act, provides that the area should be extended to cover the whole metropolitan area or any other district to which the Act applies. The fee payable on an application for a licence is at present 10s. and has not been changed since the Act was passed in 1915. It is considered that a more realistic annual fee nowadays would be £5 and clause 6 also provides for this.

(6) Clause 11 effects a drafting amendment to section 7 of the principal Act.

(7) Section 12 of the principal Act requires a licensee to display in a conspicuous place on his premises his Christian names and surname together with the words "Licensed Registry-Office Keeper". Clause 16 alters this requirement to provide that the person who holds a licence under this Act shall display a copy of the current licence issued pursuant to this Act in the same way as the Registration of Business Names Act requires the certificate of registration to be exhibited. This is considered to be more appropriate.

(8) By clause 14, section 11 of the principal Act is repealed and wider powers are conferred upon inspectors, including power to question persons on premises of a licensee through an interpreter. Clause 15 inserts a new section 11a and provides that obstruction, etc., of an inspector in the execution of his powers constitutes an offence under the Act.

(9) It is not considered necessary that the power to transfer a licence should be retained and all references to transfer of a licence in sections 2, 4, 5, 6, 8 and the Second Schedule have been deleted from the principal Act. If the proposed amendment is accepted every person to whom a licence is being transferred will be treated as a new applicant for a licence and thus be clearly bound to supply the character certificate mentioned in section 4 (1) of the principal Act.

(10) By clause 17, section 16 of the principal Act is repealed. This section provides that a

licensee under the principal Act may not have an interest in a lodging house. This provision is no longer applicable to present conditions.

(11) Clause 18 increases the maximum penalty which may be prescribed under section 17 of the principal Act for breach of any regulation from £20 to £50.

(12) Clause 19 increases the penalty under section 22 of the principal Act for breach of any of the provisions thereof from £20 to £50. The reason for the increases in this clause and clause 18 is to make the penalty more realistic having regard to present-day values.

(13) Clause 20 amends the Second Schedule and makes consequential amendments following upon the deletion of the power to transfer licences from the principal Act and the insertion of the new concept in sections 4a, 4b, 6a and 6b that a company through its manager may hold a licence under the Act.

(14) Clause 21 is also a consequential amendment to the Third Schedule, resulting from the amendment to section 4 of the principal Act.

(15) Clause 22 is a normal provision for consolidation purposes. The remaining amendments proposed in this Bill are of a minor drafting nature. I commend the Bill to honourable members for their consideration.

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

STATUTE LAW REVISION BILL.

Adjourned debate on second reading.

(Continued from August 4. Page 804.)

The Hon. L. R. HART (Midland): I rise to speak to this Bill with some misgivings, for it sets out to amend a number of Acts. If we totalled them up, I think they would number 19, and many of them are in no way related to each other. This, of course, imposes a strain on honourable members who wish to speak to such Bills because some preparatory research is required, which takes a considerable time. The first part of this Bill sets out to repeal the Sand Drift Act, and the second part the Travelling Stock Waybills Act. These two Acts are being repealed for two totally different reasons. The Sand Drift Act is being repealed because of the success of the Act in conjunction with the Soil Conservation Act. These two Acts and the work of the Soil Conservation Committee have had the effect of stabilizing the soil in sandy areas. In fact, in many cases it has turned sand into soil.

A typical example of that is at the Wanbi Research Station, which was taken over a few years ago by the Government for research purposes. This property at that time consisted of 3,500 acres, 1,000 of which was severe sand drift country but, through the intelligent use of superphosphate and development of pasture, today there is very little sand drift at Wanbi. At present, that property, in addition to cropping many hundreds of acres, is carrying 1,200 sheep, and over the last five years the lambing average of that property has been over 100 per cent. Not only has this research work been successful at Wanbi but it has had the effect of setting an example to other farmers, not only in the mallee country but in all country where sand drift persists. I think that the work done there calls for commendation of the members of the Soil Conservation Committee and the people employed at Wanbi itself.

Another contributing factor, of course, in arresting sand drift in country similar to the Murray mallee (and this is most important, too) has been the aggregation of many small properties into larger holdings. The success of this practice makes many people scoff at the socialistic fetish that keeps dividing properties into smaller areas, in many cases turning them into uneconomic units. I think the economy of this State depends, to a large extent, on having a holding of sufficient size to be an economic unit, and this applies particularly in the low rainfall and light soil country.

The second Act to be repealed is the Travelling Stock Waybills Act. We are repealing it because over the years it has been totally ineffective. In fact, about all it has done has been to provide another irksome job for the primary producer, from which he, in effect, receives no return. The purpose of this Act in the first place was, of course, to prevent the theft of stock, but I understand that over the years there has never been a prosecution for the theft of stock under that Act, so at this stage I feel we could well repeal it. We have been given an indication that the Government has another Act in mind but I trust that, if this is so, it will not be an Act that will be another irksome and burdensome item for the primary producer, from which he will not, perhaps, receive any great benefit.

The second part of this Bill is confusing. First, it deals with amendments to the Dentists Act. At first sight, one would think that to amend this Act it would be necessary to open up the Dentists Act itself but, on making some investigations, I find that perhaps this is not

entirely necessary. It seems that the purpose of amending the Act is to make it consistent with amendments that were agreed to in 1960. However, the Minister did not make clear to the Council the purpose of these amendments. In his second reading explanation the Chief Secretary said:

Clause 3 and the Second Schedule provide for the amendment of several Acts. This schedule contains two amendments to section 48 of the Dentists Act consequential on the amending Act of 1960. The need for these amendments has been raised from time to time by the present Minister of Education and the opportunity is taken of including the appropriate amendments in this Bill. The other amendments in the Second Schedule are, in general, minor drafting amendments to Acts passed in recent years, as follows:

He did not say that the amendments to the Dentists Act were only minor; he inferred that the other amendments were minor but, if he had given a little more explanation of why the Dentists Act was being amended, perhaps it would have caused less concern among some members of this Council. Today the Minister criticized members of this Chamber because they were not prepared to make more than one speech on a Bill each sitting day. I would say to the Minister that if second reading explanations were a little more explicit and obviated the necessity for members to do so much research, possibly we could have more speeches than one a day on each Bill. This amendment to the Dentists Act seeks to delete certain words from section 48(b). In effect, it will allow a licensed operative dental assistant to operate without his being under the immediate supervision of a registered dentist. That appears to be a rather drastic step. However, when we make some investigation, we find that there are only four licensed operative dental assistants in South Australia and that only two of them are active.

Further, it is not the intention of the Dental Board to register any more. If the two active assistants wish to carry on their profession (and I suppose it can be called a profession) they must be employed by a dentist in his practice, so I do not see that there is any great urgency about bringing in this amendment. Indeed, it does nothing to alleviate the shortage of dentists in this State. If two of these people are available to practise, they must be employed by a dentist in his practice. The legislation does not say that they have to work under his supervision. These two, of course, are not going to contribute much to the dental needs of the people of South Australia. It is pleasing to know that in the third-year class at the university this year there are 28 people doing the course and we hope that this number will eventually graduate. I think that the Dental Act should be opened up. There is a great shortage of dentists in this State, and perhaps all over Australia, and we should investigate the possibility of training nurses for operative school dentistry, a practice that has been carried on in New Zealand and, I understand, in Tasmania and some other States.

The Hon. A. J. Shard: It has started in New South Wales.

The Hon. L. R. HART: Yes. This shows that it is proving very successful. I understand that in 1959 the previous Minister wanted to introduce a similar scheme in South Australia but the opposition from the Dental Association was so great at the time that there was doubt whether the scheme could be brought into operation. However, there is a possibility that the Dental Association is now taking a different view of this matter. We trust that it will take a realistic view and appreciate that the schoolchildren of this State are in dire need of dental treatment.

If we have to wait for trained graduates to carry out this work, many schoolchildren in South Australia in the next decade will not receive necessary dental care. One of the reasons why there is neglect of dental care, particularly in the case of children and people with large families, is that the cost is great. Even if we got more dental graduates the cost factor would still be there. It is necessary that we pursue this scheme of training nurses for operative school dentistry, so that at least the children will receive the necessary dental care. Of course, some people think that the fluoridation of water will be the cure-all, but even if water is fluoridated (which is extremely doubtful) children will still need dental care and there will still be a need for operative dentists to work in the schools. I suggest to the Minister that his department give particular consideration to this scheme, with a view to introducing it in South Australia.

The Hon. A. J. Shard: They are already on the job. We have been working on it ever since we have been in Government.

The Hon. L. R. HART: It is pleasing to hear that. Most of the amendments in the remainder of the schedule are of a drafting nature. We are prepared to accept amendments of a definite drafting nature in one Bill, but when a Bill tends to open up an Act, I

think it is necessary that a separate Bill be introduced.

The Hon. A. J. Shard: We are only following past procedure.

The Hon. L. R. HART: That may be so.

The Hon. M. B. Dawkins: It was a procedure to which the present Minister objected.

The Hon. L. R. HART: I realize that something of this nature was attempted on a much smaller scale, but I do not think the Government succeeded with it on that occasion.

The Hon. M. B. Dawkins: The then Leader of the Opposition objected strenuously.

The Hon. L. R. HART: Yes. Now he is going for something very much bigger, so I do not suppose he is really in a position to complain. I am prepared to support the second reading of this Bill but I reserve the right to speak to it again in the Committee stages and possibly ask for some clarification on certain points.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I agree with the Hon. Mr. Hart that where an Act is to be opened up, or some substantial amendment is to be made, it should be done by a specific amendment to the particular Act. As far as I have gone into this Bill, I doubt whether there is anything of that nature in the measure as presented. I propose to go into that matter further between now and the Committee stage, and, like the honourable member who has just resumed his seat, if I find anything that should be dealt with in that way I shall draw attention to it.

However, as I say, as far as I have gone, the amendments appear to be technical ones. I shall have a further look at the Acts that this Bill sets out to repeal. I do not want to debate the detail any further in this second reading speech, but there are one or two general comments I should like to make, particularly in relation to what the Chief Secretary said just now about following past practice. The last measure of this nature was dealt with in 1957. If honourable members look at the Statute Law Revision Act of 1957 they will see that it set out to do much the same thing as this Bill does. It was about the same length and, roughly, the same number of Statutes were dealt with. The amendments were mainly technical, although in some cases they were considerably longer than those dealt with in this measure. There was a similar Act in 1952 and another in 1937, and they were on the same pattern as this particular Bill. If one goes back to 1934 one sees that apparently someone decided to do a fairly substantial tidying up of the Statute Book, because in that year Act No. 2168, also entitled the Statute Law Revision Act, was passed, and this consisted of no less than 32 pages—16 pages of repeals and 16 pages of amendments. If honourable members are worried about the magnitude of the task confronting them today on this Bill, it is just as well they did not have to deal with that measure. In 1935 a similar Act, which consisted of two pages of repeals and 36 pages of amendments, was passed. In 1936, two of these Statutes were introduced in the same session, the first of which contained three pages of repeals and 47 pages of amendments. Although the second of these had only a few pages, it dealt with many Acts.

The Hon. F. J. Potter: They would all have been prior to the 1936 consolidation of Statutes, wouldn't they?

The Hon. Sir ARTHUR RYMILL: I suppose so. It was a general tidying up. Apparently this sort of thing only happens at fairly extensive intervals and in relation to far fewer matters now. I think the honourable member is right in what he says. It may be that this is a prelude to a possible further consolidation, which was mentioned by the Chief Secretary in reply to a question this afternoon, but I imagine that when that comes about quite a few other minor hornets' nests in the way of slips in draftsmanship, printing and so on will come to light, so we may have a bigger measure to tidy up again before the consolidation comes about.

A matter about which I particularly wish to talk and of which I hope the Government will take notice, as I think it is in accord with the ideas expressed last year by members of the present Government when they were in Opposition, is the need for some better cross reference index in the index to the Statutes. I looked for the 1934, 1935 and 1936 Statutes to which I referred but could not find a reference to them. In the First Schedule of this Bill the Statute Law Revision Act, 1935, is referred to. I looked at the 1936 reprint of the Statutes, in which I expected to find a reference to that Act, but it was not there. I then looked at the index to our current Acts —the annual volume—and found the 1937, 1952 and 1957 Acts indexed in alphabetical order, but there was no reference to the previous Acts, although this Bill refers to the 1935 Act.

I then had a brainwave and looked at the index in the current volume to public Acts

of restricted application, and found that these other Acts were sitting there. If one is consulting the general index, this makes it difficult to follow. I think I should mention that, as honourable members know, there is a further index, near the back of the annual volume, of Acts affected by amendment or judicial decision. If honourable members look at the various sections of each of the public Acts referred to there they will find the amendments. They, of course, are indexed there whether they are made under an Act bearing the same title or by an Act bearing a different title. If one looks at the general index (which is the index to which most people, particularly the uninitiated, go) one finds only the Acts in alphabetical order; there is no reference to amendments to Acts made by amending Acts bearing different titles. Unless one knows, for instance, that the Wrongs Act of 1937, or whatever year it was, was amended by the Statute Law Revision Act of, say, 1957, one may not find that a section has been amended and may read it wrongly. This can happen to members of the legal profession as well as to members of the public. If it happens to members of the legal profession and they miss these things, possibly through no fault of their own, it is the members of the public who suffer, so this affects everyone in the State. The first index at the back of the annual volumes, to which I have referred as a general index, is entitled "Table of Public General Acts of the Parliament of South Australia, including cross references". There is a little preliminary statement of about 20 lines at the top of this index, which finishes with the words:

The table also includes cross references to the subject matters dealt with by legislation.

This is the index that is defective in the way I have mentioned; the second index is not. However, most people go to the first index, and many people, particularly lay people, do not realize that the second index exists; they go only to the general index. I suggest for the Government's consideration that the general index at the back of the annual volumes should include not only cross references to the subject matters dealt with by legislation but also cross references under the Acts quoted to Acts of a different title amending the Acts quoted. I will illustrate that by practical example. The Wrongs Act has been amended by one of these Statute Law Revision Acts. A note appears as follows:

The Wrongs Act, 1939, has also been amended by the Statute Law Revision Act, 1952.

This Act already has a cross reference. I may be wrong in this, but I do not think that type of cross reference is made for every Act in this general index. Also it is printed in such a way as not to be particularly obvious: it is printed in much smaller type and it is easy to overlook it. As a matter of fact, I looked for it just now and could not find it, although I have found it now. I think the Government could refer this matter to the Parliamentary Draftsman and get a report from him on how attention could be better drawn in the general index to Acts amended by Acts of a different title. If it could be done, it would be a valuable addition to the Statute Book. In the meantime, I support the second reading and, with the qualifications I have already made, I will support the Bill in Committee.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

PISTOL LICENCE ACT AMENDMENT BILL.

(Second reading debate adjourned on August 4. Page 806.)

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Application for and issue of Licences."

The Hon. R. C. DeGARIS: I move:

At the end of the clause to insert the following: Provided that the fee payable on the issue or renewal of any pistol licence in excess of one to a *bona fide* pistol club affiliated with the South Australian Revolver and Pistol Association Inc. or any member of any such pistol club shall be 2s. 6d.

The reason for the amendment has been dealt with fully in the second reading speeches. Briefly, it is to give some alleviation in the proposed rise in licence fees to pistol clubs affiliated with the South Australian Revolver and Pistol Association Inc. and to members of such clubs. There are about 30 of these clubs in South Australia catering for approximately 1,000 members. I believe that in matters of this nature where some control is necessary by the Government a licence fee should be sufficient to recoup the costs of administration for issuing such licences. In the case of members of pistol clubs where the majority of members possess four pistols and where the clubs themselves have pistols (I believe the most pistols owned by one club is nine) there should be a reduction of the proposed licence fee of £1 per pistol. The amendment suggested by the Minister of Local Government is along similar lines to my amendment but there are three

essential differences. First, under my amendment pistol clubs as such receive the same reduction in licence fees for pistols in excess of one as would a *bona fide* member of a pistol club. Secondly, the Minister's amendment provides for an additional fee of 5s., whereas my amendment prescribes a fee of 2s. 6d. Thirdly, the amendment proposed by the Minister states:

Provided that the fee payable upon the issue or renewal of any pistol licence in excess of one to any member of any pistol club shall be 5s.

I consider that my proposed amendment is possibly more applicable in that the pistol club will have to be affiliated with the South Australian Revolver and Pistol Association Inc. before it can apply. However, I would like to hear the Minister's explanation of his particular amendment.

The Hon. A. J. SHARD (Chief Secretary): I rise to put the point of view of the Government. We are prepared to give some consideration to this amendment and, in principle, we desire to obtain the best possible verbiage for the amendment and then report progress. We think that a case has been made out to assist members of affiliated pistol clubs, and in particular members who possess more than one pistol. We consider that they should be given some consideration and the Government's amendment makes the registration fee of the first pistol £1 and of each succeeding pistol 5s. The reason is that 2s. 6d. for each pistol has been the fee since 1929 and no hardship would be caused by increasing it to 5s. I will give the reason why we do not want clubs to have the same right. I believe that the average number of revolvers and pistols owned by affiliated clubs would be only 2.6, or something less than three. There could be ways and means of getting around the intention of the amendment moved by Mr. DeGaris and such methods have been put to me. For instance, if we permit pistol clubs themselves to have the same right as their members, it is possible that the clubs could claim ownership of all the pistols and revolvers and pay £1 for the first and 2s. 6d. or 5s. for all other pistols or revolvers.

As I have said, the Government is prepared to go along with the suggestion that individual members of any affiliated club should pay £1 for the first pistol and 5s. for any additional pistol. I am not altogether happy with the wording of the amendment suggested by my colleague yesterday and I consider that it should be made clear by adding after the word "club" the words "affiliated with the South Australian Revolver and Pistol Association Incorporated." As the amendment now stands it could apply to any tinpot club that declared itself to be a club and we do not want that to happen.

The Hon. Sir Lyell McEwin: What you really want to do is make it a fee of £1 for the first pistol and 5s. for each additional pistol, provided the club is properly affiliated.

The Hon. A. J. SHARD: I think that should be inserted. However, because of the difference of opinion it would be better if we could report progress and have the Parliamentary Draftsman look at the amendment and draft it exactly as members want it. I therefore ask that progress be reported.

Progress reported; Committee to sit again.

NOXIOUS TRADES ACT AMENDMENT BILL.

(Second reading debate adjourned on August 4. Page 808.)

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

HAWKERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 4. Page 809.)

The Hon. H. K. KEMP (Southern): There are two matters in this Bill that need comment. This is the second Bill to come before this Council in which licence fees have risen sharply; in this case double in every instance. I feel strongly that licences and licence fees should not be regarded as a means of raising revenue. The whole purpose of licensing is to bring some necessary action under control and regulation for the good of the community in respect of something that must be done but which involves some hazard. There has never been any relation between the cost of a licence and the cost of the regulation of the control that licensing confers.

Licence or permit to carry out a designated practice enters every phase of our life today, from the keeping of bees to the driving of cars, shopkeeping in all sorts of ways and quarrying—in fact, wherever a practice or operation affords hazard to health or to life itself or is just a nuisance, such as a smelly fertilizer factory or a tannery, which must be tolerated in a community. The real discipline that comes from licensing must be always in the withholding of a permit to do

these things if they are not done properly. If the fees charged are to become an important revenue item, as seems likely when in each case of a licence coming before Parliament for any purpose at all the fees are doubled, people should be aware of what is going on.

There are very few people who do not hold licences of some sort today—for a dog, to drive a car or for some other simple thing. The heavy increase in the pistol licence fees, however, affects only a small section of the community—about 7,000 out of 1,250,000 people in this State. I do not know how many hawkers licences are issued, but probably it is only a few hundred, which is again a small section of the community. The fact that revenues are being augmented by this means, unfortunately, escapes attention, but the community has a right to know what is going on.

What I must put before the Council, however, is the importance of the hawker to some of our primary industries. The hawker who chiefly attracts the ire of councils is the man who takes a large load of fruit—apples from the Adelaide Hills or oranges from the River Murray—in season, when they are cheap and plentiful, and offers them from door to door around Adelaide or brings them to the remote farming districts and sells them cheaply. The complaint always is that he is undercutting the local shopkeeper who lives in the town, pays rates and maintains a supply of these or similar commodities throughout the year.

The Hon. Sir Arthur Rymill: Undercutting in price or quality?

The Hon. A. J. Shard: Both.

The Hon. H. K. KEMP: This complaint is justified because it must be understood that once the flurry of harvest is over and supply settles down to normal lines of distribution, a huge cost is added to the fruit.

It is the cost of our modern channels of distribution that increases with every move in money values. Let me give honourable members an illustration. This year the apple-growers in the hills have sold the large bulk of the Jonathan crop for a little over 15s.; they have had a fair year when the fruit was cleared direct from the trees at this value. I will give honourable members an account of the costs involved in selling these apples. Fruit which is now being sold has been cold-stored. In our oldest and cheapest stores the cost is 2s. 6d. for what we call a water-level. With normal shrinkage and wastage in storage about one box in five is lost. That brings our price up to 18s. We have to add the cost of the box in which the fruit is sold—and we in the hills are fortunate in that we can use cheap boxes; but they are normally traded second-hand at 2s. By the time the box is returned and repaired it costs 2s. 6d. This now brings our 15s. worth of fruit up to 21s. 6d. The labour cost of bringing the fruit out of store, packing it and sorting out blemished fruit, has been traditionally charged at 1s. by most co-operatives. Today, on present costs, we find it cannot be done for this amount and they charge 2s; but let us take it at 1s.—which means that 22s. 6d. is now the total. Next comes the cartage from the hills to the wholesale market. That costs me personally 10d., though some stores have got it down, by using their own trucks, to 6d., but the total cost of our fruit is now 23s., to which we have to add the normal 10 per cent commission, which is 2s. 4d., making the total 25s. 6d., so there is a 10s. 6d. increase before the fruit reaches the market. The fruit has not got past the Adelaide market yet. If it is bought for country sale, what we call a cap must be added: it is tied to the box with two wires. The cost of the cap is 1s. 6d. and the wires cost 2d. or 4d. In every case I am under-estimating all these costs.

As growers, we do not know the costs of manhandling fruit through the market down to the rail or to the country carriers' depots but, if this can be done under a percentage write-up of 33 per cent on present wages and cartage costs, I am a Dutchman; but let us make it 8s. That, again, is an under-estimate. Therefore, before the country shopkeeper pays the cost of freight from the market he has to pay at least 33s. 6d. a box for apples that started at a base price of 15s.

We must think realistically about the costs that the country shopkeeper faces. If there is no spoilage or bruising at all, the freight rate from Adelaide to Port Lincoln is 11s. 1d., and to Naracoorte 4s. For consignments from Adelaide to Jamestown the freight rate is the same as to Naracoorte, namely 4s. Taking 4s. as the average rate charged to country buyers, the cost before they unload the fruit is 37s. 6d. on a 42 lb. box of apples.

No matter how skilful the greengrocer is, he cannot weigh out more than 36 1 lb. lots of apples, because he must always put in the extra apple that takes the scales down. If he has no spoilage at all, the apples have cost him about 1s. 2d. a pound. If he charges the normal retail margin, which has been traditionally 33⅓ per cent, this box of apples, which started at a cost of 15s., is sold for £2 10s. However,

in order to make a living wage of £15 a week on this margin, assuming his costs amount to only half his margin, he will have to sell the equivalent of at least 50 boxes of apples, or the equivalent in other produce.

Very few country storekeepers are handling business on that scale; it is only in the larger towns that anything like that quantity of apples can be placed. I will not deal with fruit other than apples. It must be appreciated that we get off very lightly in this regard. The orchards in the Adelaide Hills are almost at the back door of the market. Costs are higher in relation to fruit from river growers. My colleague, the Hon. Mr. Story, will possibly deal with that matter. In practically every case, in order to make a living, the country storekeeper must buy cheap quality fruit. The quality in country districts is generally poor and the price high.

I have heard many complaints from colleagues on this matter. Even in Adelaide, with the orchards just outside the suburbs, the greengrocer buying from any agent faces the price of 25s. 6d. set on the Adelaide market for the box of fruit originally priced at 15s. In some cases it costs 10s. a box to move the fruit 15 miles, but in other cases the cost is less. The cost to the greengrocer is 25s. 6d. a box, but that greengrocer must rise about 6 a.m., go to the market very early in his own truck, and carry the box of fruit himself. If he had to pay a man to do this, what would be a fair charge? I know that I could not do it for 2s. 6d. and still make a living. The greengrocer's bare cost at the door of the shop is at least 28s.

Then he has to make a living, in the face of present-day rents and charges. So, even the most economical and hard-working greengrocer must extract from his customers well over double the base cost of 15s. Believe me, these people are hard-working and they are not making a rich living!

One way around these very high costs for the fruit industry is the sale of fresh fruit during the period of the harvest. In the past it has been done by the hawker. He picks up bulk fruit from orchard districts and, in most cases, pays the full bulk price of 15s. One point that possibly could be brought to the notice of our fruit industry is that the reputable hawker buys good quality fruit and provides a service in supplying fresh fruit. That is the case in the very few instances where he has been allowed to survive.

With a competitive base cost of 15s. a box and a selling price of 35s. a box, the hawker delivering fruit, not to distant country districts, but only as far as places like Jamestown, can make a very attractive living. Many people have been attracted to the trade by the apparent easy earnings of a man who picks up bulk fruit from the Adelaide Hills or from the River Murray areas, and for a short season each year replaces the system of distribution that has become so costly. Over the years this invaluable outlet of fruit during harvest has been dwindling. The hawker picks up fruit and takes it direct to where it would not otherwise be in good supply, giving the retail buyer the only chance possible of buying really fresh fruit at a reasonable price. In fact, it is the only chance at all for the residents of remote districts to buy good quality and really fresh fruit at other than luxury prices.

The honest hawker has an important function to perform in the fruit and vegetable industry. His income is seasonal and he has a very hard life. Unfortunately, as I said earlier, in the past people have been attracted to the trade without having realized the costs and difficulties involved. Some undesirable types have been attracted to what looks to them to be an easy living, and they have brought the trade into some disrepute in a few instances.

However, we still have good men to serve the people in the fruit industry and the family fruit buyers. They get the fruit through. I agree that, from the very nature of the trade, hawkers must be licensed and regulated, but I am sure that in seeking to protect the rate-paying shopkeepers in many council areas a serious disservice has been done to both the fruitgrower and the family fruit consumer through a failure to realize just what is the function of the fruit hawker and what are the cost problems of the regular greengrocer. These people have been excluded from many areas by petty regulation and bedevilling. The increases proposed are much more savage than they appear to be on the surface. In every case, the charges are written up 100 per cent. This means, in effect, that a reputable fruit seller who takes out a hawker's licence can be charged double for the privilege of selling fruit under other by-laws that regulate trading. This, without doubt, is sufficient to kill completely the small amount of trade that remains. What hawker that honourable members know of could possibly pay this sum and still continue to make a go of it? I think it is in the interests of everyone to get fruit

to children more cheaply, despite rising costs. It would be in the public interest to look at the matter of hawker licensing generally to see how the trade could be helped rather than suppressed, and how we could get glut fruit through more cheaply when it was in season without too greatly affecting the regular distributing channels. I am sure this can be done, and it will help the shopkeeper in the country enormously. However, it cannot be done piecemeal, and it cannot be done by increasing the hawker's licence fee. I must, therefore, oppose the Bill.

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

TRAVELLING STOCK RESERVE.

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

That the resumption of the travelling stock reserve in the hundreds of Eba, Lindley, Maude, Bundey, King and Baldina, and in land out of hundreds, shown on the plan laid before Parliament on May 13, 1965, in terms of section 136 of the Pastoral Act, 1936-1960, for the purpose of being dealt with as Crown lands, be approved.

The Hon. S. C. BEVAN (Minister of Local Government): The stock route in question comprises about 10,283 acres and runs in a general north-westerly direction from Morgan to Burra, but it is proposed to resume it as far as the intersection with Stone Chimney Creek in the hundred of Baldina. As is the case with many travelling stock reserves created in the last century, the need for this reserve for the purposes of travelling stock has been eliminated by transport developments. Upon resumption, it is proposed to establish a road about three chains wide, which will cater adequately for stock and other transport requirements. Beyond the land requirements for such a road, and the possible creation of about five miles of the reserve as a fauna and flora reserve, the remaining land will be dealt with as Crown lands. The proposal for resumption has been put to the District Councils of Morgan and Burra, as well as to the Stockowners' Association of South Australia. All of these bodies have signified their agreement to the proposal. In view of these circumstances, I ask honourable members to agree to the resolution.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I am familiar with the land referred to by the Minister. It is a travelling stock route between Morgan and Burra, and is about 50 miles long. It varies in width, the widest part being about 15 chains, and consists of about 10,000 acres. I have made some inquiries and have been given information in line with that given by the Minister. I have been told that an area will be retained to provide for a road, and I hope that means that a road will be constructed there. This is the only road that connects the River areas and the north. It is merely a track at present, however, and is not the type of road on which one would desire to travel at speed. The Minister said it was intended to retain some of the area for a reserve. The local council is interested in this matter. I do not know whether it will be available for picnics, but the council is interested in such a reserve. Also, on this route there is some interesting timber that is worth preserving. I presume that what the Minister was referring to was a fauna and flora reserve, but black oak covers the area, and there is some interest in retaining it.

The local branch of the Stockowners' Association, whose members would be the first to be interested in this matter, does not oppose this proposal, nor does the central organization. The Stockowners' Association approved of the land reverting to the Crown and of being used for any of the matters mentioned by the Minister. As this move is welcomed by everyone concerned, I support the resolution.

Resolution agreed to.

ADJOURNMENT.

At 3.43 p.m. the Council adjourned until Tuesday, August 10, at 2.15 p.m.