

## LEGISLATIVE COUNCIL

Tuesday, August 10, 1965.

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

### QUESTIONS

#### DOCTOR'S DISMISSAL.

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

The Hon. Sir LYELL McEWIN: I think probably all members have been in receipt of a letter from an officer who has been dismissed from the Northfield Hospital. Members are accustomed to receiving circular letters but this is a signed letter and the statements that have been made involve some implications. It is a long letter and I intend only to read an extract from it, because questions have been asked in another place. They are dealt with in the letter, which states:

You will recognize that it is only a public service official who has, apart from everything else, something vitally wrong to hide from both the public and myself, who would have included in this statement that the Premier would consult the Chief Secretary to see "what can be made available for perusal within the Chamber and without ever reaching the press." As far as I am concerned, I have nothing whatsoever of any sort to hide, either from the public or from the press. As I stated for my patients and the staff on July 3, there are no reasons, grounds or excuses in existence for this life sentence that has been imposed on me, and none can be produced which are not false and which I could not show up as false.

That is a very strong statement. The letter continues:

You will appreciate that the result to me is identical to putting a man in gaol for life, and then saying that in the public interest and in his own interest the public and he himself must not be told what charges, if any, exist against him, and he must not be given any trial for him to be able to defend himself against any charges.

Can the Chief Secretary say whether, in view of the action taken, any reasons were given to the person concerned for his dismissal?

The Hon. A. J. SHARD: Would the Leader of the Opposition mind repeating the question? I lost the track of it.

The Hon. Sir LYELL McEWIN: The officer complained that there was wrongful dismissal and that no reasons for the dismissal were given. Rather severe indictments are contained in the statements I have read. As the officer claims that he had no opportunity to state his case, and that no reasons for his dismissal were given, can the Chief Secretary

say whether it is true that, in the dismissal of the officer, he was not given any reasons therefor?

The Hon. A. J. SHARD: The answer is "Yes".

The Hon. Sir LYELL McEWIN: I ask leave to make a short statement prior to asking a question dealing with another portion of this letter.

Leave granted.

The Hon. Sir LYELL McEWIN: I have deliberately tried to avoid wasting the time of the Council, but following questions asked about which no information has been made available I shall now read another part of the letter:

Mr. Lawn's question was obviously asked as a result of the concern of some Labor members after a meeting of Labor members of Parliament on Wednesday, July 28, at which they had been given a report by the Minister from the official responsible, which could do nothing but exonerate me. After the meeting, Mr. J. J. Jennings, the member of Parliament for the area, informed us that the Minister, having been given no grounds he could produce even to his associates over the four weeks from July 1, at last obtained the report from the official responsible, which the Minister gave to all Labor members at the meeting, and which could only say:

- (1) My medical and administrative capacity were beyond reproach;
- (2) I got on all right with my patients;
- (3) I had taken the major part of my leave;
- (4) I did not get on with some of my colleagues. When I asked for the names of these colleagues, Mr. Jennings said that no such colleagues had been named;
- (5) Mr. Jennings said also that some reference had been made to a patient of mine, with regard to whom I had carried out instructions from the court to me under the law, but where an official had not wished the law to be kept in her case.

Mr. Jennings stated that these five points were the sum total of the report for the Minister and the Labor members of Parliament by the departmental head responsible.

Apparently information has been given in certain quarters but has not been made available to us, and when we get circulars such as this we do not know the facts. We have been kept in the dark. The complaint is that this person has not been given the ordinary justice that applies to anyone in any community of having the right to defend himself by explaining his action. Will the Chief Secretary say whether this man was dismissed by Executive Council, and can we have the information that has been made available to one section of Parliament only?

The Hon. A. J. SHARD: The answer to the first part of the question about whether he was dismissed by Executive Council is "Yes". Regarding the second part, I do not want to take part in a debate on this matter, because I think the Leader of the Opposition knows as well as I do that what one says can be readily misconstrued, as was the statement in the paper. I will take up the matter with our advisers to see if the docket can be made available to the Leader.

#### MATRICULATION CLASSES.

The Hon. G. J. GILFILLAN: Has the Minister of Labour and Industry obtained a reply to a question I asked on August 3 regarding matriculation classes in the country and in the metropolitan area?

The Hon. A. F. KNEEBONE: Yes. My colleague, the Minister of Education, has advised me that in 1966 there will be 22 metropolitan and 16 country departmental schools teaching to matriculation standard. This year there were 34 metropolitan and 52 country departmental schools teaching to matriculation standard. Honourable members are reminded that matriculation in 1965 is at the Leaving or fourth-year level, whereas in 1966 it will be at fifth-year level, when there will be six metropolitan and eight country departmental schools with fifth-year classes which do not have them at present.

#### EYRE PENINSULA RAILWAYS.

The Hon. C. C. D. OCTOMAN: Has the Minister of Transport a reply to a question I directed to him on July 28 last about Eyre Peninsula railways?

The Hon. A. F. KNEEBONE: Yes. I have the following information. Since 1960, 47 miles of track between Cummins and Buckleboo have been re-laid with new rail. Re-laying of the Thevenard line has proceeded from Ceduna to the vicinity of Wandana. Provision has been made in the Estimates for the continuation of the programme of re-laying on both lines. The Yeelanna-Kapinnie railway is safe for the loads and speeds prescribed. It is intended that the load capacity be raised to the standard of the other lines on the Eyre Peninsula division, and provision has been made in the Estimates to enable re-laying to be commenced this year.

#### FORRESTON WATER SUPPLY.

The Hon. M. B. DAWKINS: Has the Minister of Labour and Industry, representing the Minister of Works, a reply to my question

of June 16 about a water supply for the township of Forreston?

The Hon. A. F. KNEEBONE: Yes. My colleague, the Minister of Works, has supplied me with the following reply:

Investigations are almost complete regarding a water scheme for the township of Forreston by means of an extension from the Mannum-Adelaide pipeline at Gumeracha. The cost is estimated at £10,500 and it would appear that, provided the landholders along the route of the main and the township property holders agreed to a township scale of rating, the resultant revenue would enable the scheme to be approved. An up-to-date revenue statement is being prepared showing the rates that would be payable by interested parties, and this will be submitted as early as practicable. The Minister will communicate with the honourable member by letter as soon as this is complete.

#### WATER SUPPLY.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. A. GEDDES: Last Thursday I asked a question of the Minister of Mines about the Mines Department boring for water in pastoral leases in the northern areas of the State. The reply contained a reference to water supplies at Gidgealpa. I feel that the answer is not quite what is wanted. Apparently Mines Department officers go on to pastoral leases to look for whatever they are looking for at the time. In many instances the leaseholder does not know that they have been there, and they move on. Sometimes water is found but the leaseholder does not know. Can the Mines Department supply leaseholders with information when water is found on properties?

The Hon. A. J. SHARD: Replying on behalf of my colleague, the Minister of Mines, who unfortunately is away through illness (and he could be away all this week), I naturally do not know the answer, but I will refer the question to the Mines Department and get an answer for the honourable member as soon as possible.

#### GAWLER BY-PASS.

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the proposed level-crossing in the process of being located near the more northerly of the two over-pass railway bridges on the Gawler by-pass. Landholders in this area have land on both sides of the bridge and because of this many cattle and other stock pass over the roadway each day. Hundreds of motorists are using this road every day and

because it is curved there is a danger to these people. In the past I have had discussions with the previous Minister and I have made representations to him in order to get a stock crossing placed just north of this bridge over the railway. The previous Minister did everything possible to expedite the matter and it is my belief that the Highways Department has done its part in preparing for such a crossing. I also understand that local government authorities have also prepared for it, but the completion of the exercise awaits the co-operation of the Railways Department in the provision of the actual crossing.

This matter has been proceeding for some time and this area is a hazard to users of motor vehicles as they normally approach this curved bridge at a fairly high speed and they are often suddenly confronted with slow-moving cattle. Will the Minister of Transport inform me whether he will investigate this matter and see whether the necessary action can be expedited as the danger is causing concern?

The Hon. A. F. KNEEBONE: I will be pleased to have the necessary inquiries made and pass on the information to the honourable member as soon as possible.

#### HOSPITAL COSTS.

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

The Hon. R. C. DeGARIS: In *Hansard* of July 27 the Minister of Health gave a comprehensive answer to a question asked by the Hon. Sir Lyell McEwin concerning hospital costs. The first part of the question to which the Minister replied was:

What is the daily average cost per occupied bed in Government general hospitals in South Australia?

The reply given was a table showing the daily average costs per occupied bed for each of the Government general hospitals. By way of illustration I quote the figure given for the Mount Gambier Hospital:

Daily average costs per occupied bed (excluding capital and debt charges), £8 15s. 2d.

The first part of my question is: does the figure of £8 15s. 2d. include the cost of treating outpatients at the hospital and does it include income received from such outpatients?

A further portion of the Minister's reply related to the third part of Sir Lyell McEwin's question, and it was as follows:

The daily average cost per occupied bed over all country subsidized hospitals (calculated by weighted daily average bed occupancy) is £4 4s. 8d.

The second part of my question is: does the figure of £4 4s. 8d. include the cost of treating outpatients and does it include income received from outpatients in country subsidized hospitals?

The Hon. A. J. SHARD: I cannot give a detailed answer to the question immediately, but I will obtain a full report and let the honourable member have it as soon as possible.

#### PORT NEILL.

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: I wish to direct a question to the Minister representing the Minister of Marine in another place. An instrument to determine the characteristics of ocean swell has been in operation for some months at Port Neill, on the eastern coast of Eyre Peninsula. The results of tests are awaited with some anxiety by a committee at that centre that is promoting the cause of deep-sea facilities at Port Neill. They wish to submit evidence to the committee recently appointed by the Government to investigate deep-sea port facilities. Will the Minister representing the Minister of Marine make known to this Chamber the progress of the tests being undertaken in connection with this suggested terminal port at Port Neill?

The Hon. A. F. KNEEBONE: I will be pleased to convey that question to my colleague and obtain a reply for the honourable member as soon as possible.

#### DROUGHT RELIEF.

The Hon. SIR LYELL McEWIN: Can the Minister of Transport inform me whether there is any truth in the report that the granting of freight rate concessions on drought relief fodder is to cease at the end of this month?

The Hon. A. F. KNEEBONE: I am unable to answer the question at this moment, as I am not sure of this. I will make inquiries and let the honourable member know as soon as possible.

#### TWO WELLS WATER SUPPLY.

The Hon. L. R. HART: Has the Minister of Labour and Industry, representing the Minister of Works, a reply to my question of August 3 in regard to the Two Wells and Virginia water supply?

The Hon. A. F. KNEEBONE: I have an answer from my colleague the Minister of Works, and he states that two alternative schemes to supply the Two Wells and Virginia areas and adjacent country lands have been prepared and estimates have been made. An assessment is being made to determine the financial return and this will be completed as soon as possible. Either scheme will require reference to the Public Works Committee if found by the department to be a practical proposition. A prerequisite for any scheme to extend the Barossa water district is the duplication of the Barossa trunk main from the Sandy Creek pressure-reducing tank to the Gawler take-off point, and Cabinet approval has been given for the expenditure of £93,000 to provide a 27 inch mild steel cement-lined main and by-pass at the reducing tank. It is expected that delivery of the pipes for the main will commence early in 1966 and, meanwhile, work on the construction of the by-pass is well advanced. A total amount of £6,873 has been spent up to July 31, 1965, from the allocation for the 27 inch duplicate Barossa trunk main—£2,459 in 1964-65 and £4,414 in 1965-66. This expenditure has been incurred on preparatory work and on the construction of the by-pass at Sandy Creek pressure-reducing tank. A tender has been let for the supply of the 27 inch mild steel cement-lined pipes.

#### COOBER PEDY WATER SUPPLY.

The Hon. G. J. GILFILLAN: Has the Minister of Labour and Industry, representing the Minister of Works, a reply to my question regarding Government policy on the provision of a desalination plant at the new bore at Coober Pedy?

The Hon. A. F. KNEEBONE: I have a reply from my colleague, who states that the Engineer-in-Chief has prepared a specification for a desalination plant at Coober Pedy and, subject to Cabinet approval being given for the expenditure, it is proposed to invite tenders for the purchase and installation of the equipment.

#### TOURIST TRADE.

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

The Hon. M. B. DAWKINS: During the Parliamentary recess last month I had the privilege of travelling through the Northern Territory and, by coincidence, while I was at Alice Springs I met the Premier and I am aware of the impression that was made upon him regarding the tourist industry by the number of people who visit the centre and

places like Ayer's Rock, which are relatively remote areas of this country. I understand that the honourable gentleman made a statement regarding the extent and importance of the tourist trade to our own State on his return. Some short time ago, I was in the Swan Reach area and I received a complaint that the Swan Reach wharf was no longer safe for the motor vessel *Coonawarra* to call or for passengers to disembark and, thereby, the tourist interest in that part of the trip was reduced. Furthermore, some trade was removed from the town. I noticed that in reply to a question by the Hon. Mrs. Cooper, the Minister of Transport recently informed the Council that the wharf at Swan Reach had been wholly abandoned. I understand that not much would have to be done to bring that wharf, not into full use, but into enough use to allow passengers from the *Coonawarra* to disembark. I wonder whether in the interest of tourism, the Government could consider that matter and also the matter of the jetty at Minlacowie on Yorke Peninsula, which I understand is in quite good condition at the outer end. I ask that the Premier consider these matters, not in the light of former decisions relative to the Harbors Board, but in the light of increasing the interest for tourists in this State.

The Hon. A. J. SHARD: I will be pleased to refer the honourable member's second reading speech to the Premier and ask him to give it consideration.

#### SOLDIER SETTLEMENT.

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

Leave granted.

The Hon. C. R. STORY: It has come to my notice that the Department of Lands intends to offer by auction some war service land settlement properties in the Upper Murray area. I understand that there are still applicants (in terms of the Act) who have not been satisfied as to settlement. Will the Chief Secretary, representing the Minister of Lands, say how many applicants are still eligible for war service land settlement and whether they can expect to receive a property at this stage?

The Hon. A. J. SHARD: I will be pleased to refer the question to my colleague, the Minister of Lands, and obtain a reply.

#### PORT AUGUSTA HOSPITAL.

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

The Hon. Sir LYELL McEWIN: On May 19, when speaking to the Address in Reply, I referred to the development of hospital services in South Australia and mentioned the matter of rebuilding the Port Augusta Hospital. Strong representations have been made over a number of years for the rebuilding of this hospital, which has been delayed until others needing additional accommodation were provided for. By way of interjection, I received a reply from the Minister of Health that this work would continue to go ahead, that it was on the drawing boards, and that it would be referred to the Public Works Committee by the end of that month or early in the following month. That is nearly three months ago, so I now ask the Minister what progress has been made towards the rebuilding of this hospital.

The Hon. A. J. SHARD: The position as outlined by the honourable member is correct. It was promised then that the matter would be ready to go to the Public Works Committee in May or June. Nobody wishes this work to be carried out more than I, and each time I raise the matter with the Public Buildings Department I get the same answer—that it is about ready to go to the Public Works Committee. The position as I understand it is that it is almost ready to go to that committee, but I will try to find out the exact position. There is no one more anxious than I to see that this matter goes before the committee and is finalized. I understand that some provision will be made in this year's Loan Estimates for this hospital.

#### SOUTH AFRICAN DAISY.

The Hon. H. K. KEMP: Recently I asked a question about South African daisy. I noticed that it appeared in the *Hansard* proofs but that it was not indexed in the official record of the bound copies. Is an answer to my question available yet?

The Hon. A. J. SHARD: No.

The PRESIDENT: I will refer the matter raised by the honourable member to the *Hansard* staff.

#### PARLIAMENTARY DRAFTSMAN.

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

The Hon. R. C. DeGARIS: This session this Council has not had the services of a Parliamentary Draftsman during the Committee stages of the Bills it has been considering. Also, I believe that, because of the heavy legislative programme that has been promised

at some time in the future, other members have had difficulty in securing the services of a Parliamentary Draftsman. Will the Chief Secretary say whether the Government will consider making the services of a Parliamentary Draftsman available to private members?

The Hon. A. J. SHARD: Yes, I will take up this matter.

#### POTATOES.

The Hon. H. K. KEMP (on notice):

1. Is the Manager of the Potato Distribution Centre also the manager of the Wholesale Fruit Merchants of Adelaide, Ltd.?

2. Are all payments for growers' produce effected through the office of the Distribution Centre?

3. Is this office also the office of the Wholesale Fruit Merchants of Adelaide, Ltd.?

4. Is the Potato Distribution Centre, although registered separately, a subsidiary of the Wholesale Fruit Merchants of Adelaide, Ltd., and does the one staff serve both organizations?

5. How many of the merchants to whom the growers are authorized to deliver potatoes, are not members of the Wholesale Fruit Merchants of Adelaide, Ltd.?

6. Is the Wholesale Fruit Merchants of Adelaide, Ltd., the authorized body to purchase potatoes from the Potato Board of Western Australia?

7. How many employees are directly employed by the South Australian Potato Board, and what are their functions?

The Hon. A. J. SHARD: The Chairman, South Australian Potato Board, reports as follows:

1. Yes.
2. Yes.
3. Yes.
4. Yes.
5. Twenty-four.
6. No.
7. Six.

A marketing superintendent, controlling grower delivery and distribution of all potatoes to licensed merchants and washers. Two board inspectors, authorized to detect breaches of the Potato Marketing Act, investigate complaints, and to see that the board's marketing instructions are complied with. Two potato inspectors to carry out potato inspection in accordance with the provisions of the Fruit and Vegetables (Grading) Act. One storeman to assist with inspection and other general duties at the board's depot.

#### ARCHITECTS ACT AMENDMENT BILL.

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Architects Act, 1939. Read a first time.

NOXIOUS TRADES ACT AMENDMENT  
BILL.

Read a third time and passed.

EMPLOYEES REGISTRY OFFICES ACT  
AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 5. Page 842.)

The Hon. C. D. ROWE (Midland): I support the second reading of this Bill, which makes certain amendments to the Employees Registry Offices Act. In general terms these amendments are to bring the legislation up to date and make it comply with modern conditions. Apparently this Act has not been used greatly since it was first placed on the Statute Book in 1915, except that it seems that in the last year or two there has been more demand for this type of office. I understand that previously there were only two or three licensed registry offices but that at present there are 21, and there is a tendency for them to increase. Because of the increase in the number of applications, certain difficulties have arisen and certain safeguards have become necessary.

The purpose of this Bill is to overcome those difficulties and provide the safeguards. As far as I can see, what is proposed is satisfactory. It is obvious that where people set themselves up to bring employers and employees together certain controls should be provided and that there should be provision to make certain that the charges made are reasonable and that the business is run in a satisfactory manner. That is the purpose of this Bill.

I shall deal now with the clauses of this Bill. The principal Act now provides that an application for a licence is to have annexed to it a character certificate signed by six ratepayers in the municipality in which the registry office is to be located. I remember that when I was the Attorney-General there was an applicant who desired to have his name registered and secure a licence, but it was not possible for him to secure the signatures of six ratepayers in the municipality, which was the municipality of the city of Adelaide, although he knew plenty of people elsewhere in the metropolitan area. One can imagine that it may be difficult for a person to secure six signatures from ratepayers within the city of Adelaide. The Bill amends that provision and provides that, as long as the application is supported by six

references from ratepayers living in any area to which the Act applies, that is sufficient. I see no objection to that. In addition to character references, inquiries are made by appropriate authorities to satisfy themselves on the suitability of the applicant. That is a desirable provision. The Act as originally drafted provided for a single individual to operate one of these registry offices. Today, it frequently happens that the applicant is in partnership and that the licence is desired in the name of the partnership; or it may be that the proposed licensee is a private limited company, in which case it is necessary to have the licence in the name of the company. This Bill provides for that.

The Bill extends the area that is to be covered. The existing Act applies to the metropolitan area as it was defined by the House of Assembly districts in 1924. Those districts have long since ceased to exist. As we all know, the Assembly districts were not brought up to date, as many of us would have wished, by the Bill introduced in this Council during the last Parliament, which, if passed, would have made things more democratic than they are today. However, that responsibility rests with the present Government, not with the Opposition. It is necessary to define the area more accurately, and this Bill proposes to make the area the same as that set out in the Industrial Code. As I understand it, the area to which this measure will apply will be what is at present known as the metropolitan area for the purposes of the House of Assembly, plus (and there is a definition of it in the Industrial Code), in general terms, the southern portion of the district of Salisbury, south of the River Para. There is a detailed and exact definition of the area in the definition section of the reprinted Industrial Code.

I do not propose to read the whole definition: suffice it to say that the legislation will now cover all the metropolitan area that is covered by the present metropolitan House of Assembly districts, plus that part to the north running up, roughly, to the River Para. That should be satisfactory, but it does not include the modern development of Elizabeth, so this measure will not apply to that area. Whether or not it should is a matter for consideration.

The Bill also provides for employers' organizations and trade unions which, for many years, have given service to their members by arranging for the employment of certain people. They will not come within the scope and ambit of this legislation. It will

not be necessary for them to obtain a licence for their members, that is, for people in their particular industries. It seems to me that that is a reasonable exception: it is purely a service to their members, which service their members can police. That is all that is necessary. There is a machinery provision to the effect that the administration of the measure is to be transferred from the Chief Inspector of Factories to the Secretary for Labour and Industry, which really brings the position up to date. Those of us who know the Secretary for Labour and Industry appreciate that he is efficient and that the administration will be quite safe in his hands.

There is also a provision to exempt certain management consultant companies that may indulge in the business of engaging a specialized person for a particular purpose. The company may exist because it wants not to set itself up as a registry office but on occasion to act as a subsidiary assistant to some people; they attempt to engage people of a specialized nature to do a particular job. They will be exempt from the provisions and that is reasonable. The fee for registration is increased from 10s. (as it was when the Act originally came into force) to £5. That is justified, and in accordance with modern values as well. The present Act requires a notice to be in the registry office, stating the name and address of the registered proprietor. In future, instead of that being done, the licence obtained to operate a business will be displayed in the same way as in the case of a person carrying on a business under the Registration of Business Names Act: instead of exhibiting his own name, he must have a certificate of registration of a business name, which seems an eminently reasonable provision.

I have dealt not with all the clauses of the Bill but with the chief ones, those that will have the greatest impact on the public. It is not necessary for me to say more now except to indicate generally that I support this piece of legislation and reserve the right to ask any necessary questions on the clauses during the Committee stage.

The Hon. Sir Lyell McEwin: I see that clause 17 repeals section 16 of the principal Act; that is all it says.

The Hon. C. D. ROWE: Section 16 of the principal Act states:

- (1) It shall not be lawful for any licensee, directly or indirectly, to keep any employee as a lodger, or to have any share or interest in the keeping of a lodging-house for employees.

- (2) For the purposes of this section, a licensee shall be deemed to have such interest as aforesaid if any such lodging-house is kept by any member of his family or household.
- (3) Every contract or agreement relating to the keeping of an employee as a lodger, or to the keeping of a lodging-house for employees, to which a licensee is a party, shall be for all purposes illegal and void.

I do not know the history of that section, but apparently in the original Act it was provided that a person could not provide accommodation, presumably, for another person while he was looking for and securing a position for him. As the Hon. Sir Lyell McEwin interjected, that section is now repealed, and I presume it is felt that it is not necessary. If the Minister can give us any reasons for the repeal of that section, they will be of value to this Council.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I wish to make two points. The honourable member spoke about the extension of the sphere of the operation of this Act. By the interpretation clause, "district" means the metropolitan district that is defined as the "metropolitan area" in section 5 of the Industrial Code, 1920-1963, as amended from time to time; or any area which the Governor by proclamation declares to be a district for the purposes of this Act. It can be extended. As regards lodging-houses, my officers tell me that this provision is no longer necessary because it has no application under present conditions. There may have been some reason for it in the original Act but there is now no reason for it. That is the only explanation I can give.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Amendment of principal Act, section 2."

The Hon. L. R. HART: I was interested in the Minister's comments about this clause. The new definition of "metropolitan area" includes the definition in the Industrial Code, and extends as far as the River Para. Why should that be so when north of the River Para is an area that is, in effect, part of the metropolitan area? In relation to contracts for work being carried out on the Bolivar sewage treatment works, the metropolitan area takes in the whole of the Gawler area; yet for the purpose of this Bill the boundary ends at the River Para.

If this Bill is to be effective it is necessary to extend the metropolitan area beyond the River Para to take in the city of Elizabeth. I

am not certain just how far the area extends to the south, but it could well be that the definition in the Industrial Code does not take in Hallett Cove, although I consider that it should be included. The definition of "metropolitan area" in this Bill should be enlarged to take in the areas that I have mentioned. At a later stage I would like to have a suitable amendment prepared. Usually we have the services of the Parliamentary Draftsman available, but he is not here today. I am sure members would appreciate having his assistance if it is considered desirable to extend the definition of "metropolitan area" in relation to this Bill. I would like to hear the Minister's comments on the matters I have raised.

The Hon. C. R. STORY: I support the Hon. Mr. Hart, because I consider that the definition of "metropolitan area" should be extended to include the areas mentioned by him. I see much merit in the suggestion to extend it to include the fast-growing areas around Port Stanvac, Elizabeth and beyond, where industry is being encouraged. I would prefer to have some time to consider this matter, because it should be made as realistic as possible. At present I do not favour the definition.

The Hon. Sir LYELL McEWIN: Like other members, I have examined this Bill. We had the second reading explanation only last Thursday and I intended to suggest that members should be given more opportunity to examine this matter. I found the relevant section in the Industrial Code only after going through six volumes. Very little information was given in the second reading explanation, which did not deal with the clauses in sequence.

The Hon. A. J. Shard: We have had to put up with that ever since we have been here.

The Hon. Sir LYELL McEWIN: The Parliamentary Draftsman should be here to assist members. We have not seen him once during this session, for some reason or another. Until we can consider this matter properly in Committee, we should not hasten it in any way. In my examination of the Industrial Code I found reference to the Para River. We have a South Para River, a North Para River, and a Little Para River, but I assume the one referred to is the one near the Old Spot Hotel. Without a map it is hard to understand the Bill. I suggest that mem-

bers be given an opportunity to further consider this matter by having progress reported.

The Hon. M. B. DAWKINS: I support my colleagues in this matter. We must face facts and they are that the city of Adelaide cannot spread east and west. In some cities a circle could be drawn 15 miles from the centre of the city, and that area could be accepted as the city. However, in this case the city cannot spread more than about seven miles east and west, but it has spread about 20 miles in both a northerly and a southerly direction. We must have another look at this matter and define the "metropolitan area" as it is today. My friends in the Labor Party have had similar feelings on previous occasions, because I remember the present Chief Secretary referring to Tea Tree Gully as being within the metropolitan area. Officially, that is not so, although in reality it is. There is no time like the present for a reconsideration of the definition of "metropolitan area", and not have it as it was 10 or 15 years ago. I commend the Hon. Mr. Hart for raising this matter.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): Honourable members appear to be under a misapprehension regarding what is actually being dealt with today. It is not an amendment to the Industrial Code, but an amendment to the Employees Registry Offices Act. The Industrial Code sets out a certain metropolitan area, and for the sake of convenience in this Bill the metropolitan area is taken as that defined in the Code. If in the future it is thought necessary to extend this further it will be done by proclamation.

The Hon. A. J. Shard: We have had the same procedure for the last 15 years.

The Hon. A. F. KNEEBONE: Members have been talking today about a matter that is not before us. I was pleased with the second reading speech by the Hon. Mr. Rowe, because he seems to have a grip on what is necessary. We all know why that is so. Nevertheless, because of the confusion on the part of some honourable members, I ask that progress be reported.

Progress reported; Committee to sit again.

#### STATUTE LAW REVISION BILL.

Adjourned debate on second reading.

(Continued from August 5. Page 845.)

The Hon. M. B. DAWKINS (Midland): This Bill has been dealt with in some detail by my friends, the Hon. Mr. Rowe, the Hon.



Mr. Hart and the Hon. Sir Arthur Rymill, with their usual competence and thoroughness. However, I wish to make some points in relation to the measure. It is designed (if one can use that term for a Bill of this nature) to amend far too many Acts. I think my colleague mentioned 17, which probably constitutes a record over many years. Many of the Acts amended have no bearing whatever on others dealt with in the Bill. To put it mildly, I have considerable doubt about the wisdom of such a measure; in fact, I think there is little to commend it at all. My honourable friend, the Chief Secretary, when Leader of the Opposition, objected in a long and painstaking second reading speech to this procedure, but now he has come along with the "daddy of them all".

I think he is quite happy these days about saying that when things are different they are not the same, or something like that, but the Government has really come along with the champion of them all as far as a conglomeration of amendments is concerned. At least some of these matters should be dealt with under their particular Acts. That would be much better for indexing purposes and to assist those people who have to search for amendments from time to time.

As my colleague Mr. Hart said the other day, the first Act to be repealed is the Sand Drift Act. The fact that this Act can be repealed is a tribute to the previous Government, the Agriculture Department and the Soil Conservation Committee for what they have done. For about 17 years I had on my property a foreman who previously worked in the Mallee as the senior employee of a farmer in that area. From what I learned from him and from my own observations I know something of the conditions that existed some years ago, when many properties in the Mallee consisted of only about 1,500 to 2,000 acres, and when, in order to make a living, farmers had to overcrop and overstock their properties. This gentleman, who served me with great loyalty and ability for so many years, told me that one way they were able to keep the wolf from the door, and make the difference between going completely broke and having a few shillings to live on, was by ploughing back the sand from the railway lines in that area.

From time to time the Railways Department got the local farmers to plough back the sand that had drifted almost over the lines. The sand drift was almost everywhere and we were fast losing what we had in the area. The

eventual outcome was that many of the farmers went off the land and got other jobs, or were able to be accommodated elsewhere. As a result, many farms were amalgamated into properties of 3,000 or 4,000 acres, or about twice the original size. The Government of the day gave a lead in the matter. As the Hon. Mr. Hart said, it took over some of the worst sand drift country that could be found in the whole district.

As a result of the measures described by my colleague (and I have no intention of repeating them at present) the department was able to create some degree of stability out of a wilderness. Properties in that area are now being successfully conducted. What is more important still, the Government of the day and the department gave an example to the farmers in the area. The fact that the Act can now be repealed is a tribute not only to that Government, but also to the way the farmers followed the advice given and the trials staged at the Wanbi Research Station.

The Travelling Stock Waybills Act is being repealed because it has become largely ineffective. I would not say that it has become wholly ineffective, because it may well have been something of a deterrent. However, it is in direct contrast to the Sand Drift Act, which is being repealed because of the success achieved by the Soil Conservation Committee, the Agriculture Department and the farmers in the area concerned.

I think that the Travelling Stock Waybills Act can well be repealed, but I would prefer to look at the alternative that the Government has in mind to replace it. This Council is entitled to look at the alternative, but so far all we have had is a fairly vague indication of what the Commissioner of Police proposes to do. In his second reading explanation the Chief Secretary said:

The Commissioner of Police, in recommending the repeal, proposes, as a more satisfactory measure for detecting any stealing of stock, the introduction of stock movement forms to be completed by police officers whenever stock is observed on the move. Inquiries can then be made at the places of departure and destination of the stock.

If this means that a carrier or farmer has in most cases to get a police officer to complete such forms, it could well be something of a nuisance, and possibly a hardship. I believe we should have been able to look at the alternative hinted at by the Chief Secretary before we dispose of this matter.

For the reasons I have mentioned, I do not agree to the amendments to the Dentists Act

being included in this Bill. I believe these amendments should be dealt with by a Bill to amend the Dentists Act and should be indexed under the letter "D"; I do not think they should be dealt with in a Statute Law Revision Bill. I believe many people will be searching for these amendments and that, because of this present method, they may easily miss them. I think anyone searching for amendments to the Dentists Act or to any other Act should be given a good chance of finding them: they should be able to find them under the Act concerned and not under an Act of this nature.

I do not believe in allowing licensed operative dental assistants to operate unless they are under the supervision of a registered dentist. I was relieved to hear from the Hon. Mr. Hart that only four such assistants were registered and only two were active, and that the present Dental Board did not intend to register any more. However, that may not always be the case, and I look with some suspicion on the opening up of this provision. For some time we have been tightening up the procedure for the treatment of stock, and I entirely agree with this. We have tightened up on the operations of the old type of veterinary practitioner who had only some practical experience and possibly some period of helping a qualified veterinary surgeon. How much more should we tighten up on the procedure for people dealing with human beings? I suggest that we should have another look at the clause of this Bill that opens up this matter. Although the present Dental Board does not intend to license anyone else, the opinion of the board may change with an alteration in its personnel. I am not in accord with this proposal. However, I believe that there is some merit in training dental nurses to work in our schools: I believe this is a good provision. This may well relieve the dental profession of much routine work, and the young people who need treatment can easily be referred to the qualified dentist.

The Bill contains many other provisions; as I have said previously, I believe it contains too many. However, these matters have been dealt with by my colleagues who have preceded me, and I do not intend to go over the ground again. With some reservation, I support the second reading and reserve the right to give some matters further consideration in Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

#### Clause 3—"Amendment of certain Acts."

The Hon. C. D. ROWE: During the second reading debate I mentioned the amendment to the Dentists Act, and particularly the provision that deleted the words "and is performed under the immediate supervision of a registered dentist employed by the company". I said that the effect of that would be that an operative dental assistant could carry out his work in the surgery even when a registered dentist was not on the premises at the time. I was in some doubt whether that was the legal position, but from what I have heard since I believe it is. We have been told that there are three or four operative dental assistants practising today and that the Dental Board does not intend to register any more. That may be the board's present opinion but, as I understand it, there is nothing to prevent it from changing its mind in the future and registering more. I do not think the Legislature ever intended or that it is desirable that an operative dental assistant should be able to carry out what work he chooses in a surgery if there is no qualified dentist on the premises. If we agree to the deletion of these words, I understand that that will be the position. I do not know the Dental Board's view on this matter, and I think the Council should have information about that before it agrees to this deletion.

The Hon. A. J. SHARD (Chief Secretary): My advice from the Parliamentary Draftsman is as follows:

Paragraph (a) of section 13 of the amending Act of 1960 amended paragraph (c) of subsection (1) of section 40 by striking out the words "and practises dentistry under the immediate supervision of a registered dentist", thereby allowing operative dental assistants to practise without supervision. When the Bill for the 1960 Act was before this Chamber, it was stated by the Leader of the Opposition, as Minister in charge of the Bill (at that time the relevant amendment was made by amendment No. 8 to clause 13 of the Bill), that, if a registered dentist employing a licensed dental operative ceased to practise or died, the operative dental assistant might find it difficult to obtain other employment if he were required to practise under the immediate supervision of a dentist. In view of the small number of persons involved (at that time there were five) the previous Government had decided that the requirement of immediate supervision could be removed. It will be seen that the amendments made to section 43 of the Dentists Act by the present Bill are the same as the amendment to section 40 made by paragraph (a) of section 13 of the amending Act of 1960. They are consequential amendments overlooked in 1960 and do not involve any new policy.

The Hon. L. R. HART: As I see it, this amendment would mean that if a dentist who

lived in Adelaide also had a practice on Kangaroo Island his registered operative dental assistant could carry on the Kangaroo Island practice, as he would be employed by the registered dentist. The assistant would not have to be under immediate supervision, as this Bill amends the section requiring immediate supervision. Somewhere in the Act it is stated that the assistant must be in the employ of a registered dentist, so a registered dentist could have another practice 100 miles or more away from his main practice and the operative dental assistant could be in charge of that practice. However, that is not my main concern. The disapproval that I wish to register is of the Dentists Act and the Nurses Registration Act being amended by this method. I know that these are only drafting amendments, but it seems to me that these Acts should be amended in the proper way followed over the years: that the Acts in question should be brought before Parliament, for that is the only way in which Parliament can express its approval or disapproval of proposed amendments. In this particular case I doubt whether it would be possible to bring before Parliament any other section of the Act than that dealt with by this amendment. I repeat that I register my disapproval of the method by which these Acts are being amended. I will accept that the amendment to the Dentists Act is necessary in order to bring it into conformity with other amendments passed in 1960, but I disapprove of the way in which it is being done.

The Hon. C. R. STORY: The method of indexing has been mentioned. I want to know just how it is intended to go about the indexing, because both the Chief Secretary and I had something to say about this last session. I should like to be assured that each one of these amendments will be properly indexed in the Statutes so that, when one turns up the index relevant to this matter, one can see what was done by this Bill; also, so that, when one goes to the Government Printer to buy a copy of the Act and its amendments, one gets the amendments as made by this amending Bill as well as those listed under the name of the principal Act. Can the Chief Secretary tell me something about this and what is proposed?

The Hon. A. J. SHARD: Let me put all honourable members at ease and correct the impression they have. I have never complained about a Statutes Amendment Bill such as this in my life. This is a fact and I would advise

the Hon. Mr. Story to read the Hon. Sir Arthur Rymill's speech of last Thursday.

The Hon. C. R. STORY: I have.

The Hon. A. J. SHARD: This is the procedure that has been adopted in this Parliament for the last 30 years, and on this particular type of legislation I have never entered a protest. I have, though, when two distinct Acts have been amended in the one Bill, involving a matter of policy; but this Bill is not concerned with policy. Let us be reasonable and get down to the basis of it. This Bill is a correction of anomalies. We have adopted the same procedure in this Bill as has been followed for the past 30 years. I have never queried this procedure and it is wrong for honourable members to get up and say that I have.

The Hon. C. R. STORY: Now get down to the pea-pods of the question.

The Hon. A. J. SHARD: Don't say something that is not factual.

The Hon. C. R. STORY: Don't blow up.

The Hon. A. J. SHARD: It is all right—I am not blowing up. Let us be factual and truthful. I don't interject when other honourable members are speaking. I shall not run away if I have made a mistake. It is true that I have objected if the policy contained in two different Acts has been amended by the one Bill, and I hope we never do that. But the procedure followed under this Bill has been going on for 30 years, so why all the fuss about it? The Hon. Mr. Hart raised a point, and what he mentioned could happen. It is remotely possible, but very unlikely.

The Hon. L. R. Hart: Still, it would be policy.

The Hon. A. J. SHARD: Nevertheless, this Bill is simply correcting something that the Government supported in 1960. Is there any new policy in that?

The Hon. M. B. Dawkins: Did you support it?

The Hon. A. J. SHARD: I probably did in 1960. All this Bill is doing is correcting anomalies. Let us examine it and debate it on its merits and not drag eyewitness into the debate. The Government has nothing to hide. Could we do anything more straightforward than we are doing? Certainly, members may debate the Bill if they want to, but I hope they debate it honestly, fairly and on its merits. Don't say that we are doing something today that has not been done over the last 30 years.

The Hon. C. R. STORY: I am afraid the Chief Secretary may have misunderstood my intention. I was not being difficult at all.

What I have complained about previously has happened again this session. Bill No. 2 that was presented in this Council recently was another example. All I want is an assurance that in this one particular case things will be tabulated nicely, neatly and tidily in the index.

The Hon. A. J. SHARD: I have not replied to the honourable member yet on that point.

The Hon. M. B. Dawkins: Was the Chief Secretary suggesting that we on this side are not straightforward?

The Hon. A. J. SHARD: What I object to is the insinuation that I objected to this procedure last year. That is quite untrue.

The PRESIDENT: Order!

The Hon. A. J. SHARD: The point raised by Mr. Story and Sir Arthur Rymill was discussed last week. I gave an assurance outside the Chamber that I agreed with the contention that these points should be noted so that, when one was looking for them, they should be shown not in small print in the appropriate place. I gave the honourable member my word that I would take this up with the Attorney-General and request that it be indexed so that everybody could find it. I think that Sir Arthur Rymill agreed with the undertaking that I gave.

The Hon. Sir ARTHUR RYMILL: What the Chief Secretary says is quite correct. I did not check the whole cross-index—for it would be a tremendous task to do so—but, where I have, it appears that under the dragnet Statute there is a note in small print at the bottom saying that such and such an Act is also amended by the Statute Law Revision Act. But the trouble is that that is not given anything like equal prominence with the name of the Act and its actual amending Acts. If we take the example that I took last week of the Wrongs Act, honourable members will see that the Wrongs Act of such and such a date amends an Act of such and such a date, and several other Wrongs Act Amendment Acts, all in capital letters, and then in brackets at the bottom in tiny little letters appears, "The Wrongs Act, 1935 (or whatever it is) is also amended by the Statute Law Revision Act, 1937."

If one is just looking at the ordinary index as at present laid out, one does not see this small print and, unless one likes to look for it specially every time (and in most cases it is not there), it is quite easy to overlook it. It is bad that amendments should be liable to be overlooked. As I have said, the Chief Secretary has given me an assurance that he will see whether this can be presented from now on in a better form.

The Hon. C. R. STORY: I am pleased to have that assurance of both Sir Arthur Rymill and the Chief Secretary on this matter, but I would also like the Chief Secretary to take this up with the Attorney-General as I believe it is important. Two Acts were dealt with in one Bill earlier in the session, one being the Industries Development Act and the other the Land Settlement Act. The same problem exists today, and I want to be assured that a person not in possession of the Statutes or an index to the Statutes would be catered for. There must be many people who have an interest in either the Land Settlement Committee or in the Industries Development Committee and when they purchase a copy of the Acts and amendments they should be given all the relevant amendments. I am not sure that the issuing officer at the moment would have all of the amendments shown, as they would be in a consolidated Bill in the one case and in a joint Bill in another. I consider this to be a matter of real importance.

The Hon. L. R. HART: I assume that the Prevention of Pollution of Waters by Oil Act is being amended to bring more people into the ambit of the Act and that the amendment is not merely correcting an anomaly. I ask the Chief Secretary if that comment is correct.

The Hon. A. J. SHARD: The explanation is that the two amendments of this Act are consequential on the amendments made by sections 4, 5, 6 and 7 of the amending Act of last year. The effect of these amendments is to provide that the agent as well as the master and owner of a ship commits an offence in certain circumstances where water is polluted by oil. The amendments now proposed will enable the Harbors Board to recover from the agent (as well as the owner or master) the cost of removing any such pollution and will require the agent to report any discharge of oil to the board. If the agent is to be guilty of an offence in connection with the discharge of oil, as well as the owner and master, there appears to be no reason for omitting the agent in the sections of the Act providing for recovery of the cost of removal of the pollution and for reporting a discharge of oil to the Harbors Board. Last year's amendments were designed to place full responsibility upon agents as well as owners and the present amendments are designed to carry this purpose into effect.

The Hon. C. D. ROWE: I draw attention to the commencement of the second reading speech by the Minister where we were led to believe that this Bill was simply to make amendments

of a formal nature and did not make substantial alterations to the law. However, in this instance we are adding to the list of persons responsible for the pollution of waters by oil, and I point out that a considerable sum of money might be involved. I am not saying that an agent should not be held responsible and it might well be that he should be. However, the point I make is that I do not think that this kind of amendment should be included in a Bill that purports simply to make a machinery alteration. It is imposing an additional and perhaps heavy responsibility on a person not previously involved, and I consider that in these circumstances this action should be taken under a separate Bill.

The Hon. A. J. SHARD: That is where we differ. This Bill is simply giving effect to the amendments introduced last year, and I refer honourable members to the comments that I made in reply to the Hon. Mr. Hart. As I have said, provision was made in the amendments last year so that the agent as well as the owner and master of a ship would commit an offence in certain circumstances if water were polluted by oil. However, provision was not made as regards penalty or the recovery of any damage that may have been caused.

The Hon. C. D. Rowe: That is why I say that you are extending the liability.

The Hon. A. J. SHARD: Yes, if he is guilty of an offence. Last year the previous Government did not make provision for imposing a penalty on the agent or for recovering any costs involved. This Bill is simply making provision for that. The present Government did not make the original amendments. The policy has already been laid down and the agent is covered now as well as the master and owner.

Clause passed.

Clause 4 passed.

First and Second Schedules passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

#### PISTOL LICENCE ACT AMENDMENT BILL.

In Committee.

(Continued from August 5. Page 846.)

Clause 3—"Application for and issue of licences"—which the Hon. R. C. DeGaris had moved to amend by inserting 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 Hon. A. J. SHARD (Chief Secretary): When we discussed this matter in Committee earlier I sensed a general feeling of approval for the pistol licence fee to be £1 for the first pistol and 5s. for any second or additional pistol belonging to a member of any pistol club. The definition of "pistol club" became the bone of contention. I thought we could use the phraseology of the Hon. Mr. DeGaris and refer to "clubs affiliated with the pistol association". However, some of my colleagues thought differently, because there may be a *bona fide* pistol club not affiliated with the association. The matter has been discussed with the Parliamentary Draftsman, who, I understand, contacted the Commissioner of Police. I propose to add the following proviso at the end of the clause:

Provided that the fee payable upon the issue or renewal of any pistol licence in excess of one issued to or held by any member of any pistol club which is approved by the Commissioner of Police shall be five shillings.

If that is accepted I will be happy, but I submit it for the Committee's approval or otherwise.

The Hon. R. C. DeGARIS: Mr. Chairman, would I be in order in withdrawing my amendment at this stage?

The CHAIRMAN: Yes.

The Hon. R. C. DeGARIS: I thank the Chief Secretary for the concern he has shown in this matter. Members thought some reduction was necessary, for *bona fide* members of pistol clubs, in the licence fee payable for pistols in excess of one. The amendment proposed by the Chief Secretary overcomes the main objection I had to the amendment suggested by the Minister of Local Government, where the reduction was to apply to any member of any pistol club.

However, the Chief Secretary's amendment refers to a pistol club approved by the Commissioner of Police. The only other alteration to the amendment I proposed is that, instead of the reduction being to 2s. 6d. for any pistol in excess of one, it is to be to 5s. Under my amendment clubs as well as members would receive the reduction. On the figures before us, the average number of pistols held by a club is under three, although one or two clubs have as many as nine. The Chief Secretary's amendment is satisfactory to me, and I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. C. R. STORY: I am also prepared to accept the Chief Secretary's amendment. Members are much obliged to the Hon. Mr. DeGaris and other members for bringing to the notice of the Government not only the question of the fees, which were a little savage in the original form, but the *bona fides* of pistol clubs. The inclusion of only clubs approved by the Commissioner of Police is an improvement. I am pleased that the Government has taken notice of the matters raised by those honourable members.

The Hon. A. J. SHARD: I move to add the following proviso at the end of the clause:

Provided that the fee payable upon the issue or renewal of any pistol licence in excess of one issued to or held by any member of any pistol club which is approved by the Commissioner of Police shall be five shillings.

Amendment carried; clause as amended passed.

Clause 4 and title passed.

Bill reported with an amendment. Committee's report adopted.

#### HAWKERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 5. Page 849.)

The Hon. C. R. STORY (Midland): First, I want to refer to provisions in the Hawkers Act and in the Local Government Act. Secondly, I want to speak briefly about hawkers generally and, thirdly, query one or two aspects of the way in which this legislation is to be enforced at local government level. The Hon. Mr. Gilfillan gave members the benefit of his research and reading on this matter. I do not want to cover again all the ground he has covered, but I should like to deal with clause 3, which amends section 20 of the Hawkers Act. That section deals with the powers of councils in relation to visiting traders. I should like to discuss the different terms. A hawker is clearly defined in the Hawkers Act as follows:

"Hawker" means any person who travels either personally or by his servants or agents by any means of locomotion . . . from place to place or from house to house carrying or exposing goods for sale by retail: Provided that the term "hawker" shall not include a person who sells goods or exposes goods for sale only from premises such as a house, shop, room, store, tent, or marquee.

I have done a little research regarding the definition of "hawker", and I find that when this Act was passed in 1934 the definition was changed from the one in the previous Act. I have looked up Halsbury's *Laws of England*

to get a definition of "hawker", because a reference is made in the marginal note of this section to the relevant section of the United Kingdom Statute, and it fits in particularly with this matter. There, the definition is:

"Hawker" means a person who travels with a horse or other beast bearing or drawing burden and goes from place to place or to other men's houses carrying to sell or exposing for sale any goods, wares or merchandise or exposing samples or patterns of any goods, wares or merchandise to be afterwards delivered, and includes any person who travels by any means of locomotion to any place in which he does not usually reside or carry on business and there sells or exposes for sale any goods, wares or merchandise in or at any house, shop, room, booth, stall or other place whatever hired or used by him for that purpose.

That is different from the definition we have, and it is reported in the 1934 *Hansard* that it was then stated it was intended that the definition would be different to take in another category of people so that they would have to be licensed. The people it was intended to include were those who were shopkeepers in one town but who went regularly into another area and there displayed certain goods for sale for some days in a shop, or in some other fashion. The difference between the hawker and the pedlar is interesting. A hawker is a person who travels with a horse or other beast drawing burden; a pedlar is a person who does it on foot. If he buys a bicycle he becomes a hawker.

The Hon. F. J. Potter: Does not the definition of "hawker" include a pedlar? It says "by any means of locomotion".

The Hon. C. R. STORY: No, it is clearly defined, and this is where we get into some bother. A hawker is a person who puts his goods on a horse or has them drawn by a horse, a motor cycle or a bicycle, but if he puts the goods in a barrow he is a pedlar.

The Hon. R. C. DeGaris: The definition of "hawker" includes a person with or without a vehicle.

The Hon. C. R. STORY: That is right, and I am saying that in the original form pedlars and hawkers were different people.

The Hon. F. J. Potter: And they are now the same.

The Hon. C. R. STORY: Yes, because in 1934 they were made the same by the definition of "hawker".

The Hon. F. J. Potter: That was the point I was trying to make.

The Hon. C. R. STORY: I am sorry; I did not realize that. For other terms, I cannot find any authority. Section 20 of the Hawkers

Act refers to visiting traders. According to the 1934 Act they are people who usually reside outside a particular council area, but this wording was changed in the 1960 amending measure to "continuously reside". This has caused some confusion, because all the by-laws made prior to the amendment still contain the old wording. This applies to the by-law made by the Berri council. It was made in 1935, and it contains the words "usually reside". Honourable members can look up the dictionary definitions of the words "usually" and "continuously" and they will see that they are different. I have no doubt that this has caused some difference in the thinking of people trying to make use of the powers under this Act.

We are also confronted in these by-laws by various other definitions for which I can find no authority anywhere, including the Acts Interpretation Act. Visiting traders are mentioned in the principal Act. A by-law passed by the District Council of Barossa in 1964—one of the more recent by-laws—uses the terms "street traders" and "street hawkers". In several by-laws on the table of this Chamber the term "non-resident traders" is used on the one hand and "street traders" on the other. As far as I can see these terms are synonymous.

The Hon. Sir Norman Jude: Have you looked at the definition of "street trader" in Murray?

The Hon. C. R. STORY: I have, but there are many things I cannot understand about this at the moment. Under section 667(50) of the Local Government Act councils are able to make by-laws for all the matters mentioned in that section, which is the dragnet provision giving power to make by-laws for any other purpose in respect of which a council is authorized by that or any other Act to make by-laws. I turn now to the more specific matters dealt with under section 669, and this is where I think there is some confusion in the minds of councils. Section 669 (13) provides that municipal councils may make by-laws for prohibiting or regulating the use of streets, roads, and public places by street hawkers and street traders, both generally and with power to prohibit any such person during particular hours from using any streets, roads, or public places.

It goes on to mention a number of these things, all dealing with the stands which the municipalities are allowed to erect, and for which they can charge a hiring fee. The section then deals with the fixing of the charges for the right to use such stands, the fixing of priority of applications, regulating the

conduct of persons, limiting the nature and size of hand trucks, providing the form of authority to be issued for occupying such stands, and so on. Subsection (14) deals with the controlling and licensing of ice cream carts and stalls and produce carts and stalls. Municipalities are given fairly wide powers under this section of the Local Government Act.

The Hon. F. J. Potter: But an essential is regulating them in public places.

The Hon. C. R. STORY: Yes, for public places and for hours. Section 670(7) of the Local Government Act sets out the powers of the district councils, which are small indeed compared with those of a municipality, which I have just described. District councils have the following powers:

Prohibiting or regulating the use of streets, roads, and public places by street hawkers and street traders, both generally and with power to prohibit any such persons during particular hours from using any streets, roads, or public places.

They are the by-law making powers.

The Hon. R. C. DeGaris: Do you think that section gives district councils the power to prohibit street hawkers altogether?

The Hon. C. R. STORY: No, I don't think so. This provision is particularly badly interpreted. It gives the district council the power to prohibit hawkers operating in certain spots and at certain times but, if a hawker were travelling through a country district and a big sign board stated "You are now leaving so-and-so district council and entering another", and if underneath that the council erected a sign, "Street hawkers are prohibited", I should say that the council was exceeding its powers. If a person entered one of those areas to apply for a licence at the council's offices, he would have a case to bring against the council if it totally prohibited him from performing his normal type of business. If the council did not like the colour of his hair or the goods he was selling, or something like that, it could invoke some regulation that stated he could not trade in the area. To impose a total prohibition is wrong. I do not think that is the intention of the Act. Ordinary litigation would get over that difficulty.

Honourable members who have studied the Hawkers Act will have noticed the existence of certain exemptions. Section 4 states:

- (1) No person shall carry on business as a hawker—
  - (a) unless he is the holder of a hawker's licence;
  - (b) otherwise than in accordance with the terms and conditions of a hawker's licence granted to himself.

Then, section 5 states:

No hawker's licence shall be required—

- (a) for the sale of printed papers, fish, fruit, victuals (not being tea, coffee or cocoa), timber, fuel, vegetables, hay, straw, or other food for cattle:
- (b) by the actual worker or maker (not being a body corporate) of any goods, wares, or merchandise, or his children, apprentices, or servants usually residing in the same house with him selling or exposing for sale goods, wares, or merchandise made by such worker or maker:
- (c) by any person selling or exposing for sale goods, wares, or merchandise to persons who are traders therein and who buy to sell again:

That would be the case with most of our large business houses in the metropolitan area that go out and deal with various people in country districts, who, in turn, retail from either samples or the goods that are exposed. Subsection (e) states:

for the sale of any goods in any market:

This is interesting because "any market" could be the ordinary market of the stock firm which gives permission to a person to sell. I do not think anybody could touch him. I am not here to give advice to hawkers who have not discovered all the "lurks", because I doubt whether I could. Then subsection (f) states:

for the sale of goods on any show grounds whilst any agricultural, horticultural, pastoral, or other like show is being held:

Subsection (g) states:

for the sale of goods at any fair, fete, bazaar, or other like function held for charitable or benevolent purposes.

Having obtained a hawker's licence, which is not given until the application has been fully investigated by the Commissioner of Police and his officers, a person cannot be charged again by any district council except where he makes use of one of the stalls we have been talking about.

The Hon. L. R. Hart: A person carrying on any business under section 5 shall not be required to have a hawker's licence. Is he debarred from obtaining one?

The Hon. C. R. STORY: I want the Minister to clear up that matter for me. I do not think he is barred, but it may be difficult for him to get a hawker's licence. Having said that a hawker could not be charged an additional fee by a district council, I say it simply means that under the Act as it now stands a hawker can obtain a licence for £4, and he can go wherever he likes to sell his goods, provided he conforms to the by-laws of the district in which he is operating. He can be licensed by the council in regard to special conditions, but he cannot be

charged a second time. It is proposed that this fee be raised from £4 to £8.

The Hon. F. J. Potter: He must comply with the laws of the council in so far as they do not totally prohibit him.

The Hon. C. R. STORY: In so far as its by-laws are concerned. But if a district council did initiate a bad law giving power to prohibit, or even if the council thinks it has been given such power, then he would be obliged to take legal action to protect his rights.

The Hon. F. J. Potter: Or if he ignored the by-law?

The Hon. C. R. STORY: If he did that he would not get on very well as the police would be brought in immediately.

The Hon. Sir Norman Jude: Did you say that he could not be charged an additional fee? How do you get away from the fact that the Crown Solicitor has to give a certificate about the validity of the by-law?

The Hon. C. R. STORY: That is what I am attempting to point out. After some research it is my opinion that some of the by-laws in operation in this State are *ultra vires* the Act and I think that will be proved shortly by the Crown Solicitor. A hawker who has been granted a licence under the provisions of this Bill will be able to get his licence for £8 with no additional charge anywhere in the State unless he uses the facilities that I have mentioned. In dealing with section 20, in this Act called the "Visiting Traders" and in the Local Government Act called the "Street Traders", we find that a council has the power to charge £2 a day and that is the end of it. Under the terms of the Bill that will be raised to £4 a day, and I am apprehensive about some of the by-laws that one sees from time to time. That is the maximum that can be charged, and a lesser amount may be charged if so desired. I have seen some by-laws go through the Subordinate Legislation Committee showing 15s. a day, £1 a day and even up to the maximum of £2 a day.

I am looking at the moment at a by-law that provides for a fee of 5s. for an inspection of certain equipment to ensure that it conforms to the by-laws, but there is also a fee payable by the applicant for a trader's licence of £20. It does not say £20 a quarter or a year. If a licence is taken out in December with only two or three months to go to the end of the period in March, I presume a fee of £20 must be paid.

In another case reference is made to "itinerant traders" and "visiting traders". Under this Bill the fee for a non-resident



trader's licence or a street trader's licence—and here exists a fine difference that I cannot quite understand—is £10 10s. for each quarter of a year payable in advance. I do not see where these local government bodies can obtain their powers in this way. The maximum licence fee is £2 a day under section 20, and no provision is made for a quarterly or an annual licence for either £10 or £20. If a person traded for five days a week, naturally the fee would be £2 a day or whatever fee was fixed by the council, but to charge an arbitrary fee of £10 10s. a quarter for trading for just four or five days in that quarter is, in my opinion, completely outside this Act. To be satisfied, I would have to be convinced by the Minister that what I have said is not the case.

I certainly will not agree to any increase in the fees at the present time until this is cleared up, because obviously some district councils are taking advantage of section 20 of this Act for a purpose not intended by Parliament. A hawker can obtain his licence for £4 a year now and under the amendments for £8, but a visiting trader who does two or three days' work in a local government area and does not possess a hawker's licence must pay a fee of £10 10s. under some council by-laws. Most of us are old enough to be a little nostalgic about the hawker. We have vivid memories of seeing Afghan or Syrian hawkers when we were very young.

The Hon. R. A. Geddes: What about gypsies!

The Hon. C. R. STORY: Yes, certainly gypsies. These hawkers brought their wares to the country areas and to get a bargain it was a matter of who was the quicker—you or the hawker. This was at a time when there was not much entertainment in the country, and I believe it was a good thing to have these visiting traders. Mother might not have got a new dress if it were not for these travelling hawkers, and if the dress did not quite fit something could easily be done to remedy the

defect. In the past these hawkers played some part in the development of this State. Laws have been made in recent times regarding door-to-door salesmen and perhaps legislation should be passed dealing with some other types of hawkers. The Hon. Mr. Kemp has made out a case for hawkers in the apple industry but I would not presume to make one out for the citrus industry as I would probably get my throat cut if I did. The hawker, however, does provide a good service.

I believe that in country areas there is still a place for people to go around giving personal attention, and I am not in sympathy with those people who are not prepared to pay a fee. However, I point out that in some outlying districts the people would be hungry at times for fruit and other commodities of that nature if it were not for the man who goes around in a truck and unloads fruit in bulk. I am not against hawkers, but I am interested in the matter of the fees. I think that either we remove section 20 of the Hawkers Act completely and do the licensing in some other way or we take it out of the Local Government Act and put it all in one Act. At the moment it is a complete hotch-potch.

I know there are other anomalies in this Act. This is the first occasion for some considerable time that the Hawkers Act has been brought before honourable members and I think it will get quite a "dry cleaning" before it is finished with. I will not support any increase in fees under the provisions of this Bill unless I can be assured that the Government will do something about straightening out this problem of licensing and the fees that may be charged. I support the second reading.

The Hon. JESSIE COOPER secured the adjournment of the debate.

#### ADJOURNMENT.

At 4.37 p.m. the Council adjourned until Wednesday, August 11, at 2.15 p.m.