LEGISLATIVE COUNCIL

Wednesday, August 11, 1965.

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

QUESTIONS

PUBLIC LIBRARY.

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 have just learnt that the foundation stone of the Public Library, which is a Government project, is to be laid, I think on Friday next. Apparently invitations have been sent to some members of Parliament, but I do not know of more than two members of this Chamber that have been invited. Will the Chief Secretary say whether members of Parliament have been overlooked on this occasion—if they have it is rather unusual—and, if they have been overlooked, why; and will he let me know the basis of issuing invitations to this ceremony for this important Government project?

The Hon. A. J. SHARD: The function is not to be on Friday next; I understand it is to be on August 27. I have not received an invitation. I do not know what the position is, but I will make inquiries, and, if I have not sufficient time before the Council rises to give the information here, I will deliver it personally to the Leader of the Opposition as soon as I find out what is going on.

The Hon. Sir LYELL McEWIN: If the function is not to be on Friday there is time for a delay, but if it is on Friday I should like to have the answer to my question now. Although the Minister does not know anything about it, apparently some members have received invitations. Why is there any secrecy? I saw one honourable member rise to his feet, probably to say that he had an invitation, and I think another honourable member also has one. As invitations have apparently gone out, will the Chief Secretary tell me the date of the function and on what basis invitations have been forwarded? I do not want to know after the event.

The Hon. A. J. SHARD: The Leader gives me credit for greater knowledge than I have. I have just told him that I do not know anything about the matter. I thought the date was August 27. This matter does not concern my department. It has not been discussed in Cabinet and I have not an invitation. I told the Leader of the Opposition that I would get the information as soon as possible and, if I could not get it before the Council rose, I would give it to him privately, as soon as I got it. I ask you, Mr. President, could I possibly do more than that?

The Hon. Sir Lyell McEwin: Plenty!

GUY FAWKES DAY.

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

Leave granted.

The Hon. G. J. GILFILLAN: Prior to the elections in March of this year many requests were received from country councils that the celebration of Guy Fawkes Day be shifted from November 5 to a more suitable date when there was less fire risk. This matter was being considered by the Government at that time. Has the present Government considered these requests? If not, will it do so?

The Hon. A. J. SHARD: To the best of my knowledge, the Government has not considered this question. When it was discussed previously most members of the Party that I have the honour to represent thought that instead of having one Guy Fawkes Day we should have two. However, I shall take up the matter to see whether it has been discussed further and try to get a decision for the honourable member.

ROYAL ADELAIDE HOSPITAL.

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

Leave granted.

The Hon. L. R. HART: In today's *Advertiser* the following report appears:

Building work at the Royal Adelaide Hospital building site ceased yesterday following the imposition of a black ban on the site by the disputes committee of the Trades and Labor Council.

The acting secretary of the council (Mr. W. A. Brown) said yesterday that the ban had been imposed following reports from six building unions that five plasterers and two building laborers had been victimized and dismissed.

About 80 workers employed by a certain contracting firm were affected by the ban.

It is also reported:

In the Assembly yesterday the Premier (Mr. Walsh) said stoppages had occurred on building sites because of the disparity of wage levels compared with eastern States.

We are now entering upon the second phase of the rebuilding operations at the Royal Adelaide Hospital. I understand that during the first phase there were some disputes in connection with over-award payments. The contractor in submitting his tender for the second phase of this work anticipated that there might be further demands for over-award payments

during the second phase and sought permission from the Minister, through his department, to cover himself by loading his tender to cover such over-award payments, should demands be made for them. In this case I believe that the amount being demanded is £2 10s. a week. However, the contractor was informed that his tender must comply with the award rates; in other words, that provision could not be made for over-award payments.

The present situation has arisen through the contractor having to terminate the employment of some plasterers employed by him. He was forced into this position by the attitude of some of his employees constantly attending stop-work meetings, sometimes several a day, thereby reducing the volume of work put through. I think everyone realizes that plastering is a specialist's job and that once a plastering job has been commenced, it must then be finished. One cannot stop in the middle of a plastering job, go away, come back and recommence it and do a satisfactory job. I am also informed that the labour component of this job is well over £1,000,000. We appreciate that, in the circumstances surrounding this tender, the contractor is in the position that he cannot afford to make over-award payments. Can the Minister of Health say whether this position at the hospital is causing the Government some concern and, if it is, whether the Government is doing something to bring about a settlement of the dispute?

The Hon. A. F. KNEEBONE: Although the question was addressed to the Minister of Health, I think the matter is one for the Minister of Labour and Industry, and the Minister of Health has asked me to answer on his behalf. The honourable member referred to the fact that this particular contractor had sought the concurrence of the Government in approving of over-award payments being included in the contractor's costs in regard to certain tenders and that the price should be extended because of certain over-award payments that this contractor might think he should grant to the builders' unions.

This is true, but not from the point of view of an individual factor. The builders' association approached the Government requesting some such action by it. I saw the report in the press. However, I was not aware that the stoppage reported this morning was associated with other stoppages that have occurred recently. Until I get a report from my department on that, I cannot be sure that this is a part of those other stoppages. I can say quite confidently, however, that the employers in the building industry did approach the Government asking that it, in effect, give them a blank cheque, because there was no amount mentioned in their approaches. They said that if they, as a result of the approaches from the unions, granted some over-award payment, they desired the Government to allow them to put this into all contracts for building that they had with the Government.

No Government would be foolish enough to give a blank cheque of that nature to anybody. What is there to stop the employers saying, "We will give them £10 a week," or something like that? The Government's policy has always been conciliation and arbitration and it considers that, on this occasion, there are faults on both sides. I am informed that the builders' association will not meet the unions to discuss any fraction of an over-award payment, when we know from our own information that over-award payments exist in the building industry in all other States.

As I said, the Government considers there are faults on both sides. We think there is room for conciliation in this matter and that conciliation should take place. I do not want to say any more than that we are aware that this dispute exists in the building industry and that in other industries in South Australia over-award payments are made.

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 his reply to the question asked by the Hon. Mr. Hart, the Minister of Labour and Industry said that the Government believed in conciliation and arbitration. Can he say what is the Government's attitude towards the proposed action of the Waterside Workers Federation in South Australia?

The Hon. A. F. KNEEBONE: I am sure that the honourable member is as well aware as I am that the waterside workers come under Commonwealth jurisdiction, not under State jurisdiction.

GAWLER EAST PRIMARY 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: Nearly two years ago the Gawler High School vacated premises that it had occupied for almost 50 years and went into new premises. The Education Department then started what is now known as the Gawler East Primary School in the old high school premises, which consist of

approximately eight classrooms of solid construction and a similar number of prefabricated classrooms. Because enrolments at the Gawler East Primary School are scarcely 50 per cent of those of the high school, the whole school has been accommodated for some time in the prefabricated classrooms. There was a considerable delay before the Public Buildings Department was able to remodel the solid construction classrooms. This was unfortunate because, as all members are aware, many schools need prefabricated classrooms and some of the Gawler classrooms could have been made available. I understand that the Public Buildings Department is about to commence remodelling the solid construction classrooms to make them suitable for the primary school. When that has been done some of the prefabricated classrooms may be used elsewhere. Can the Minister representing the Minister of Education give me the estimated time of completion of this work so that children may go into the cooler solid construction classrooms?

The Hon. A. F. KNEEBONE: I will refer the question to my colleague and bring down a reply as soon as possible.

CITY BRIDGE LIFEBUOYS.

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

Leave granted.

The Hon. R. A. GEDDES: On the City bridge at the end of King William Road no lifebuoys are provided. Will the Minister representing the Minister of Roads see that lifebuoys are installed in the recesses provided for them on the City bridge?

The Hon. A. J. SHARD: I will refer the question to the appropriate Minister.

METROPOLITAN AREA LIMITS.

The Hon. F. J. POTTER: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. F. J. POTTER: In the latest quarterly abstract of South Australian statistics that has recently been supplied to members the estimated population of the Adelaide metropolitan area is given as 613,000, as at December 31, 1964. At the bottom of the table setting out this estimated population is this note:

The metropolitan area of Adelaide comprises the 21 municipalities listed in table 1, page 6. The boundaries of the metropolitan area have not been changed since the 1933 census.

Looking at the table referred to in the footnote, one sees that, in fact, the metropolitan area as defined in these statistics covers an area from Gepps Cross to the northern side of the South Road at Darlington, and that the large populations in the district council areas of Noarlunga, Salisbury, Elizabeth, Stirling and Tea Tree Gully are excluded from the population of the metropolitan area. I have made a rough calculation and it seems to me that within those district council areas, on the figures given, another 80,000 people reside, and if they are added to the estimated population it would make the population of the Adelaide metropolitan area, as more accurately defined, about 693,000 people. This would place it as the third largest city within the Commonwealth of Australia—well in excess of the population of Brisbane, which is given as 663,500 and which, I am reliably informed, is based on a very wide area, including the area known as Greater Brisbane. Can the Chief Secretary say why the metropolitan area as defined for statistical purposes is still as it was in 1933, and whether the Government will take some steps to have it brought up to date to include a more accurate definition of what is the metropolitan area in this day and age?

The Hon. A. J. SHARD: It is easy to answer the first part of the question. The boundary was defined in that way because it was the policy of the previous Government. The answer to the second part of the question is that in due course we shall have a look at the boundaries of the metropolitan area.

The Hon. Sir LYELL McEWIN: Does the Chief Secretary suggest that it was due to the successful decentralization policy carried out by the previous Government that these large population figures show outside the metropolitan area?

The Hon. A. J. SHARD: No, it was due to natural growth of population.

SALISBURY COURTHOUSE.

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

Leave granted.

The Hon. L. R. HART: In this morning's *Advertiser* was a report that two justices of the peace refused to sit at the Salisbury courthouse yesterday because of lack of facilities. They took this action because no shelter was provided to protect defendants from the rain and cold, there were no toilet facilities, and no seats were available. It was also reported that representatives of legal firms attending the court agreed with the action taken. The Salisbury courthouse is an enclosed verandah of an old hospital building and measures 20ft. by 9ft. 10in. Recently the Salisbury corporation

waited on the Attorney-General (Mr. Dunstan) to ask that more suitable accommodation be provided. My colleague and I also attended that deputation. The report continues:

Mr. Dunstan said outside the House that plans for a permanent courthouse building in the southern area of Salisbury were being examined. It was a long-term project and in the meantime he had unsuccessfully sought other accommodation. "If the justices refuse to sit at Salisbury I will have no alternative but to transfer the work to Elizabeth for the time being," he said.

I have been given to understand that alternative accommodation is available at Salisbury; in fact, there are at least three alternative sites. I have also been given to understand that certain magistrates have visited these sites and approved them, so it appears that the decision that the accommodation is not suitable is that of the Attorney-General. During the deputation we were given to understand that it was the future policy of the Government to centralize court work as much as possible, and in this case it appears that no great effort is being made to find alternative accommodation. Can the Minister representing the Attorney-General say whether alternative accommodation has been offered at Salisbury, and, if it has, why it is not suitable? Will he also indicate the Government's future policy regarding court hearings in the Salisbury area?

The Hon. A. J. SHARD: As the question is involved and affects policy, I ask the honourable member to place it on notice.

The PRESIDENT: Order! I inform the Council that question time is not a time for debate. The Council having given leave to members to make short statements, it is within the province of any honourable member to call "Question" at any time. I ask honourable members not to make long statements.

TIMBER FOR SLEEPERS.

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

Leave granted.

The Hon. C. R. STORY: In the *Advertiser* of August 2 appears an advertisement of the Supply and Tender Board calling tenders for certain timbers to be used as sleepers by the South Australian Railways. The advertisement is for 500 tons of sleepers 10in. by 5in. by 8ft. 6in. long, Keruing or Kempas species, and it states that the specifications are to be up to the Malayan grading rules, section F, for the South Australian Railways. As I think honourable members are well aware, I have been doing much to try to foster the use of red gum in various fields—for instance, for lock boards in the river weirs and for sleepers—and I find it rather difficult to understand why the South Australian Railways is asking for tenders to be submitted for ordinary sleepers in an imported timber, particularly as our overseas credits are not over-buoyant at present. Will the Minister of Transport furnish a report and let me know generally the policy of the Railways Department regarding the use of indigenous timber such as red gum, particularly as the Chowilla dam site has to be cleared of red gum?

The Hon. A. F. KNEEBONE: I will get a report for the honourable member and let him have it as soon as possible.

MAITLAND AREA SCHOOL.

The Hon. M. B. DAWKINS: Has the Minister of Labour and Industry obtained a reply from the Minister of Education to a question I asked last week about the construction of the new Maitland Area School?

The Hon. A. F. KNEEBONE: Yes. This matter was referred to the Director, Public Buildings Department, who has indicated that his department will be in a position to call tenders early in October, 1965, for the new Maitland Area School. The actual calling of tenders will depend on a review of priorities and the availability of funds at that time.

RAILCAR LIGHTS.

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

Leave granted.

The Hon. R. A. GEDDES: Yesterday at about 6.45 a.m. the railcar travelling from Wilmington to Gladstone had no front light or red lights at the rear. The road running alongside the railway line carried motor traffic with headlights on. Can the Minister of Transport issue instructions that railway rolling stock be adequately lit fore and aft, particularly when the weather is dull and overcast with light rain, as it was yesterday morning?

The Hon. A. F. KNEEBONE: I shall look at this matter and see what I can do about it.

ROAD SIGNS.

The Hon. H. K. KEMP: Can the Chief Secretary say whether the Minister of Roads has a reply to a question I asked on July 27 about road signs?

The Hon. A. J. SHARD: No. I do not know anything about it.

The Hon. H. K. Kemp: It was a fortnight ago.

The Hon. A. J. SHARD: I resent the attitude of the honourable member on this matter. He knows perfectly well that the Minister of Roads is away ill. He should understand that often questions cannot be answered in two or three days. In the past we waited patiently when we were in a similar position. We do our best to answer questions promptly. At least, the honourable member should have some sympathy when a Minister is away ill.

The Hon. H. K. Kemp: This question was asked on July 27.

The Hon. A. J. SHARD: A fortnight ago.

The Hon. H. K. KEMP: The Minister of Roads has been absent from the Council for two days only.

DROUGHT RELIEF.

The Hon. Sir LYELL McEWIN: Has the Minister representing the Minister of Lands a reply to a question I asked yesterday about drought relief freight concessions?

The Hon. A. F. KNEEBONE: Yes. My colleague, the Minister of Lands, informs me that there is no foundation in the report that freight concessions on drought relief fodder will cease at the end of this month.

NORTHERN ROADS.

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

Leave granted.

The Hon. G. J. GILFILLAN: My question relates to the sealing of further roads in the northern part of this State, where we are witnessing the arrival of an increasing number of tourists. Many of them come from the Eastern States, from Mildura through the Murray River areas. It has been recognized that the sealing work on some of these roads has had to wait until one or two projects have been completed. In view of the progress now being made in the sealing of the Broken Hill road, will the Chief Secretary, representing the Minister of Roads, give early consideration to the question of sealing the Orroroo-Hawker-Wilpena road, and can he obtain an up-to-date progress report on the programme for the sealing of the Quorn-Hawker road?

The Hon. A. J. SHARD: I shall refer the honourable member's question to the department of the Minister of Roads and try to get a report. I understand that the Minister will be back next week.

SOUTH AFRICAN DAISY.

The Hon. H. K. KEMP: Has the Minister of Labour and Industry, representing the Minister of Agriculture, a reply to the question I asked on July 27 about South African daisy?

The Hon. A. F. KNEEBONE: No; I am sorry I have not got a reply to that question. I shall endeavour to get one.

WIRRABARA ROAD.

The Hon. R. A. GEDDES: Can the Chief Secretary, representing the Minister of Roads, say when the road from Wirrabara to Wirrabara forest is likely to be sealed?

The Hon. A. J. SHARD: I shall refer the question to the department of the Minister of Roads and endeavour to get a reply.

SALISBURY COUNCIL.

The Hon. L. R. HART: Bearing in mind the statement made earlier today, I ask leave to make a short statement prior to asking a question.

Leave granted.

The Hon. L. R. HART: I have a report stating that the Salisbury council last night decided to protest to the Minister of Local Government at the transfer to the Elizabeth corporation of the administration of 67 acres at Elizabeth Vale. The Salisbury Town Clerk stated that his council was most concerned that Cabinet should approve the granting of a petition for the severing of this area without a court hearing. The report goes on to say that the severing of this area has allowed the boundaries of Elizabeth to extend to within half a mile of the Salisbury town centre.

The transfer of this area, of course, deprives the Salisbury council of some valuable ratable properties. I understand that there is a move afoot for a portion of the Munno Para District Council area at the northern end of the city of Elizabeth also to be severed and given to the Elizabeth corporation. Can the Chief Secretary, representing the Minister of Local Government, say whether the boundaries of Elizabeth can be defined for all time and so do away with this filching of council areas that is causing much irritation to the bodies adjoining Elizabeth?

The Hon. A. J. SHARD: As the question is one of policy, I ask the honourable member to put it on notice.

POTATOES.

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

Leave granted.

The Hon. H. K. KEMP: The reply given yesterday to a question regarding the Potato Board makes it abundantly clear that the Minister is fully aware of the organization of the board and the divided loyalties that were referred to in an earlier question. Will the Minister representing the Minister of Agriculture say whether the Government intends to continue the present organization, which I think can only be described as crook, or whether it is going to follow the wishes of the growers and ask the board to fulfil the whole of its functions?

The Hon. A. J. SHARD: As the question involves policy, I ask the honourable member to place it on notice.

ABORIGINAL AND HISTORIC RELICS PRESERVATION BILL.

Adjourned debate on second reading.

(Continued from August 4. Page 801.)

The Hon. A. J. SHARD (Chief Secretary): I want to speak briefly on this Bill to explain what happened in regard to it. It is true that the Hon. Mr. Kemp approached me some few weeks ago, wanting to know whether the Government intended to introduce a Bill dealing with Aboriginal and historic relics preservation. Unfortunately, because of business on hand, Cabinet never got around to dealing with the matter, and the Hon. Mr. Kemp introduced his Bill.

When the Government looked at it (and everybody, particularly former Ministers, knows that these matters sometimes have to be considered by several departments) it decided to bring down a Bill. I want to explain the position as fully as I can. The previous Government introduced a Bill dealing with this subject in 1964 and it was withdrawn, or lapsed. Then Mr. Kemp introduced a Bill similar to this one in the dying stages of last session. Arising from that, the previous Government appointed a committee to go into all aspects of this particular matter.

The committee reached a decision and it was put to the Minister of Agriculture that, because, I think, one of his departmental heads was on this committee, it should be introduced by the Minister of Education. The committee reached the stage where a Bill to be introduced by the Minister of Education was about to be prepared. I explained that to Mr. Kemp yesterday and he informed me today that he desired to continue with his Bill.

The Hon. H. K. Kemp: Drawn up with the committee.

The Hon. A. J. SHARD: I am not concerned with whom it was drawn up. It was the honourable member's Bill and he decided that he wanted to go on with it. That is all right; I have no objection to that. The committee, having examined the Bill as introduced in this Chamber, said that there were some minor omissions from it and that there were two major omissions. I say openly in this Chamber that if this Bill were withdrawn or the debate adjourned for a time, and the Government given an opportunity of introducing a Bill as suggested by the committee, which Bill would go further and do the job better than the measure now before the Council, the Government would be prepared to introduce its own Bill during this session. I do not want to discuss the merits of the Bill, but the honourable member has every right to go on with it if he wishes to do so. That is his prerogative.

As far as the Government is concerned, it agrees in principle with what he wants to do but, in conformity with the practice adopted over the years, the Government is not prepared to introduce amendments or suggested amendments to a private member's Bill. I do not say that Mr. Kemp must withdraw his Bill, because it is his right to keep it on the file. However, if he is prepared at this stage to adjourn the debate to enable the Government to introduce a Bill that will go further and do a better job than will his measure, the Government gives an undertaking that a Bill will be introduced at a later date.

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

STATUTE LAW REVISION BILL.

Read a third time and passed.

PISTOL LICENCE ACT AMENDMENT BILL.

Read a third time and passed.

ARCHITECTS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

This Bill to amend the Architects Act, 1939, has a threefold purpose, namely, to provide for uniformity of registration of architects; to delete the requirement that applicants for registration must reside in the State; and to enable the board to make by-laws in relation to examinations and examination fees.

By clause 3, section 28 of the principal Act is amended to provide that a person who is not registered shall not use either alone or in

conjunction with any name, title, words, letters or additions or description the title or description of architect or any other title or description containing the word "architectural" or any name, title, etc., implying that he is registered under the Act unless he is a person whose sole occupation is that of architectural draftsman. This amendment to section 28 of the Act is designed to prevent the improper use of the word "architectural" by unregistered persons. Under the principal Act only registered persons are permitted to call themselves "architects" or "architectural practitioners". It has been found that some unregistered persons have been using other titles such as "architectural designer" which are not prohibited by the Act, but which are calculated to lead the public to believe that such persons are registered architects.

By clause 4, section 32 is amended and the requirement that applicants for registration must reside in the State is deleted. South Australia is the only State which has this requirement in its Act. This leads to difficulties when architects based in other States carry out professional work in South Australia, and are unable to become registered here. This occurrence of work being carried out by an architect in more than one State has increased very considerably in recent years. In addition, this clause provides that an applicant for registration unless registered as an architect under any Act of the United Kingdom or a member of the Royal Institute of British Architects or of the Royal Australian Institute of Architects must, *inter alia*, have had at least two years' practical experience of which period at least one year was after the applicant graduated. The Act at present states that applicants for registration must have had "at least three years' practical experience in the work of an architect". It is suggested that this requirement should be brought into line with the policy being adopted by the other States, and with the requirements for membership of the Royal Australian Institute of Architects, namely, two years' practical experience of which at least one year must be after graduation. The board considers that it is important that applicants should have at least one year's practical experience after they have completed their academic training.

By clause 5, section 43 is amended to provide that the powers of the board to make by-laws under the Act are extended in two ways. The first extension is to empower the board to make by-laws adopting, for architectural examinations, an examination syllabus set by an authority other than the board. The present position is that the board has power to make by-laws prescribing examinations for the purposes of the Act, but all the details of the subjects must be set out in the by-laws themselves. The board is not entitled to make a by-law adopting, in general terms, a syllabus fixed by another authority. It is proposed that the board should be given such a power. In particular, it desires to adopt the syllabus prescribed by the Royal Australian Institute of Architects.

The second extension is to give the board express power to make by-laws prescribing examination fees to be charged for architects' examinations. Some decisions of the courts cast doubts on the board's power to prescribe fees to be charged for architects' examinations. It is desirable that such a power should exist. The board has to pay the costs of the examination and it is fair that the candidates should contribute to it.

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

EMPLOYEES REGISTRY OFFICES ACT AMENDMENT BILL.

In Committee.

(Continued from August 10. Page 883.)

Clauses 4 to 22 passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

HAWKERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 10. Page 892.)

The Hon. JESSIE COOPER (Central No. 2): I am prepared to support this Bill to amend the Hawkers Act. The alterations in fees seem reasonable enough in view of the increased costs of today's administration in comparison with costs existing at the time when the Act was originally framed. However, I support the Hon. Mr. Kemp's point of view, namely, that the imposing of fees for licensing purposes should not be used as a method of taxing business people in order to raise funds for any Government body. I believe that licensing fees should be sufficient to cover only the expenses involved in administering and supervising licensing. After all, the object of licensing is to provide a system of control and not a system of taxation. The fees collected should support the system of control and should not be a hindering or restricting tax on tradesmen. There is, moreover, a matter on which I wish to comment; I refer to the implications

of section 20 as it appertains to our life today. If honourable members will bear with me I will quote just one part of section 5. I know that the Hon. Mr. Story in his most refreshing speech yesterday read the whole of this section, but I wish to read only the following part:

No hawker's licence shall be required for the sale of printed papers, fish, victuals (not being tea, coffee, or cocoa), timber, fuel, vegetables, hay, straw, or other food for cattle.

The word "victuals" is the one I wish to mention, as it is a most interesting word. As we had various definitions yesterday from the Hon. Mr. Story that I found most interesting, I ask the indulgence of honourable members while I say that the word comes from a word in the post-classical period of Latin—*victualia*, which is a neuter plural—but the pronunciation goes back to the old French word *vitaille*, and that goes back to the Latin *vita*, which means life.

If honourable members look at section 5 they will see that it is very sensibly framed, as it deals with vital things for community life, and the word "victual" means something that is life-giving, and so has come to mean food. In other words, I consider that the original Bill enacted section 5, and particularly paragraph (*a*), for a very good reason. However, the matter is not simple, because when one reads section 5 in juxtaposition with section 20 there is room for comment. Section 20 originally provided:

Any municipal or district council may make by-laws under the Local Government Act, 1934, providing for the licensing of persons who do not usually reside or carry on business within the area of the council making the by-law, but who visit any place or places in such area.

That there has been some doubt about section 20 is obvious to me from the fact that amendments were made to it in 1948 and in 1960. The 1960 amendment changed the word "usually" to "continuously", and that made quite a difference. Reading back through the speeches of that time, I saw that it was put in to give more protection to local traders, and I do not think it has proved to be for the better. The word "usually" has a wide connotation; it means "as a rule" or "regularly", whereas the word "continuously" means "without interruption", and it has proved extremely restrictive on the travelling trader.

There has recently been considerable talk about councils, district or municipal, charging licensing fees in order to restrict the activities of the various types of travelling traders, both in the metropolitan area and in the country. The travelling hawker does not constitute a new feature in our minor trading system. He has for generations been a providor and giver of services to many people in our community. The fact that he has been a common feature of our life goes back into British history, and one finds the word first used in the early sixteenth century, so it is no new departure. The Hon. Mr. Story in a most delightful way recalled with nostalgia his childhood and the time of the Afghan and the Syrian hawker. I lived as a child in a different part of Australia where we did not have Afghans or Syrians as far as I can remember—it is a long time ago—but I do remember the Chinese hawkers who carried around fascinating goods. They were picturesque figures in pointed straw hats, and they had heavily laden baskets on a bar across the shoulders.

The Hon. C. R. Story: Pedlars.

The Hon. JESSIE COOPER: Yes. They grew to know their customers in this isolated part of New South Wales where I lived at the time, and at Christmas they gave us rewards of jars of fruit in syrup. In my time there were travelling hawkers selling ice cream. This was delectable, if slightly unhygienic. They also sold toffee apples. These things are a matter of nostalgia. Today their service is a completely different thing, as they fill a real need. It seems to me that the original intention of section 20 of the 1934 Act was to deal with the man who made an occasional visit for a casual operation in any area. It was surely not designed to cover the full-time operator, who might be presumed to operate under a normal hawker's licence according to the provisions of the Hawkers Act. If, however, the present interpretation of section 20 is correct—that is, if a man operates in a district for two, three or four days a week a year, he may then be charged a licence fee of so many pounds a day for, say, 200 days a year—then I say that this is using the Act in a way that I think was never intended and in a way that would give local government bodies powers of supervision and control over casual traders so that they become a means of punitive annihilation. I consider that the point of view of the ordinary householder, ratepayer and citizen must be considered in the administration of Acts and in the making of legislation.

I say that the hawker today does supply a very real need, because he gives a service that is more welcome than ever before in a time when few shopkeepers are prepared to deliver or

indeed offer their goods for sale at a place convenient to the buyer. We can all remember the convenience—indeed, the luxury—of having the grocer or the butcher bring goods to our homes in a van and giving us the opportunity of choosing our requirements as we wished. Efforts to reduce the activities of hawkers designed largely to force everyone to deal in retail matters with established shopkeepers should, I think, be examined very closely. Such attempts by means of licensing or punitive fees must be considered in the light of the knowledge that they are attempts, no more and no less, to deny to the people of a district something that they have obviously, by their support and encouragement, found to be a desirable service.

The oft-heard contention (it was used often in the 1960 debate on the amending Bill) that the established shopkeeper is the only one who pays rates and taxes and that therefore he should receive special protection from local government is a proposition that will not stand close examination. Not only does the travelling hawker have a headquarters somewhere for which he pays rates and taxes but he also pays motor vehicle dues both in registration and in tax on petrol, thus contributing to the maintenance of the State and of the roads he uses. We also have to remember that the people to whom he gives the service—that is, most of the general public—are those paying most of the rates and taxes to those very councils which, in many instances, are proposing to deny such facilities. That these hawkers and travelling salesmen give a very real service must be admitted. For instance, in my electoral district, in both the eastern and southern suburbs, literally thousands of home units have been built in the last few years. Many are occupied by elderly people.

Again, various organizations, and particularly the church groups, are putting up cottage homes for the aged. Honourable members will have noticed in this morning's press that the Returned Servicemen's League has said that it is to build many more of their Darby and Joan cottages. Surely it is not difficult to envisage the help as well as the pleasure that these people derive from the travelling hawker. Even a quarter of a mile to the nearest shopping centre in the heat of summer or on a cold winter's day merely to buy something like ice cream, a nutritious food, becomes a burden to them. They have to walk to the shops in temperatures of 102 degrees and walk back again, and the article is spoiled. It is really not worth the trouble. After all, not all of us have cars; in fact, very few people over the age of 70 have them.

I do not see why these people should be denied small comforts such as these because of selfish interests in the community. I have spoken previously of the needs of our aged people. Now that medical science has made such tremendous advances, our aged population is increasing each year, and geriatric problems will have to be considered by all of us who have the interests of the community at heart. It is the right of any community to receive good services that it is prepared to use and support. It is continually necessary for legislators to fight against the proposition that they should deny to the community harmless rights and privileges for the sake of small sectional interests.

The Hon. R. C. DeGARIS (Southern): This simple Bill contains only four clauses. Although it is simple, I am sure that the Hawkers Act and the Local Government Act, which are both involved in the consideration of this Bill, have had a thorough airing. Indeed, I think the phrase of Mr. Story was most descriptive when he said that the Hawkers Act was having a thorough "dry-cleaning". Previous speakers have said that they have looked back nostalgically to the days of the old hawker, the Afghan and the Chinese being mentioned. If we can call hawking a profession, we see it changing rather quickly. From the colourful character of a few years ago we have come to the high-pressure salesman going around the country selling books at up to £500 a set. Recently, one salesman called at my place selling saucepans for £100 a set. One can well say that the profession of hawking has been changed by the enthusiastic amateurs in the field.

I have no real objection to clause 4, which doubles all the existing licence fees under the Hawkers Act, fees that have been in operation since 1934, but I am querying clause 3. We are all indebted to the excellent second reading speeches delivered by the Hon. Mr. Gilfillan, the Hon. Mr. Kemp, the Hon. Mr. Story, the Hon. Mr. Hart and the Hon. Jessie Cooper. They threw some light on this matter. I appreciate what has been said by Mrs. Cooper and Mr. Kemp on a previous Bill about the raising of licence fees. By clause 3 the fees are being doubled in relation to the by-law making powers of district councils in respect of what have come to be known as itinerant tradesmen. As has been pointed out, this matter is covered by the Hawkers Act and the Local Government Act

(sections 667 and 669). Let me refer now to the Hawkers Act, where two sections cover this matter. Section 10 states:

(1) Every hawker's licence shall contain a condition that the holder thereof shall comply with all by-laws relating to hawking (other than by-laws requiring hawkers to be licensed or to pay any fees) which are enforced in any district or municipality in which he hawks.

(2) The holder of a hawker's licence shall be entitled to hawk in accordance therewith without obtaining any licence to hawk from, or paying any fees to, any other authority.

That deals with the person who has a licence under the Hawkers Act. The second section is section 20, which reads as follows:

Any municipal or district council may make by-laws under the Local Government Act, 1934, providing for the licensing of persons who do not continuously reside or carry on business within the area of the council . . . Any such by-laws may fix the fees to be paid for a licence thereunder, not exceeding two pounds per day . . .

Those are the words that are being altered—to £4 a day.

The Hon. Sir Norman Jude: It is more than double, really.

The Hon. R. C. DeGARIS: It looks double to me—£2 to £4.

The Hon. Sir Norman Jude: Taken over a couple of months; but take it over a year.

The Hon. R. C. DeGARIS: It is still being doubled, whichever way you look at it. However, in 1960 in section 20 "usually" was altered to "continuously". I should now like to read part of the second reading explanation given by the Hon. N. L. Jude (now the Hon. Sir Norman Jude) on a Bill amending the Hawkers Act in 1960, dealing with the reasons for "usually" being altered to "continuously".

The Hon. Sir Arthur Rymill: I take it the honourable member is not going to embarrass Sir Norman?

The Hon. R. C. DeGARIS: No. This is what he said in 1960, speaking on the Hawkers Act Amendment Bill:

It amends section 20 of the Hawkers Act, 1934-1948, in two ways. Section 20 as it now stands empowers a local governing body to make by-laws for the licensing as hawkers of persons who do not usually reside or carry on business within its area. It has been decided that a visiting trader who makes it a regular practice to visit the same town does not come within the scope of this provision because such a person is one who can be said usually to carry on business within the area.

The object of section 20 was to give some measure of protection to local traders. It will be seen that under the Act before the 1960 amendment the word "usually" did not give the same protection as the word "continuously".

The interesting thing about this is that all the by-laws I have read (and I agree that I may not have read some) use the word "usually", and one may ask whether such by-laws have the legal effect that many local government bodies think they have. Section 20 of the Hawkers Act is the crux of the confusion that has arisen in the minds of those associated with local government bodies. I believe, as the Hon. Mr. Story does, that that provision should not be in the Hawkers Act. I may deal later with what I think may be an alteration to the section that would remove some of the confusion in regard to the by-law making powers of local government.

The Local Government Act has been dealt with by other speakers and the by-law making powers of local government bodies are contained in sections 667 and 670 of that Act. Under section 670 (7) district councils have the power of:

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.

Once again I agree entirely with the Hon. Mr. Story, although outside the Chamber I have argued on the opposite side of the question. I do not consider that local government has the power to make by-laws prohibiting completely the use of streets, roads or public places by itinerant traders, street traders or hawkers. It appears that as long as hawkers keep moving from house to house, in terms of the Hawkers Act, the local government authorities have only the right to control the hours during which they can operate and other such matters. They have no right to charge fees.

It is possible that they have a right, in terms of their by-laws, to ensure that hawkers obtain the written consent of a council before operating in its area, but they have no right to prohibit or to punitively annihilate (to use the Hon. Jessie Cooper's words). They can punitively annihilate the itinerant trader by charging excessive fees. Under the Local Government Act and the Hawkers Act a district council has, first, the power to license persons who do not continuously reside in but visit the council's area for the sale of goods and who do not possess a current hawker's licence. Under the Local Government Act the councils have power to regulate any person who has a current hawker's licence as to the hours when he can

trade, and the streets in which he can trade from a vehicle, fixture, stand or stall.

I think that under this power a council is within its rights in making a by-law insisting that a hawker obtains written consent from the council before he operates in its area, and I also think that the council can refuse his application on the ground that it does not like the goods he is selling or that he is an undesirable type to be in the district. An interesting feature that arises is that many by-laws made by local government bodies and operating at present deal with this matter of fees on a quarterly basis. Some by-laws provide that an itinerant trader can operate in an area if he pays a certain quarterly fee, and in some cases the fee is as high as £20. The Hawkers Act provides that any such by-laws may fix the fee for a licence granted thereunder at an amount not exceeding £2 a day or portion of a day or £4 a day if this amendment is passed. This exempts those who, in my opinion, are not licensed hawkers.

I think that, irrespective of what has happened, the local government authorities have not the right to make by-laws prescribing fees in excess of charges made at a daily rate. It can be argued that there are, say, 78 trading days in each quarter and a charge of £20 a quarter amounts to 5s. a day, which does not exceed the fee prescribed in the by-law making powers of the Hawkers Act permitting a fee not exceeding £4 a day, which will be the fee if this amendment is adopted. However, I am sure that the definition in the Hawkers Act should be on a trading day basis, so as to cover each day the itinerant trader trades in the area.

If it is a correct interpretation that a quarterly fee can be charged in respect of any person who comes into the area to trade, under section 20 of the Hawkers Act, then any local government authority would be within its rights in charging a fee of £320 a quarter. I do not think that that is the spirit or intention of that section of the Hawkers Act. We have some difficulty in many councils on this matter. Some councils are composed of people completely opposed to the traders in the towns. I refer to a council that is completely controlled by the farming community. I am citing that purely as an example.

In such cases, we see that the itinerant trader who comes into the town is given every possible encouragement, very often to the detriment of the local traders who pay rates and taxes, who support all the town's activities and who may occupy a site in the town where the value per foot is £200 or £300. The itinerant trader may be given the right to go into that town, to set up in the most expensive part of a street, and to trade on the best day of the week in competition with the local traders. This is not what we might term a "fair go" for the local traders.

On the other hand, the reverse applies in cases where councils are composed of people whose only interest is in the commercial section of the towns. In those cases, we see the itinerant trader on the other end of the stick, in that he is placed at a complete disadvantage when compared with the normal town trader. We see attempts made to almost prohibit the itinerant trader from operating and, to use the Hon. Jessie Cooper's words again, we see the punitive annihilation of the itinerant trader.

I consider that no itinerant trader should be placed at any marked disadvantage as compared with the local trader, and, likewise, the reverse should apply. We all realize that there is much confusion about the provisions in the Hawkers Act and those in the Local Government Act. I think that section 20 of the Hawkers Act should not be there at all in its present form and that all the powers should be contained in the Local Government Act, and should operate along the lines I have attempted to show, conferring neither an advantage nor a disadvantage on one section.

Before I support this amendment on the fee to be charged for a licence to enable an itinerant trader to come to a town, I should like to see provision made so that the fees cannot exceed the amount stipulated, whether it is £2 or £4 a trading day. I do not agree with what can happen when a quarterly fee is charged in respect of a person who may wish to come to a town only once every three months. Apart from that, I support the second reading.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

ADJOURNMENT.

At 3.46 p.m. the Council adjourned until Tuesday, August 17, at 2.15 p.m.