LEGISLATIVE COUNCIL

Thursday, September 22, 1966.

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

LAW OF PROPERTY ACT AMENDMENT BILL.

His Excellency the Governor's Deputy, by message, intimated his assent to the Bill.

QUESTIONS

SALINE WATER.

The Hon. C. R. STORY: Has the Chief Secretary, representing the Treasurer, a reply to a question I asked last week about a survey into salinity?

The Hon. A. J. SHARD: Yes. The reply provided by the Treasurer is as follows:

As the costs of a long-term survey are not available at this stage, my colleague the Hon. the Treasurer is unable to give consideration to making further funds available. However, the Government is considering proposals for an inquiry to advise upon the type and extent of further investigation into the disposal of seepage water and to ascertain the estimated cost of such a survey.

GAWLER BY-PASS.

The Hon. M. B. DAWKINS: Has the Minister of Roads a reply to my question of September 15 about the Redbanks Road and the Gawler Belt intersections with the Gawler by-pass?

The Hon. S. C. BEVAN: The reply is as follows:

The proposals suggested by the Hon. M. B. Dawkins involving the extension of Redbanks Road to connect directly with the Main North Road north of Gawler Belt have been investigated by the department together with a number of other possible schemes aimed at reducing the traffic hazard at intersections on the Gawler by-pass.

The scheme suggested has much to commend it, particularly if an overpass is to be built at Gawler Belt. At present, however, there is no proposal to construct such an overpass and at this stage the department favours an alternative scheme which contemplates the conversion of the two intersections on Redbanks Road and Parker Road with the Gawler by-pass to T-junctions. Final decision has not yet been made in this matter and further consideration will be given to the suggestion of the Hon. M. B. Dawkins.

SUBSIDIZED HOSPITALS.

The Hon. G. J. GILFILLAN: I ask leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. G. J. GILFILLAN: For a number of years Hospitals Department inspectors have visited country subsidized hospitals mainly to audit patients' benefit returns, but they have also investigated the financial position of the hospitals and reported thereon to boards of management. The inspectors have constantly advocated that boards of management establish maintenance reserve accounts to provide for future maintenance of buildings and equipment. This has been done in many of the more efficient hospitals, and the inspectors have also advocated that such accounts be substantially increased. However, letters have recently been sent from the Secretary of the Hospitals Department requesting a detailed account of money held by subsidized hospitals in the various accounts, and this has given boards of management some concern as far as future allocations of money from the Hospitals Department are concerned. With regard to hospitals that have complied with this request and who, by good management and thrift, have placed substantial sums of money aside to meet the cost of future maintenance, can the Minister give an assurance that such hospitals will not be penalized as far as future assistance is concerned?

The Hon. A. J. SHARD: As far as I understand the position, some doubt exists whether the inspectors' reports have brought to light all money deposited in the various accounts. The request from the Hospitals Department will have no bearing on the Government's two-for-one programme for capital improvement to subsidized hospitals. However, the suggestion in some quarters (and I mention this from the point of view of local government in maintaining the present standard of hospitals) is that some hospitals (and I say this is to their credit) are holding sums of money in their maintenance reserve accounts that are rather on the high side.

The Hon. R. C. DeGaris: Do you say that from the local government point of view?

The Hon. A. J. SHARD: From the point of view of the Hospitals Department and from the point of view of local government it is unnecessary to take from the latter as its share of the maintenance money for the sole purpose of building up large reserves for hospitals. Nothing definite has been decided, but I will obtain a full report and let the honourable member have it. No suggestion has been made that because hospitals have built up large reserves for future maintenance—

The Hon. Sir Lyell McEwin: Does the Minister call normal depreciation a high reserve?

The Hon. A. J. SHARD: In any case, maintenance is generally keeping the standard as high as possible. I see no good purpose in hospitals having huge maintenance reserve accounts, or more in such accounts than they need, and thereby building up these reserves at the expense of local government each year. It is far better to have a workable account, and then the local government budget is not affected. That is the position as I understand it but, as I have said, I will call for a report. There is no suggestion that any hospital will be denied money for capital improvement.

The Hon. G. J. GILFILLAN: I may not have made my question clear. Will the amount held by hospitals in maintenance accounts prejudice the maintenance contributions from the department?

The Hon. A. J. SHARD: I should not think so but I shall examine the matter. A maintenance committee, consisting of authoritative people, including representatives of the Country Subsidized Hospitals Association, does magnificent work, and an additional member from the Hospitals Department was appointed to the committee this year. That committee makes recommendations on these matters. I shall have the position examined and bring down a complete report.

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 asked leave to make a brief explanation because I was delayed on the telephone and was entering the Chamber when the Chief Secretary was replying to a question regarding hospital maintenance. I am not sure whether he said that it was not considered desirable for hospitals to hold in hand amounts of money for maintenance purposes. Past experience has been that, where money has not been held in hand, some work has been neglected because of lack of money. For example, the whole institution might have required painting at a cost of $6,000. In such circumstances, the hospital is immediately in trouble and requests from the Government money to meet the cost of work that should be financed from maintenance money. This matter can be dealt with satisfactorily only by having proper depreciation allocations. Can the Chief Secretary say whether consideration will be given to making proper provision for depreciation in order that these costs can be met when the expenditure becomes necessary?

The Hon. A. J. SHARD: It is not intended that there shall be any departure from the position that has applied hitherto. Some hospitals have built up large maintenance accounts, some of which have greater balances than could reasonably be used in the foreseeable future. Some councils do not see why they should pay maintenance money to hospitals that wish to build up huge maintenance accounts. It would be satisfactory if every hospital, through good management (and I am not saying they are mismanaged) and a high daily bed average, could build up a reasonable maintenance account. Unfortunately, however, sometimes the Government has had to consider a request to provide money for something that is usually not subsidized, because if it did not there would be further deterioration, in that the hospitals had not the necessary maintenance accounts. There is no suggestion that the department wants to clamp down on hospitals and prevent them from building up reasonably safe maintenance accounts.

The Hon. R. C. DeGARIS: I ask leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: An attempt has been made over the years to ensure that contributions made by councils to subsidized hospitals should reach a position of near equality. I think the council contribution towards subsidized hospitals is about 6 per cent of the rates for the area. Will the Chief Secretary say whether his remarks mean that this percentage will be altered?

The Hon. A. J. SHARD: If a hospital has more money than it needs for maintenance in any particular year, it could be paid less than was usually given. Since I have been a Minister two payments of maintenance have been made. One council was not happy last year about a suggestion that was made, and this applied to another council this year, but these have been the only two complaints. Peculiarly enough, the complaint made this year was by a council whose maintenance had been increased. This council objected because the contribution of a neighbouring council was reduced. An offer was made to get the Secretary of the Hospitals Department to tabulate where the patients came from over a 12-month period and to reconsider the matter

then. Generally, the councils are quite happy with the way things are going. I think 6 per cent of their rating goes to hospitals, and in the last two or three years there has not been any serious objection.

IMPOUNDING ACT.

The Hon. H. K. KEMP: Has the Minister of Roads an answer to my earlier question regarding the Impounding Act?

The Hon. S. C. BEVAN: I take the honourable member's mind back to July 12 last, when answers were given to questions on notice asked by the Hon. Mr. Hart in relation to this matter. As an answer to the honourable member I shall repeat those questions and answers:

1. Is it the intention of the Government to introduce legislation to amend the Impounding Act in relation to straying stock?
2. If so, has it instructed that no more prosecutions be proceeded with until Parliament considers amendments to this Act?
3. If not, will it consider doing so?

The replies are:

1. Yes.
2. No.
3. Yes.

The Hon. H. K. Kemp: I should like to underline the words "this session" in my original question. That is the whole point.

JAPANESE CARS.

The Hon. C. M. HILL: Will the Chief Secretary, representing the Minister of Housing, ascertain whether the South Australian Housing Trust has purchased any Japanese cars recently and, if it has, how many were purchased?

The Hon. A. J. SHARD: I shall be glad to secure the information.

LOTTERY AND GAMING ACT AMENDMENT BILL (T.A.B.).

Adjourned debate on second reading.

(Continued from September 21. Page 1722.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill but, in saying that, it is not to be taken that I support the Bill in its entirety.

The Hon. C. R. Story: Did you say that you supported the Bill in its entirety?

The Hon. F. J. POTTER: No. I said that, in saying that I support the Bill, I am not to be taken as saying that I support the Bill in its entirety. The portion of the Bill that I do support is that containing the provisions for the setting up of a totalizator agency board system of betting in this State. I support that generally in principle, because I think the time has now come for the setting up of T.A.B. in South Australia, since the people of this State have indicated by their general attitude to this social question that they want these facilities. I, for one, am not prepared to deny them. That should be the real reason or the proper motive behind the introduction of this Bill, because one would hope that it was introduced by the Government for the purpose of providing this facility to the members of the public who wished to use it, and not with the idea of promoting gambling in the community or of raising money from a section of the community. It should not be a taxing measure to tax that particular section of the community that happens to indulge in this form of gambling. In saying that, I do not wish to be regarded as so foolish as to suggest that the T.A.B. system does not in itself provide a proper source of reasonable taxation for the Government. Obviously, if this system is to be set up, the Government is entitled to look within the T.A.B. system itself (that is, the turnover with the agency boards) for some reasonable source of revenue; in fact, the Government has done that.

However, I object to the fact that the Government has seen fit to introduce clauses towards the end of this Bill, as the Hon. Mr. DeGaris said the other day, that are really nothing at all to do with the setting up of T.A.B. or the legitimate taxation of the turnover from T.A.B. This Council is indebted to the Hon. Mr. DeGaris for the points he raised on this Bill. I shall support him all the way in some of the amendments, and I believe that in principle he is completely right in maintaining that the clauses dealing with the winning bets tax and its continuation ought not to be in the Bill at all; that in fact it ought to be dealt with by the Government on its merits and as a completely separate issue.

I really want to devote my attention now to the winning bets tax, because this is the important issue in this Bill. It is the issue with the real politics in it, as was clearly explained by the Hon. Mr. DeGaris the other day. It is interesting to note the complete change of attitude by Government supporters towards the winning bets tax. Honourable members will remember that back in 1964 there was a debate in another place on whether it was desirable to set up the T.A.B. system of off-course betting. Many members of the then Government and of the then Opposition spoke in the debate. My first reference is not to

the debate on the motion for establishing off-course betting facilities (that came a little later) but to the occasion when there was a debate in another place in 1964 on the increase of the winning bets tax. All honourable members will remember that debate and the measure introduced by the Playford Government. The former Leader of the Opposition in another place then said:

The object of this Bill is to increase the bookmakers' tax by 30 per cent while still retaining the iniquitous winning bets tax.

I emphasize the word "iniquitous".

The Hon. C. R. Story: Who said this?

The Hon. F. J. POTTER: The present Premier said it when he was Leader of the Opposition. To my knowledge, ours is the only State in which the winning bets tax is imposed, and it will be so in the future if this Bill is allowed to pass in its present form. In that debate the then Leader of the Opposition in another place also said:

Over the years this Government has deliberately bled the racing industry white.

It is perfectly clear what the attitude of the then Leader was, and as he was the leader of his Party I take it that that can fairly and squarely be said to be the attitude of the then Opposition.

The Hon. A. J. Shard: No. That was his own opinion and was not binding in any way on the Opposition.

The Hon. F. J. POTTER: It is quite clear that he did not leave any doubt about where he stood on the issue. That debate on the question whether we should have a T.A.B. system in South Australia was continued in 1965. On August 18 in another place the member for Port Pirie said:

I should like now to mention the winning bets tax. As this is all tied up with betting, I do not think I am out of order in referring to it. This is bad legislation that should be abolished as soon as possible, and I hope if T.A.B. is introduced the tax will be removed.

That was quite clearly his attitude.

The Hon. A. J. Shard: That was 1964?

The Hon. F. J. POTTER: No; that was in 1965, in the debate on the motion introduced by the member for Frome.

The Hon. C. R. Story: Only last year?

The Hon. F. J. POTTER: Only last year. Then the member for Port Adelaide in another place on that occasion interjected and said:

If there is total T.A.B., that will automatically be finished.

He was referring to the winning bets tax. There is no question what the attitude of some of the Government members was in 1964 and in 1965 on this matter. As we have been told on other occasions, when things are different they are not the same.

The Hon. A. J. Shard: If you were in Government you would not be talking as you are now.

The Hon. F. J. POTTER: The highest hopes of yesterday become the grim realities of today, and the Government now finds itself in that position.

The Hon. A. J. Shard: You have done a complete somersault, too.

The Hon. F. J. POTTER: The Government wants not only to impose a turnover tax on this new facility that will be introduced into this State but also to hold on to the winning bets tax.

The Hon. A. J. Shard: Not completely.

The Hon. F. J. POTTER: Not completely; 75 per cent of it, anyway.

The Hon. A. J. Shard: No, about 68 per cent I think.

The Hon. F. J. POTTER: It does not matter very much, but it is a substantial percentage that the Government would like to retain, and the Bill gives it the right to do that. In principle, the Government should not mix the retention of this winning bets tax with the introduction of T.A.B. My research shows that from the operation of T.A.B., and perhaps from a slight increase in bookmakers' turnover tax, the Government could get *in toto* almost as much, if not more, revenue than it could by retaining the winning bets tax. I think that the people who regularly indulge in betting at racecourses expect that when T.A.B. is introduced the winning bets tax will go. I think it can and should go, and that the Government should find other means of making up the revenue it will lose by getting rid of the winning bets tax. I am sure it could be done within the same field of taxation without having to spread it to other sections of the public. In Committee I propose to move that the winning bets tax be abolished at the same time as this measure is brought fully into operation.

The Hon. A. J. Shard: How are you going to do it if you have an amendment?

The Hon. F. J. POTTER: I don't know about that, but we will deal with it when we get to it.

The Hon. C. R. Story: My suggestion is that the Bill be withdrawn and redrafted.

The Hon. F. J. POTTER: That may be a good move, and I would be happy if the

Government supported the Hon. Mr. DeGaris's amendment and took the particular provisions right out of the Bill.

The Hon. A. J. Shard: I can imagine you would be happy to be held responsible for that!

The Hon. F. J. POTTER: I wouldn't be so sure about that. I am saying that I believe the winning bets tax could be abolished.

The Hon. A. J. Shard: It has taken you 15 years to come to a decision on this; you did not lift a finger to do anything about it when in power; but now you are quick to criticize the Government for trying to do something.

The Hon. F. J. POTTER: I think this tax could be removed within 12 months of the Act coming into operation.

The Hon. A. J. Shard: You should go home and do some exercises!

The Hon. F. J. POTTER: I have done that. Obviously the racing clubs will not be affected by it, because they will not receive anything from the winning bets tax following the operation of T.A.B.

The Hon. S. C. Bevan: Do you want to scrub it now?

The Hon. F. J. POTTER: Not immediately; I suggested it be done on the relevant day. My suggestion could be followed, and I do not think anybody would suffer if it were done. I believe it is right in principle that it should be done and I am certain that if Government members in this Council and in another place were prepared to stick to their beliefs as expressed in the past concerning the operation of this tax they would go along with such an amendment. I support the second reading.

The Hon. H. K. KEMP secured the adjournment of the debate.

LOCAL GOVERMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 21. Page 1723.)

The Hon. M. B. DAWKINS (Midland): I support this Bill, which brings in a number of fairly small amendments to the Act. First, I compliment the Minister of Local Government on revising his former decision not to re-open the Local Government Act. I know he said on more than one occasion that he did not intend to open it again prior to its complete revision. We all know that a Local Government Revision Committee is operating but it has rather a Herculean task and its work may take some time. A minimum of two years has been suggested, but it could well take three or four years. Many improvements could be made to the Act in the interim, and I am glad that the Minister is prepared to bring this matter forward in order to improve it, even though it is in the process of revision. There are many good provisions in the present Act, long though it may be.

Clause 3 amends section 158 of the principal Act and refers to the salaries, allowances and commissions that may be paid to the mayor, chairman and officers of a council. It has hitherto included the auditor, but now that officer's remuneration is to be under the control of the Minister on the recommendation of the Auditor-General. The words "and to the auditor" in the first part of the section are to be struck out, and a new provision included, stating:

(1a) The council shall pay to the auditor such remuneration as the Minister, on the recommendation of the Auditor-General, may fix.

I have no particular objection to that amendment. I would not support it if the words "on the recommendation of the Auditor-General" were not included. As Sir Norman Jude said, on occasions councils pay inadequate fees to auditors with the result that, even though the auditors may be well-qualified, they do not have time to audit the council books as they should be audited.

Clause 4 amends section 286 of the principal Act and provides for the payment of council moneys into a bank and for the authorization of an advance account that may be kept by the council. I do not object to that provision. I think it is a good one. It may be far more necessary in some cases than in others. On occasions, a district clerk has to make payments at fairly short notice and has difficulty in obtaining the signature of a councillor. I believe that council books should be kept well and that they should be subject to adequate audit. Because of this, the operation of an advance account, as suggested in clause 4, should not present any problems.

Clause 5 deals with the inspection of accounts and I support this provision, because accounts should be inspected from time to time. The only qualification I have is that this type of activity should not be overdone. We ought not have an army of inspectors inspecting council books or other local government activities in such a way that additional overhead expenditure is incurred by people who are not doing productive work but are only checking the work of others. I am certain that it is

not the Minister's intention that that should be done and I should like his assurance on that when he replies.

Clause 6 amends section 691 by striking out paragraph (a) and inserting several other paragraphs that prescribe the accountancy and finance methods, the books of account and the manner in which councils and their officers must use books, forms, etc. It also requires councils to adopt annual budgets and it requires clerks to supply councils four times a year with budgetary statements. This may be a good provision, but I again sound a note of warning that this can be overdone.

I have heard discussions on the suggested methods of accounting that have been canvassed in various parts of the State and I understand that the suggested procedures have met with a mixed reception. I do not think anyone suggests that councils should not keep their accounts and conduct their affairs in a proper and adequate manner, but I trust that this provision will not cause too much book work, because such work is unproductive. District clerks have said that more office staff will be required to do this extra work. This will mean that additional staff costs and more overhead will have to be met from the same gross income.

The procedures of the councils may be better as a result of these provisions and perhaps councils that have been getting along with inadequate audits and in a somewhat slipshod manner will have to pull their socks up. However, it is well to remember that these items do not mean one penny more for local government activities or the improvement of our roads, but that they mean more administration expense. Having sounded those warnings, I shall be interested to know what the Minister has to say in reply. I indicate in general terms that I consider there is a need for the amendments envisaged and that I support the Bill.

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

MOTOR VEHICLES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 21. Page 1728.)

The Hon. H. K. KEMP (Southern): I shall deal in detail with clause 3, which amends section 13 of the principal Act. The question of the exemption of plant used for making fire breaks on roads and for destroying noxious weeds or dangerous vermin portrays a complete lack of knowledge of the realities of this work by whoever drafted the amendment.

It is not recognized that the Vermin Act, Weeds Act and Impounding Act place the responsibility on the person concerned not to the boundary of his farm but to the centre of the abutting roadway. The farmer owning the land is responsible for keeping it free of noxious weeds and vermin and of maintaining fences on that land in such condition as to confine any grazing stock. Yet, this Act denies the farmer access to plant in his custody unless he pays tax on these vehicles and implements. He is forced by legislation to do this work, yet legislation robs him of the means of doing it.

Clause 2 assumes that the apparatus used for this work will be specialized apparatus, not the day-to-day items used on farms. If the farmer uses on this work the ordinary gear that he uses for other purposes and if that gear is not designed for these jobs, he will still be liable for registration when he goes on to a road to do this work. The majority of people consider that this Act is greedy and ridiculous in some of its provisions.

The height of ridicule was reached a year or two ago, when one of our big Adelaide companies brought a mechanical elephant here to be paraded in a Christmas pageant for the amusement of children. The authorities required that the mechanical elephant have two number plates dangling from its pygidium and thorax and a disc plastered over, I think, the left eye. If that was not penalizing charity, it would be hard to say what was. This legislation penalizes farmers, too.

Certain exemptions are given for vehicles used by Government departments, yet the little vehicles that go around the Adelaide market carrying boxes of fruit have to be registered. What possible justification can there be for this Government, even though it is short of money, to do this? This is nearly as silly as insisting on the registration of Nellie the elephant!

The Hon. S. C. Bevan: How silly would it be if one of these vehicles was involved in an accident and somebody was injured?

The Hon. H. K. KEMP: The Government is getting a rake-off in taxation from a very poor industry. A slight risk is taken as an excuse for taking money from charity and from industries that are due for a little relaxation from the continual raid being made on them, particularly by the present Government.

We have often heard the Hon. Mr. Story speak about the need for freeing fruit trailers,

particularly those along the Murray, from registration fees. There seems to be a lack of appreciation of what these trailers are. I know from remarks I have heard from my colleagues that they visualize them as being similar to trailers used in the wheat and livestock industries.

However, they consist of little more than two wheels and an axle, with a lump of pipe that is turned into a towbar. They have no body; they merely have a bulk bin on them, and often a grower will have half a dozen of these things, depending on the number he requires to serve his packing gangs and keep the fruit up to the packing sheds. I know one grower who has more than a dozen of these trailers. They are joined in tandem, and they are an interesting sight on their way to the packing shed loaded with oranges. In the orchard one goes to each gang of pickers, so the grower has the number he requires to serve the number of packing gangs he employs each day.

I do not doubt that a large trailer, particularly the four-wheeled type, should be registered, as these are used again and again through the year to tow heavy loads and they cannot do other than cause considerable wear and tear to road surfaces. However, fruit trailers probably carry half a ton at a maximum. Each grower has to have half a dozen of them, and it is going far beyond a fair thing to impose registration on each.

This is all done with the excuse that somewhere between the orange tree or the gate of the orchard and the packing shed the trailers cross roads and there may be an accident, but sometimes the packing shed is only five or six yards away. This gives the Minister of Roads a chance to get revenue.

The Hon. S. C. Bevan: How long has this been in operation?

The Hon. H. K. KEMP: For a long time, but the Government is at fault in carrying it on.

The Hon. S. C. Bevan: From the way you were talking I thought we must have brought in this legislation!

The Hon. H. K. KEMP: The Government is just as much at fault in carrying it on as it is for the dreadful things that were announced yesterday in the daily press. Weed spraying is carried out by the use of some sort of temporary fire pump and possibly knapsack sprays loaded from a tank loaded on a trailer. Does this Bill mean that if this trailer is used for spraying once a year it need not be registered? I do not think it does, because as soon as it is used for another purpose it will require registration and be just as liable for the tax as it would if it had never been used for spraying.

Although boundaries must be maintained by law, in the hilly country it is rare to find boundaries that can be reached except from a roadside. The type of country I have in mind is that along the Greenhill Road, where the property owner cannot get to his fences and bring materials to repair them except from the public road that adjoins. To do the work forced upon them by law they must pay the Minister of Roads a registration fee.

This legislation does not go far enough. I think it is of benefit only to the Highways Department and councils, which have special vehicles devoted to these purposes all the year round. For the farmer who uses this equipment for different things during the year, however, it is completely meaningless. The Government is really forcing a breach of the law in many cases by the owners of small fruit trailers.

I must be somewhat discreet in what I say, but I know several instances in which technical breaches of the law are occurring purely and simply because growers take grape tanks out to the gates of their properties and place them on the roadside for collection by carters, who take them to the wineries. If this is done, or if the property owner goes on land that he is responsible for maintaining, he commits a breach and can be prosecuted and lose his licence for three months. That is how silly this can get.

The Hon. Mr. Gilfillan mentioned a case in his neighbourhood where the pulling of ordinary farm equipment, which is necessarily mounted on wheels to carry out its functions, led to a prosecution of this nature. If the Minister is as desperately in search of revenue as he appears to be, I am sure that he could obtain a large sum if he went to the fruit-growing districts and tried to detect these trivial offences.

The Hon. Sir Lyell McEwin: You are not thinking of a human being on a pair of roller-skates, are you?

The Hon. H. K. KEMP: I do not think that the example given by the honourable member would qualify for a breach of this legislation. If that roller-skater was hanging on to a car, a truck or a tractor, it would certainly qualify the Minister to prosecute and to take away the licence of the driver of the car; but the roller-skater would be all right. It is very hard when we have to go out and do some work into which we are forced by

legislation, and thus lay ourselves open to prosecution, as is so generously provided for in this Bill.

Surely fruitgrowers, of all people, should qualify for exemption from these provisions, particularly when we remember that the farm trailer, which is used for general purposes and in many cases for road maintenance, qualifies for exemption just as heavy agricultural equipment does, in respect of which the previous Government provided exemption, but not the present Government.

The Hon. Sir Arthur Rymill: It is the prime mover that is the trouble?

The Hon. H. K. KEMP: Not necessarily; it may be a tractor.

The Hon. Sir Arthur Rymill: But wouldn't the prime mover be registered and insured?

The Hon. H. K. KEMP: I was thinking of a tractor. This is just another example of how silly legislation can become when it is amended and re-amended by people who do not understand what they are dealing with. The fruit trailer consists of a pair of very small wheels about the size of those of a wheelbarrow, an axle across them, and a 6ft. pipe with a ring at the end of it. Those things qualify as a vehicle that must be registered and insured; otherwise, if it encroaches on the roadway, there will be a prosecution as a result of its use. This is nearly as good as Nellie the elephant with her pygal numberplate and her thoracic declaration.

The provisions regarding a claim by a person against his or her spouse are wise. I commend the Government for that. I had experience of this myself, when serious injury was incurred by my better half through my fault, but the insurance cover was completely missing. Nothing whatsoever could be done about it. That injury led to a long period of hospital treatment. This matter has been dealt with already far more ably than I can deal with it. I beg the Minister to look at many of the completely ridiculous registrations that are at present required under this legislation and do something about correcting them.

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

MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 20. Page 1667.)

The Hon. G. J. GILFILLAN (Northern): I, like the previous speaker on this Bill, rise to speak with some doubts in my mind that I hope the Minister will be able to resolve in his reply to this debate. The Bill itself is short and simple.

The Hon. S. C. Bevan: Short, sharp and shiny.

The Hon. G. J. GILFILLAN: Short and sharp, anyhow. Clause 3 merely states:

Section 4 of the principal Act is amended by striking out the passage "all wharves", in the definition of "works" therein and inserting in lieu thereof the passage "wharves 8, 9 and 10 (Drawing No. 17504, The South Australian Harbors Board),".

To find out precisely what is meant by this Bill, we have to go back to the original Act, and the amendment of 1962. If honourable members care to examine the plan of the Port Pirie wharves mounted on the board in this Chamber, they will see that wharves 8, 9 and 10 are immediately opposite the smelting works of the Broken Hill Associated Smelters Pty. Ltd. in Port Pirie, and Nos. 5, 6 and 7 are immediately adjacent, although they are all used for the loading and handling of concentrates and products from the refinery. However, I am still somewhat at a loss to appreciate the reason for bringing down this further amendment to the 1962 Act, which brought all these wharves under the jurisdiction of the Mines Department as regards safety.

The Hon. S. C. Bevan: Did you read the debate of 1962?

The Hon. G. J. GILFILLAN: Yes.

The Hon. S. C. Bevan: It was never the intention in 1962 to cover these wharves.

The Hon. G. J. GILFILLAN: I did read it and noticed that the Minister did not speak on that occasion. Perhaps he had a premonition that one day he would be in this Council as a Minister.

The Hon. S. C. Bevan: It was more than a premonition.

The Hon. A. F. Kneebone: It was a certainty.

The Hon. G. J. GILFILLAN: In that case, I wonder whether we can ask for the Minister's assistance in predicting the future! Even the Minister's second reading explanation is somewhat confusing, because it states:

The object of this short Bill is to remove from the jursidiction of the Mines Department certain wharves of the Broken Hill Associated Smelters Proprietary Limited situated at Port Pirie.

For a start, the smelters at Port Pirie do not have any wharves: they are built adjacent to the wharves provided by the Harbors Board in Port Pirie; they are not actually the property of B.H.A.S. If we refer, as the

Minister suggested, to the Act as amended in 1962, it becomes obvious that there was a reason for this 1962 amendment.

The Hon. S. C. Bevan: It was really a request that came from the B.H.A.S.

The Hon. G. J. GILFILLAN: There is no denying that the request came from the B.H.A.S. because of a very real concern for the safety of the people in that area. In 1962, at the time of the introduction of the amending legislation, the present Government (then in Opposition) strongly questioned the legislation, as it was afraid (and this was stressed strongly in both Houses of Parliament) that this was a move to interfere with the demarcation of labour on the wharves. Of course, this has not proved to be the case since. This legislation was introduced in 1962 to protect people working on, and members of the public with access to, those portions of the wharves not under the jurisdiction of either the Commonwealth authorities or the Mines Department under the Mines Inspection Act. At Port Pirie the Broken Hill Associated Smelters are, of course, under the jurisdiction of the Mines Department as far as safety precautions and inspections are concerned. If members look at the map in this Council they will see that the boundaries of the B.H.A.S. lease are clearly defined. Anyone working within those boundaries is subject to the regulations under the Mines Inspection Act. There is also inspection of any machinery working in the area.

The loading of ships (and this applies to ships not only at wharves 8, 9 and 10 immediately adjacent to the works but also to numbers 5, 6, and 7, which are the ones in question) includes products from the smelters. The area within the boundaries of the B.H.A.S. lease is subject to the Mines Inspection Act regulations because they are works within the meaning of the Act. The loading of ships is covered by Commonwealth regulations, but when ships are not actually loading, and goods or smelted products are being moved on the wharf, the position is not covered by the Mines Inspection Act under the amendment contained in this Bill. At such a time the area would not be subject to Mines Inspection Act regulations or the Commonwealth regulations. The Bill was introduced in 1962 to give protection to the workers on the site, as well as to any member of the public with access to the area, when ships were not being loaded. That was four years ago, and the legislation appears to have worked well until the present time when we have this amending Bill before us. This is an important matter, not only for the protection of the people concerned but also in the event of an accident. If there should be an accident, who would be the responsible authority? Where compensation is involved, it is essential that the responsibility should be beyond question.

The Hon. S. C. Bevan: Who do you say should be notified in those circumstances?

The Hon. G. J. GILFILLAN: It is not for me to say, but under the existing Act there is no doubt; that is the point I am querying.

The Hon. S. C. Bevan: Why is there no doubt? The honourable member is well aware there is dual control at the moment.

The Hon. G. J. GILFILLAN: I delay commenting on the Minister's statement until he replies. As far as I can see, there is not dual control. We run the risk of not having control at all in certain circumstances, and those circumstances could arise if the wharves in question were freed from the provisions of the Mines Inspection Act. Certainly, when ships are loading this area is under Commonwealth regulations.

The Hon. S. C. Bevan: Do you say that you read my second reading explanation on this matter? I suggest you read it again!

The Hon. G. J. GILFILLAN: I do not want to weary the Council with reading it again.

The Hon. S. C. Bevan: The matter is already under the jurisdiction of the Harbors Board.

The Hon. Sir Lyell McEwin: Has there been an alteration since 1962?

The Hon. S. C. Bevan: No.

The Hon. G. J. GILFILLAN: In his explanation the Minister said the wharves were under the jurisdiction of the Harbors Board, but I do not remember any amendment altering the position as it existed in 1962. I know that the Harbors Board has certain control as the authority responsible for the development, etc., of our ports, but the 1962 Bill was brought in not for the administration of harbours but for the inspection of equipment and safety precautions as they affected people working on the movement of goods or ore from the smelters, and using smelters' equipment, when ships were not actually being loaded. The regulations, as far as loading operations are concerned, are under the Commonwealth and not the Harbors Board. I stand to be corrected on that, but my information shows there is a definite responsibility as regards safety under the Mines Inspection Act and the Commonwealth regulations. If the Minister

can show me any regulations under the Harbors Act to cover the points I have raised I will withdraw my objection.

The Hon. S. C. Bevan: Could this be extended to Port Adelaide also? According to your argument it would apply to Port Adelaide and to a number of other ports also.

The Hon. G. J. GILFILLAN: The cranes and loading equipment under discussion run on rails along the six berths at Port Pirie; they do not go close to Port Adelaide. If this amendment is accepted, which Government department will have control of the inspection of mechanical equipment on wharves 5, 6 and 7 and to which department will accidents be reported? The questions refer to those times when the B.H.A.S. equipment is being used on wharves 5, 6 and 7 in the moving of concentrates and other products from the refinery when ships are not being loaded under Commonwealth regulations. I will be interested to hear the Minister's reply to my questions, and I will reserve—

The Hon. S. C. Bevan: I will give you the reply now; the matter is under the Harbors Board. That is why we have this Bill.

The Hon. G. J. GILFILLAN: I will be interested to see the regulations under the Harbors Act that specifically refer to the inspection of equipment used for the loading of concentrates, and to the protection they give to people working or moving in that area at the time mentioned.

The Hon. Sir Lyell McEwin: And whether it has been altered since 1962.

The Hon. G. J. GILFILLAN: I have not been able to find any alteration or amendment that has changed the situation as it was in 1962. If there has been such an amendment, I should be interested in seeing it. I reserve further comments until the Minister replies.

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

ABORIGINAL LANDS TRUST BILL.

The House of Assembly intimated that it had given leave to the Attorney-General (Hon. D. A. Dunstan) and the Hon. G. G. Pearson to attend and give evidence before the Select Committee of the Legislative Council on the Aboriginal Lands Trust Bill if they think fit.

CAMBRAI AND SEDAN RAILWAY DISCONTINUANCE BILL.

Adjourned debate on second reading.

(Continued from September 21. Page 1719.)

The Hon. M. B. DAWKINS (Midland): With reluctance I support this short Bill that enables the Railways Commissioner to take up the rails and other equipment between Cambrai and Sedan, because I am always sorry to see a railway closed. On the other hand, it has been proved adequately that this railway is not of much further use and that it was losing much money at the time traffic ceased. The Public Works Committee inquired into this matter in 1964, and I understand that traffic on the railway ceased about December 1 of that year.

With the Hon. Mr. Story and the member for Angas in another place (the Hon. B. H. Teusner), I visited the areas of Sedan and Cambrai recently and was interested to note that the public there were under the impression that the line was to be used to cart water for the Engineering and Water Supply Department camp to be set up at Sedan and, possibly, to cart equipment to this area for the new main being built from Swan Reach to Stockwell. I should be interested to know from the Minister when he replies whether this supposition is correct.

The establishment of a large camp at Sedan will give that area a shot in the arm for a time and many people will be residing there until 1970. The Bill has the usual normal provisions of a Bill such as this, providing power for the Commissioner to remove the line and to dispose of the materials.

I have said that I have some regrets that a railway line is to be closed. The people of the Murray Plains, who have several disabilities to contend with, must be taken care of, but I am assured that the effect of this Bill will not add to those disabilities. The line is to be kept open as far as Cambrai, where a silo is in existence, and this will cover the necessity for the transport of wheat and other materials from that area. Therefore, I support the Bill.

The Hon. A. F. KNEEBONE (Minister of Transport): I thank the honourable members who have spoken for the expeditous way in which they have dealt with the Bill, and I think I can allay their fears in regard to the other matters that they have raised. Negotiations are proceeding at present between the Engineering and Water Supply Department and the South Australian Railways for the carriage of pipes on the railway line between Cambrai and Sedan. At present it is not certain that the railways will carry out this work for the Engineering and Water Supply Department. However, the Crown Solicitor has advised that, even though the Transport Control Board has made an order under the provisions of the Road and Railway Transport Act to close this section of line, there

is nothing to prevent the Railways Commissioner from operating trains over the line for the sole purpose of carrying goods for another department of the Crown.

The Bill gives the Railways Commissioner authority to dispose of the assets of this line. It does not state when this action shall be taken, but says the Commissioner may dispose of the assets. The Government is satisfied that, if these pipes are to be carried over this section of line, the existence of an Act authorizing disposal of the assets will not prevent this action. The Railways Commissioner could withhold disposing of the assets until after the line was no longer required for this work. He is, however, prevented by the Transport Control Board's order from carrying goods and passengers over this line by contract with private individuals. Although honourable members have mentioned the cartage of water, the departmental negotiations of which I have heard have been in regard to pipes. However, if it is found that there is a need to cart water, there is nothing to prevent this from being done.

Bill read a second time and taken through its remaining stages.

APPRENTICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 21. Page 1719.)

The Hon. F. J. POTTER (Central No. 2): I have pleasure in supporting the second reading of this Bill. It makes two minor but important amendments to the principal Act which, as honourable members remember, was before this Council earlier this year. One amendment is designed to correct an oversight and the other to correct an omission. It pleases me that so soon after the Bill has been before this Council another Bill has been introduced to make amendments. This may seem a strange statement, but I am sure honourable members will agree that the introduction of an amending Bill is an indication that the legislation is alive and working, and probably working well. When legislation remains untouched for years, one can almost be sure that there is something wrong with it and that it is not functioning as it ought to function.

The first amendment to the principal Act corrects an oversight that occurred when the matter was before a conference between the Council and the other place earlier this year. When the conference agreed upon an amendment to the previous Bill, it provided that the requirement in relation to schooling was to apply in any year after the second year of apprenticeship. This Bill, by inserting "in the third year of apprenticeship", will make clear what was intended by the managers at the conference. However, I wonder whether this will meet the situation the Minister is trying to correct. I say this because of the compulsory requirement for four years' attendance, particularly in the printing industry and under the Graphic Arts Award. However, no doubt the Minister will look into this matter and be completely satisfied that the Bill effectively covers the position. The second amendment to the principal Act is right in principle, and I support it wholeheartedly. I support the second reading.

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

ADJOURNMENT.

At 3.50 p.m. the Council adjourned until Tuesday, September 27, at 2.15 p.m.