

LEGISLATIVE COUNCIL

Tuesday, August 20, 1968

The Council assembled at 2.15 p.m.

**APPOINTMENT OF DEPUTY
PRESIDENT**

The Clerk having announced that, owing to the unavoidable absence of the President, it would be necessary to appoint a Deputy President,

The Hon. F. J. POTTER (Central No. 2) moved:

That the Hon. Sir Arthur Rymill be appointed to the position.

The Hon. A. J. SHARD (Leader of the Opposition) seconded the motion.

Motion carried.

The Deputy President took the Chair and read prayers.

QUESTIONS**PROFESSOR RICHARDSON**

The Hon. A. J. SHARD: Last week I directed a question to the Minister of Local Government following a series of questions earlier regarding the proposed overseas visit of Professor Richardson. Has the Minister a reply to that question?

The Hon. C. M. HILL: My colleague, the Minister of Education, has informed me that the Flinders University is an autonomous body and the Minister has every confidence in its council, two of whose members are members of the Legislative Council. The application made to the university council by Professor Richardson was considered by that council in accordance with the rules of the study leave scheme.

SCIENTOLOGY

The Hon. R. A. GEDDES: It has been reported that the Adelaide Scientology Centre intends running children's courses in Scientology in Adelaide some time in September. Will the Chief Secretary tell the Council whether he approves of Scientology being taught to the children of South Australia?

The Hon. R. C. DeGARIS: At present Cabinet is examining a wealth of material on the whole question of Scientology. This matter was raised at the Health Ministers' conference in Darwin recently. As honourable members appreciate, action has been taken on this matter in Victoria. As it appears that Scientology is now moving into South Australia, Cabinet is fully considering the matter at present.

GAWLER BY-PASS

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Roads.

Leave granted.

The Hon. M. B. DAWKINS: My question relates to the Gawler by-pass and its intersection with two other important roads. Another fatality occurred on that by-pass only yesterday. The two intersections at which the trouble occurs are the Redbanks Road intersection with the by-pass and the Gawler Belt intersection where main road No. 32 begins and the old main road continues into Gawler. The situation is serious in that from time to time very bad accidents occur in that area. The intersections are not very far apart, they are extremely well lit and visibility there is now good; they have been greatly improved. However, I have asked on previous occasions whether a zone speed limit could be placed on that section of the by-pass. I have been told that it is not the intention of the Highways Department to build by-passes so that speed zones have to be put in, but I have noticed that exceptions have been made to this rule. I believe the Barnera by-pass, for instance, has a speed limit of 45 miles an hour. In view of the continuing accidents occurring on the Gawler by-pass, will the Minister consider imposing a speed limit or taking some other action to minimize this danger?

The Hon. C. M. HILL: I will look closely at this matter and obtain a report on it from the Road Traffic Board. After we have considered the matter fully, I will give the honourable member a reply.

SALINITY

The Hon. V. G. SPRINGETT: I ask leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. V. G. SPRINGETT: Last weekend I went to Mypolonga, which is in the Southern District, not far from Murray Bridge, and there I saw the effects of severe fruit damage resulting from the high salinity of the water, plus the fruit on the trees being exposed and unprotected as a result of the heavy frosts that have been occurring in the last few weeks. The fruit has suffered from frost and in some of the orchards up to 75 per cent of the crop is on the ground, ruined and useless. First, given those facts, will the Minister look into this disastrous situation to see what can be done to help the people concerned?

I understand that eight or nine of some 60 people are on the verge of bankruptcy. Secondly, in keeping with the help given to victims of flood, fire and drought, will the Minister examine the possibility of helping those people at Mypolonga who are the victims of nature's circumstances?

The Hon. C. R. STORY: Yes.

RAILWAY PORTERS

The Hon. S. C. BEVAN: I ask leave to make a short statement prior to asking a question of the Minister of Transport.

Leave granted.

The Hon. S. C. BEVAN: My question relates to the Railways Department. From information I have, I understand that an instruction has been given to porters working with the South Australian Railways, and particularly at (shall I call them) outside stations, that they should not accept cheques in payment for goods under their jurisdiction unless they know the customers concerned because, if those cheques were subsequently dishonoured, the porters would have to make good the money involved. Recently, a porter refused to accept a cheque for the purchase of secondhand sleepers because he did not know the customer. The porter was abused by the customer for his action and was reported to his superintendent. As a result of this report, the railway porter was severely reprimanded for his actions by the superintendent. The case I have in mind occurred at Virginia. It is unjust for an instruction to be given to a porter not to accept a cheque for payment of goods sold to a customer unless that customer is known to him (otherwise, the porter is responsible if the cheque is dishonoured) and then for him to be severely reprimanded for observing the instruction. Will the Minister inquire into these circumstances so that porters will not be subjected to this sort of treatment?

The Hon. C. M. HILL: I will make a full inquiry into this matter because, like the honourable member, I am concerned about the interests of railway porters.

ROSEWORTHY RAILWAY CROSSING

The Hon. M. B. DAWKINS: Has the Minister of Transport a reply to the question I asked on July 24 regarding the railway crossing north of Roseworthy?

The Hon. C. M. HILL: Although the road makes an angle of approximately 45 degrees with the railway, there is no significant interference with the visibility of trains from the

road approaches. In the case of the most recent accident on July 16, 1968, the road vehicle was travelling towards Adelaide whilst the rail movement was towards Freeling. Under these conditions the angle of intersection provides for even easier detection of the train headlight than at a right angled crossing. Since 1952 there have been six recorded accidents involving road vehicles at this crossing. In two cases the road vehicle was hit by a train; in one case no train was involved; and in three cases a train was hit by the road vehicle. Statistics over the last two years show that the latter type of accident has been as prevalent at level crossings provided with automatic warning equipment as at level crossings not so equipped.

The inter-departmental committee responsible for recommending the priorities for installation of automatic warning devices has for several years considered this crossing along with all others listed. The committee has not recommended that this crossing be given higher priority than any other for which such installation will be provided this financial year.

NURSES REGISTRATION ACT AMENDMENT BILL

(Second reading debate adjourned on August 14. Page 609.)

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

FRUIT FLY (COMPENSATION) BILL

Received from the House of Assembly and read a first time.

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now be read a second time. First, I should like to thank honourable members for allowing me to take the rather unusual step of asking that this Bill be allowed to pass through its remaining stages without delay. I assure honourable members that this will not be my regular practice, but much compensation is involved under the provisions of this Bill and many people are affected. Naturally, we want to pay out this compensation as soon as possible, so I thank honourable members for their co-operation. This Bill is in similar form to the Bills passed in previous years, its object being to enable the payment of compensation for losses arising from the campaign for eradication of fruit fly.

A proclamation relating to the fruit fly outbreak at Port Augusta was made in December last year under the Vine, Fruit and Vegetable Protection Act and, as honourable members know, the practice has been for compensation to be given for losses arising by reason of any act of officers of the Agriculture Department within a proclaimed area.

Clause 2 accordingly provides for such compensation and compensation for loss arising from the prohibition of removal of fruit from land in a proclaimed area. Clause 3 fixes the time limit for lodging claims at August 31. This date, fixed as a closing date for claims last year, proved satisfactory. It is expected that about 200 claims (one commercial) will be made, and the cost of compensation is estimated at about \$3,000.

The Hon. A. F. KNEEBONE (Central No. 1): I support the Bill and I do not desire to delay its passage. I want to commend the Agriculture Department for its work in controlling fruit fly throughout South Australia since, I think, 1947, when the first legislation on this matter was passed. Very few complaints have been made about actions by departmental officers during this period. I myself experienced the effects of fruit fly in Western Australia in the early 1930's, when most people there abandoned the idea of growing fruit in their backyards because of the severe infestation. Because of the extent to which South Australians have co-operated with the Agriculture Department by promptly reporting infestations, the department has always been able to take immediate action. This is what the department desires to do. I realize that it sometimes seems that people, in reporting infestations, are acting to their own disadvantage, but such reports result from their unselfish attitude and their desire to promote the welfare of the whole of South Australia.

The only complaint I have heard relates to the delay that occurs in payment of compensation. I realize that it is impossible to reduce this delay to any degree in present circumstances but I do ask the Minister to consider this matter and see whether it is necessary to wait for Parliament to sit and pass legislation before compensation can be paid. I know of a commercial operator who has had to wait for compensation, and this must upset his business affairs. Consequently, I hope the Minister will see whether it is possible to introduce legislation that would eliminate this delay.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Compensation."

The Hon. C. R. STORY (Minister of Agriculture): I will take up the point raised by the Hon. Mr. Kneebone. We desire to pay compensation as soon as we are able, but this is not always possible. We must set a closing date for claims to be made so that we ensure that all compensation claims have reached the department.

The Hon. S. C. Bevan: Is this done by an advertisement?

The Hon. C. R. STORY: Yes.

The Hon. A. J. Shard: What was the closing date?

The Hon. C. R. STORY: August 31. We must wait for a reasonable time to ensure that all claims have reached the department, which desires to pay compensation as early as possible. I sincerely hope that it will be unnecessary for me to worry about this matter next year.

The Hon. A. F. Kneebone: We all hope that.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. C. M. HILL (Minister of Roads): I move:

That this Bill be now read a second time.

It is designed to confer on the Registrar of Motor Vehicles power to delegate his administrative powers and functions not only to a deputy registrar, as the law at present allows, but also to other officers in accordance with directions given by him. The need for this Bill has arisen out of the Full Court decision in a recent case in which the Crown failed because the delegation of a power by the Registrar in the ordinary course of his administration was held to have no statutory support. The Motor Vehicles Act technically requires the Registrar to perform a number of functions, which he is obliged for administrative reasons to delegate to certain officers, and the main object of this Bill is to give statutory support for such delegations.

Clause 2 (a) amends section 7 (2) of the principal Act by enabling the Registrar of Motor Vehicles to delegate to officers, besides deputy registrars, power to act on his behalf in matters he allots to them. Paragraph (b) validates any past actions done by officers on behalf of the Registrar in pursuance of his directions, and paragraph (c) is a consequential provision that extends the definition of "the Registrar" to include any officer lawfully acting or deemed to have lawfully acted on behalf of the Registrar and any officer who, whether before or after the Bill becomes law, has acted in any matter in pursuance of and in accordance with directions given by the Registrar.

The Hon. S. C. BEVAN secured the adjournment of the debate.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. C. M. HILL (Minister of Roads): I move:

That this Bill be now read a second time.

Its object is to simplify the evidentiary provision at present contained in section 13 (c) of the Road Maintenance (Contribution) Act, 1963. That paragraph at present provides that a certificate or document purporting to be issued pursuant to the Motor Vehicles Act or any corresponding previous enactment or pursuant to any corresponding legislation or ordinance of any State or Territory of the Commonwealth that states the load capacity of a motor vehicle or trailer, or the maximum permissible gross weight of a motor vehicle or trailer together with the load that may be carried thereon, or the tare weight of a motor vehicle or trailer, shall be *prima facie* evidence of the matter so stated.

Under the provision, therefore, in a prosecution under the Road Maintenance (Contribution) Act in which a document issued by or on behalf of the Registrar of Motor Vehicles is relied on, it would be necessary to establish that the document had been issued pursuant to the Motor Vehicles Act. This requirement should not be necessary, especially as the document might well be issued for the purposes of the Road Maintenance (Contribution) Act. It is also not always strictly correct to describe the legislation of another State pursuant to which documents referred to in paragraph (c) of the section are issued as "corresponding" legislation, for the reason that,

even though legislation having much the same effect has been enacted in other States and Territories of the Commonwealth, it may have variations that may not always "correspond" with the South Australian legislation.

Clause 2 accordingly strikes out paragraph (c) of section 13 of the principal Act and inserts in lieu thereof two new paragraphs (c) and (ca). Paragraph (c) gives evidentiary value to "a document purporting to be signed by the Registrar of Motor Vehicles or by a person acting on his behalf or by a person deemed pursuant to the Motor Vehicles Act, 1959-1968, to have acted on his behalf", whereas paragraph (ca) gives the same evidentiary value to "a certificate or document purporting to be issued pursuant to any enactment of a State . . . or of any Territory of the Commonwealth". The amendments proposed by this Bill will not prejudice any defendant but will simplify the procedures relating to prosecutions under the Road Maintenance (Contribution) Act.

The Hon. S. C. BEVAN secured the adjournment of the debate.

EVIDENCE (AFFIDAVITS) ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

The object of this short Bill is to enable proclaimed bank managers to take affidavits for use in any court in the State. At present the principal Act provides for only justices of the peace to take affidavits. Although the Oaths Act, 1936, enables proclaimed bank managers to take declarations and attest the execution of instruments, it does not enable them to take affidavits for use in the courts. The inability of proclaimed bank managers to take affidavits for use in the courts gives rise to difficulties in country areas where a justice of the peace may not be readily or conveniently available. There seems to be no good reason why proclaimed bank managers should not be authorized to take affidavits, and the Bill provides accordingly.

The Hon. A. J. SHARD secured the adjournment of the debate.

ADJOURNMENT

At 2.51 p.m. the Council adjourned until Wednesday, August 21, at 2.15 p.m.