

LEGISLATIVE COUNCIL

Wednesday, August 11, 1971

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS**PORTRAITS OF PRESIDENTS**

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

Leave granted.

The Hon. R. C. DeGARIS: Yesterday we were honoured to receive two gifts to the Parliament of South Australia; I refer to the portrait of the Hon. Les. Densley and the portrait of you, Mr. President. Those gifts complete the gallery of portraits of those who have occupied the very high office of President of this Council. All honourable members know that the gifts were made to the Parliament at considerable expense to the donors, and I am sure that Ministers in this Council are aware of that, too. Consequently, will the Chief Secretary raise this question with Cabinet to ascertain whether a policy can be adopted for the future whereby the Government makes some contribution toward offsetting the high cost involved?

The Hon. A. J. SHARD: Yes.

NURIOOTPA PRIMARY SCHOOL

The Hon. L. R. HART: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Education.

Leave granted.

The Hon. L. R. HART: Over the last two or three years the inadequacies of the Nuriootpa Primary School have been pointed out by way of questions both in this place and in another place. I have noted that no provision has been made in the latest Loan Estimates for replacing the school. In view of the urgency of replacing it, will the Minister ask his colleague what the actual planning is in relation to the school?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring back a reply as soon as it is available.

SEAT BELTS

The Hon. C. M. HILL: Has the Minister of Lands obtained from the Minister of Roads and Transport a reply to my recent request for opinions of authorities on the question of compulsory wearing of seat belts in motor cars?

The Hon. A. F. KNEEBONE: Having perused the reply that has been supplied to me, I do not think it answers the honourable member's question. If it does not give him the information he desires, I suggest that the honourable member ask another question. Government policy is for the compulsory wearing of seat belts by drivers and passengers of vehicles that are currently required by law to have seat belts fitted to such vehicles. A public announcement to this effect was made by the Acting Premier on Thursday, July 29, 1971.

ROAD EXPENDITURE

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. C. M. HILL: On November 11 last, when I was given a reply to a question I had previously asked about road expenditure, I was told that expenditure by councils of road funds for the year 1967-68 amounted to \$7,357,389; for the year 1968-69, \$9,528,916; and for 1969-70, \$10,841,777. I was also told that the proposed allocation to councils of road funds for the financial year 1970-71 was \$10,104,000. Will the Minister of Lands ascertain from his colleague what was the actual expenditure for the financial year 1970-71, and what is the proposed allocation of road funds to councils for the 1971-72 financial year?

The Hon. A. F. KNEEBONE: I will convey the honourable member's question to my colleague, obtain the information he desires and bring back a reply as soon as possible.

DARTMOUTH DAM

The Hon. A. M. WHYTE: Will the Minister of Agriculture, representing the Minister of Works, ascertain whether it is true that the New South Wales Government and the Commonwealth Government have reached a decision on the proposed building of the Dartmouth dam, and whether it is true that a report thereon is now in the hands of our Minister of Works and, if it is, when that report will be made available to the public?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring back a reply as soon as it is available.

SOCIAL WORKERS

The Hon. C. M. HILL: I recently asked a question of the Minister of Lands representing the Minister of Local Government regarding the possibility of social workers being made available to local government authorities to

deal with cases of people affected by property acquisitions, particularly in connection with the Metropolitan Adelaide Transportation Study project. Has he a reply?

The Hon. A. F. KNEEBONE: The Minister of Local Government reports that provision to enable local government authorities to employ social workers was included in the Local Government Bill which was rejected by the Legislative Council on March 25, 1971. However, despite this unwarranted action by the Legislative Council, the Minister has included this matter in the Local Government Bill, of which notice of introduction has been given.

The Hon. C. M. HILL: I ask leave to make a short explanation prior to asking a supplementary question.

Leave granted.

The Hon. C. M. HILL: I believe the Minister has misunderstood the purpose of my original question which dealt with the possibility of social workers assisting those people who were having property acquired and had to re-establish themselves in other accommodation. Particularly was I concerned about elderly people, pensioners and those whose lives would be considerably affected by change. The Minister must have believed that I was referring to the possibility of social workers being employed by local government in local government areas, but what I was getting at was the fact that for some years there has been a belief that the Government departments themselves may have to employ social workers to assist in solving this problem. Indeed, during the term of the previous Government, it was considered that the Highways Department might employ a social worker or social workers for this purpose or that the Highways Department might seek the services of social workers who were employed by the Department of Social Welfare for this particular work. I am sure that the M.A.T.S. Revision Committee, who wrote to me about the matter and whose advice initiated the question, as I explained previously, was interested in the Government itself becoming involved in providing social worker help to these people. Therefore, I ask again whether the Minister of Lands will refer this matter to the Minister of Local Government to see whether any further progress has been made to ensure that the departments involved in acquisitions, irrespective of which local government area is involved, might themselves provide the services of social workers to help people in the circumstances to which I have referred?

The Hon. A. F. KNEEBONE: I undertake to do that. However, I must point out to the honourable member that probably he caused the confusion by referring his question to the Minister of Local Government: if he had referred the question to the Minister of Roads and Transport, we may have got somewhere. The answer provided was the natural result of the way the original question was asked. I shall do my best to get the honourable member an answer to his question.

POLLUTION

The Hon. C. R. STORY: I ask leave to make a short statement with a view to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: My question concerns that portion of the portfolios of the Minister of Agriculture dealing with fisheries. I notice that his colleague, the Minister of Marine, has recently stated that the Government will investigate or is investigating the matter of cyanide alleged to have escaped into Spencer Gulf, causing some mortality, at least to small fish there. Has this affected the prawn fishing so far? Will this situation if not cured, in the future affect prawn fishing, which has now become a stable part of the income of fishermen in the Port Lincoln area?

The Hon. T. M. CASEY: It was perhaps an alarming situation when we first learned that cyanide had escaped into the gulf at Whyalla. I called for a report from both the Director of Fisheries and the Director of Chemistry. That was duly conveyed to the Minister of Works, and it was finally established that there was cyanide in the sea off Whyalla. The indications are that it came from the Broken Hill Proprietary Company Limited. I assure the honourable member that the Minister of Works has already indicated that he will have talks with the B.H.P. officials to find out exactly what the situation is regarding this cyanide, where it came from and whether something cannot be done in the future to prevent its going into the sea at Whyalla.

As the honourable member has indicated, the prawn fisheries are a stable and lucrative part of the fishing industry in South Australia but, so far, this incident has not affected the prawn fishing in that area. Perhaps it is because there are not many trawlers operating there at the moment: they seem to be concentrating more in the bight, because that area off Whyalla was pretty well fished out in the early part of the season. However, there has

been no indication so far that the prawn fishing has been affected. I hope this matter of the cyanide can be cleared up in the interests of the fishermen in that area.

The Hon. R. C. DeGARIS: I direct a question to the Minister of Agriculture, representing the Minister of Works. Is it intended to launch prosecutions in relation to the release of cyanide into the gulf, and is it intended to launch prosecutions against the district council on the West Coast in relation to the release of oil into the ocean?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague in another place. I think it is rather premature to say at this stage whether prosecutions will be launched, because we are not sure where the pollution came from in the first place.

The Hon. R. C. DeGaris: I thought you said it came from the B.H.P.

The Hon. T. M. CASEY: I said it pointed to that. I did not say it came from there. We cannot say that because we are not sure. While we know that is probably the logical place that it came from we cannot be certain, but I assure the honourable member that my colleague is looking into this matter to the fullest possible extent in order to prevent any recurrence, and as soon as further information is available I will bring it back for the honourable member.

RESERVOIRS

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

Leave granted.

The Hon. M. B. DAWKINS: I understand that it is possible that within the next few months there will be another reservoir decided on to serve the metropolitan area and that it could be located on the Little Para River. If that is so, it would appear to me that additional future reservoirs may have to be a little farther out from the city than are some of those we have at present. Will the Minister inquire of his colleague whether there has been any further consideration or investigation of sites on the North Para or the Light Rivers?

The Hon. T. M. CASEY: I shall be very happy to refer the honourable member's question to my colleague and bring back a reply as soon as it is available.

LEAF CUTTER BEE

The Hon. C. R. STORY: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: A Mr. Ron Badman, who was a Churchill Memorial Trust scholar in 1968, studied in the United States of America the activities of the solitary or leaf cutter bee in the pollination of alfalfa or, as we know it, lucerne. As a result of recommendations he brought back, the Agriculture Department approached the Commonwealth Minister for Health and we were successful in getting a permit to bring the solitary or leaf cutter bee into Australia. To the best of my knowledge, these bees were placed at the Waite Research Institute and, if I remember correctly, it would just about be time for them to be released, the necessary period of quarantine having elapsed. Has the Minister any knowledge of this matter? If not, will he inquire?

The Hon. T. M. CASEY: I shall obtain all the available information and bring back a reply as soon as possible.

ELECTORAL ACT AMENDMENT BILL

The Hon. R. C. DeGARIS (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Electoral Act, 1929-1969. Read a first time.

DENTISTS ACT AMENDMENT BILL

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Dentists Act, 1931-1966. Read a first time.

PUBLIC RELIEF

The Hon. A. J. SHARD (Chief Secretary) brought up the report of the Select Committee, on the plight and needs of certain pensioners and others in distress, together with minutes of proceedings and evidence.

Report received and ordered to be printed.

CONSTITUTION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is designed to widen the field of Legislative Council electors from the narrow confines of land and leasehold owners and their spouses to the broad field of House of Assembly electors. Since its inception, the Constitution Act has provided that, irrespective of the vastly wider provisions of the Act embracing House of Assembly electors, no person shall be entitled to vote at a Legislative Council election unless he or she owns or leases land in this State or is the tenant of a dwellinghouse in this State. Apart from the addition, in 1943, of servicemen actively engaged in war, and the addition, in

1969, of electors' spouses, the field of Legislative Council electors has not been altered. It is the opinion of this Government that property qualifications are artificial and outmoded as conditions attaching to any franchise, and that it is desirable to amend the Constitution Act so as to entitle all House of Assembly electors to vote at a Legislative Council election.

I believe that, in this day and age, it is scarcely necessary to address to this Chamber argument in favour of the proposition that all of the adult residents of this State should have an equal say in the Government of the State and in the election of their Parliamentary representatives. This restricted franchise for the Legislative Council has its origin in a society in which there was a notion that ownership and occupancy of property gave to the owner and, in some limited instances, to the occupant a special stake in the country, so that those persons, it was said, had the right to determine the political control and policies of the Government. As the years have passed, the emphasis has shifted from property to persons. The tone and outlook of society has gradually altered to a more democratic outlook on society generally.

That being the case, at this juncture in history, it is remarkable that we still have a franchise for one of the Houses of Parliament of this State that is restricted to persons who qualify in one way or another in relation to property (that is, whether they be owners or occupants of property, or the spouses of the owners or occupiers of property) and to those who qualify as servicemen and exservicemen. Therefore, I submit that the only proper franchise and the only proper method of electing members of Parliament is the vote of all the people of the State expressed in a way that gives them an equal say in the make-up of the Parliament that makes the laws for them. For that reason, I look forward, when the vote is taken on the Bill, to a degree of unanimity in this Council, for I find it difficult to believe that any honourable member of this Council who professes the democratic faith, which is at the very basis of the society in which we live, could possibly support the continuance of a restricted and privileged franchise that has the effect of giving one section of the citizens of the State political privileges that the rest do not enjoy.

Clause 1 of the Bill is formal, and clause 2 fixes the commencement of the Act on a day to be fixed by proclamation. Clause 3 repeals section 20 of the principal Act which deals with the qualifications of Legislative Council electors.

New section 20 enacted by this clause provides that a person who is entitled to vote at a House of Assembly election shall be qualified to have his name placed on the Legislative Council electoral roll and shall be entitled to vote at a Legislative Council election. Clause 4 repeals sections 20a, 21 and 22 of the principal Act. Section 20a includes servicemen on active service as Council electors. Sections 21 and 22 set out various disqualifications for Council voting. These three sections are redundant, as they appear in almost identical form in sections 33 and 33a relating to House of Assembly elections.

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

COTTAGE FLATS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It seeks to provide for a further five-year period under the principal Act further financial assistance from the Home Purchase Guarantee Fund to the South Australian Housing Trust for the purpose of assisting the trust to build cottage flats to be let to persons in necessitous circumstances. The principal Act at present provides for the payment from the Home Purchase Guarantee Fund to the trust of \$50,000 a year for the five-year period ended on June 30, 1971, for the purpose of assisting the trust to build cottage flats for letting to necessitous persons.

All lending institutions, which, in the past, have operated under the Homes Act whereby the Treasurer has guaranteed the repayment of housing loans in consideration of a commission, have now made alternative arrangements for securing repayment of their loans. Accordingly, there are likely to be no further operations on the Home Purchase Guarantee Fund, either by way of receipt of commission or payment under guarantee. The balance in the fund is \$371,754, and this Bill authorizes the Treasurer to transfer that sum to the trust over the next five-year period at a rate not exceeding \$75,000 a year by way of further financial assistance to the trust in providing cottage flats for letting to necessitous persons. The Government proposes to arrange with the trust that it will, as with the earlier arrangement, at least match these proposed contributions with contributions from its own funds for providing cottage flats.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

SUPREME COURT ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It amends the Supreme Court Act, 1935-1971, to empower the Attorney-General to appoint the Crown Prosecutor and others to represent him at criminal proceedings in the Supreme Court and to present and, where necessary, amend informations. Section 58 of the principal Act provides that the Attorney-General may appoint the Crown Prosecutor or any other person to carry out these functions at circuit sessions of the court. The amendment makes these appointments possible in respect of sittings in Adelaide as well as on circuit. It is desirable that, as the Attorney-General may not be always available, the Crown Prosecutor and senior prosecuting counsel should have these powers. Similar provisions are in force in most of the other States.

Clause 1 is formal. Clause 2 repeals section 58 because it occurs in a part of the Act dealing with circuit sessions only. Clause 3 enacts new section 79a, which has a wider application than the present section 58. Subsection (1) of this new section provides that the Attorney-General may appoint in writing the Crown Prosecutor or any other person to represent him and to present and amend informations at criminal sittings and circuit sessions in general or at a particular sitting or session. Subsection (2) specifies the effect of the appointment while it remains unrevoked.

Subsection (3) provides that a general appointment of the Crown Prosecutor under the section is not revoked by any particular appointment of some other person. Subsection (4) empowers the Attorney-General to revoke an appointment at will and also preserves his right to appear and to present informations at any proceedings without such appearance and presentation having the effect of revoking an appointment made under subsection (1) of the section. Subsection (5) is a transitional provision which will preserve the validity of appointments made under section 58 until they expire or are revoked.

The Hon. F. J. POTTER secured the adjournment of the debate.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This is a Bill to amend the Local and District Criminal Courts Act, 1926-1971, to enable the Attorney-General to appoint the Crown Prosecutor and other persons to represent him on matters before District Criminal Courts and to present and amend, where necessary, informations in District Criminal Courts. The amendment is desirable because the Attorney-General may not always be available and the volume of criminal prosecutions undertaken by the Crown Prosecutor's office has increased, particularly since the establishment of the District Criminal Courts. Most of the other States have similar provisions.

Clause 1 is formal. Clause 2 inserts new section 340a in the principal Act. Subsection (1) of this new section provides that the Attorney-General may appoint in writing the Crown Prosecutor or any other person to represent him and to present and amend informations before District Criminal Courts in general or at all or any particular matters before any such court. Subsection (2) specifies the effect of the appointment while it remains unrevoked.

Subsection (3) provides that a general appointment of the Crown Prosecutor under the section is not revoked by any particular appointment of some other person. Subsection (4) empowers the Attorney-General to revoke an appointment at will and also preserves his right to appear and to present informations at any proceedings of District Criminal Courts without such appearance and presentation having the effect of revoking an appointment made under subsection (1) of the section.

The Hon. F. J. POTTER secured the adjournment of the debate.

LIFTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 10. Page 626.)

The Hon. C. R. STORY (Midland): I rise to conclude my remarks on this Bill, having sought leave to do so on prorogation night, when this legislation was last before the Council. I find that the position now obtaining is exactly the same as it was then. This legislation was requested by interested groups of people, including the Road Transport Association, representing crane owners, and a recommendation was accordingly made to the Liberal Government when it was in office. A Bill was then drafted, and the present Government has introduced this legislation, which is identical with the previously drafted legislation.

The Hon. A. F. Kneebone: *That's right.*

The Hon. C. R. STORY: The amending legislation provides that any cranes operated by mechanical means will fall within its ambit

unless they are specifically exempted by section 4 of the principal Act. Under section 4 (e) of that Act, persons engaged in agriculture, horticulture, viticulture and dairying are excluded. I asked previously whether forestry could be construed as being one of those activities, or whether it is silviculture when it relates to pine. As the Minister and honourable members would know, much of the work done in forests, be they privately-owned, Government-owned or syndicated forests, is done by mechanically operated hoists and cranes.

The Hon. A. F. Kneebone: They're mobile, aren't they?

The Hon. C. R. STORY: Yes, they are operated by hoists worked by the engine of the prime mover. I should like the Minister to say whether these vehicles come under the provisions of this legislation. I think they should, because this is indeed a hazardous business and the operators (the dogmen and drivers) need to be skilled.

The Hon. A. F. Kneebone: I have been informed they do.

The Hon. C. R. STORY: That is good. It appears now that it is to be legal for persons of 18 years and over to operate passenger lifts. When one realizes that 18-year-olds have recently been given the right to vote, and that

they have the right to drive a motor car at 16 years of age, as well as the right to drink in public houses, one can see that it has taken a long while for them to be allowed to press a button in the lift, even though many young people of this age hold high academic qualifications. However, they are still not permitted to operate lifts, hoists and cranes, unless a certificate is given by the Chief Inspector. That is a reasonable provision in this case, as this sort of equipment is dangerous if it is in the wrong hands. One realizes this when one sees the type of equipment that is being used on the construction of the festival hall.

I do not think there is any need for me to labour this matter. The provisions in the Bill are necessary and, indeed, will tidy up the Act. This legislation will be in the hands of competent people: the Secretary of Labour and Industry (Mr. Bowes) and the Chief Inspector, for whom I have a high regard. This Bill will make the operation of the Act much more flexible and will, at the same time, close up many of the loopholes that have existed for many years. I support the second reading.

The Hon. L. R. HART secured the adjournment of the debate.

ADJOURNMENT

At 2.58 p.m. the Council adjourned until Thursday, August 12, at 2.15 p.m.