LEGISLATIVE COUNCIL

Thursday, November 8, 1973

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Licensing Act Amendment,
Police Offences Act Amendment,
Prevention of Cruelty to Animals Act Amendment,
Registration of Deeds Act Amendment.

QUESTIONS

PETRO-CHEMICAL PLANT

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

Leave granted.

The Hon. R. C. DeGARIS: It has come to my notice that the Commonwealth Minister for Minerals and Energy, Mr. Connor, has made certain announcements about the development of the Redcliffs project. While it is probably odd that a Commonwealth Minister should make the announcement, has the Chief Secretary any announcement from the South Australian viewpoint to make on the matter?

The Hon. A. F. KNEEBONE: The matter was brought to my attention only a short time ago, and I am unable to inform the Leader of the circumstances. The last I heard about it was that the Premier was preparing a statement in relation to the matter.

TRANSPORTABLE HOUSES

The Hon. J. C. BURDETT: Has the Minister of Agriculture a reply to my question of October 11 about transportable houses?

The Hon. T. M. CASEY: My colleague, the Minister of Development and Mines, has informed me that the South Australian Housing Trust has found from long experience that certain small families can be adequately accommodated in a three bedroom/7½ square (69·68 m^2) house such as is intended for the Mannum home park. It should be remembered that these houses contain built-in furniture and fittings, including wardrobes and a vanity bar. Built-in features like these reduce the need for open floor space. The Housing Trust does, in some instances, provide carports for its flat tenants. However, the provision means extra cost to the tenant, and it has been observed that during working hours the carport remains empty. The home park design team considered this question and decided that, in view of the low usage rate of the trust's metropolitan carports, it would be of more value to keep rents low by omitting them from the project.

MURRAY RIVER IRRIGATION

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply from his colleague to my question of October 24 about the use of Murray River water for irrigation?

The Hon. T. M. CASEY: I give this reply as the representative of the Minister of Works. I have been informed by my colleague, the Minister of Works, that, until June, 1974, the licences to divert water from the Murray River are being recorded as an acreage and an application rate and there is no real measurement of the actual water diverted. No attempt is made to restrict the use of water during periods of high river flow on to areas for which a licence has been granted to divert waters. From June, 1974, most licences will be issued on a quantitative basis measured through meters, and the annual usage of water will be closely watched.

The Minister of Works has approved of the formation of an ad hoc committee to report to him with the following terms of reference:

1. The application rate for water used for irrigation for each type of planting; these figures to be used in converting licences for water diversions with determination on a quantitative rather than an acreage basis.
2. Whether a supplementary allotment should be made during hot dry periods or for frost control, and if the answer is "Yes", on which basis this allotment should be determined.

To consider item 2 of these terms of reference it will be necessary for the committee to consider the availability of water at any time of the year, with particular reference to restricted periods, normal controlled flows and above entitlement flows and, as a corollary to this, whether it is practicable to divide annual allocations into monthly quotas so that allowance can be made for excess flows.

The Hon. M. B. CAMERON: I seek leave to make a short explanation before asking a further question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. M. B. CAMERON: I thank the Minister for his reply to my previous question, which tends to open up other questions regarding irrigation. Indeed, I imagine that the charging system will be changed from an acreage basis to a quantitive basis. My further questions are these: first, will there be maximum and minimum quantities of water to be used by irrigators; secondly, what will be the decision of the Government if it is found that more water is being used through the meters than is allocated under the State quota; finally, will each irrigator have an individual meter and will he be charged for excess water if this is used during times of excess river flow over and above the State quota?

The Hon. T. M. CASEY: I will refer the honourable member's questions to my colleague and bring down a reply when it is available.

GOVERNMENT ADVERTISEMENT

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question about the total cost of the Premier's advertisements with regard to land sales control?

The Hon. A. F. KNEEBONE: The total cost of the publicity referred to by the honourable member is estimated to be $4 337.95.

MEAT INSPECTORS

The Hon. A. M. WHYTE: I seek leave to make an explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: The following letter to the Editor appears in yesterday's *News*:

Can the Minister for Primary Industry tell me why men and boys are still being trained as meat inspectors when there are still men qualified a year or more ago not able to get a job? Although having worked hard and studied for two years and passed his practical and oral examinations, my friend who has been waiting for one year has been told there will be no hope of employment as the abattoirs are over-staffed. Surely these boys who are now studying for this subject should be made aware of the position.

Can the Minister say how many men in South Australia are studying to become meat inspectors and whether they

have been made aware of the over-staffing position at the abattoir?

The Hon. T. M. CASEY: I am surprised to hear that the abattoir is over-staffed.

The Hon. A. M. Whyte: I presume this is in relation to meat inspectors.

The Hon. T. M. CASEY: Does the honourable member mean that the abattoir is fully committed and that it has sufficient staff for the service it gives? This being an export abattoir, its meat inspectors are employed by the Commonwealth Department of Primary Industry, and they have nothing to do with the South Australian Government.

The Hon. A. M. Whyte: I know that.

The Hon. T. M. CASEY: I sincerely hope that we continue to train meat inspectors, as they will possibly be needed next year when a Bill relating to the South Australian meat industry is introduced. It is, therefore, desirable that this training should be continued. Nevertheless, to ascertain exactly what is the situation, I will obtain a report for the honourable member

UNDERGROUND WATERS APPEALS

The Hon. M. B. DAWKINS: Has the Chief Secretary received from the Minister of Works a reply to the question I asked on September 18 regarding underground waters appeals?

The Hon. A. F. KNEEBONE: The Minister of Works reports that, when the restrictions on wells in the Northern Adelaide Plains area were calculated for the 12-month period ending June 30, 1974, each landowner was informed of the restriction proposed for his well before the formal issue of a notice of restriction pursuant to section 17 of the Act. Landholders were given the opportunity to discuss the proposal before formal notices were issued, against which there would be a right of appeal, and any appeals would be heard by the Underground Waters Appeal Board. Over 400 persons took advantage of this opportunity. All were interviewed and their submissions and claims noted. The various categories of claims for a greater allocation of water were considered by the Underground Waters Advisory Committee, and appropriate action was determined. Then followed the extremely time-consuming job of examining each and every submission and assessing whether or not an adjustment should be made and any such adjustment determined.

It was hoped to complete all the examinations by the end of September. Unfortunately, this was not possible, but the few still remaining should be completed very shortly. My colleague has asked me to point out that the issue of notices could have been expedited by ignoring the submissions made and allowing all the matters to be dealt with by the appeal board. However, it was considered preferable to continue the above course of action, so that further delays in awaiting the hearings of formal appeals would be prevented.

MURRAY RIVER FLOODING

The Hon. J. C. BURDETT: I seek leave to make a brief explanation before asking a question of the Minister of Health, representing the Minister of Local Government.

Leave granted.

The Hon. J. C. BURDETT: Because of the flooding of the Murray River, many district councils along its banks will suffer considerable financial loss, which will arise in two ways. The first, and the less important, is that they will lose revenue from caravan parks and things of that nature. The other, and major, financial loss will be the increased expenditure that these councils will have to bear, as they will have to erect banks to try to contain the flooding, and undertake extensive repairs to roads, caravan parks, reserves, and so on after the flooding has receded. Has the Minister's colleague considered making available special grants, or other financial assistance, to councils that suffer financial losses in this way?

The Hon. D. H. L. BANFIELD: I shall be pleased to refer the honourable member's question to my colleague.

CEREAL CROPS

The Hon. R. A. GEDDES: On October 31 I asked the Minister of Agriculture if he would give the Council details of the problems associated with the various types of rust prevalent in cereal crops in South Australia. Has the Minister a reply to that question?

The Hon. T. M. CASEY: The Director of Agriculture has assured me that the rust fungus released for skeleton weed control is specific to skeleton weed and has no relationship to the current cereal problem whatsoever. Inherent resistance in cereal varieties is the only economic way of controlling rust at present and for the past fifty years our plant breeders have been producing varieties with this inherent protection. The Director states that the cereal rust fungus, unfortunately, has the ability to produce new virulent races or strains quite frequently so that resistance breaks down and new cereal varieties have to be bred. The extent to which this breakdown has occurred this season is still being examined by departmental officers in conjunction with Professor Watson from Sydney University. Professor Watson has visited this State and made his own assessment. The material he gathered, together with many samples forwarded by departmental officers, is currently being examined. One new race has already been found. The development of future cereal varieties will be guided by the outcome of this work.

PASSENGER BUSES

The Hon. C. M. HILL: My question is directed to the Minister of Health, representing the Minister of Transport. As a further serious passenger bus accident was reported in Australia this week, does the Minister intend to introduce in South Australia any changes in passenger bus licensing, control over maintenance of such buses, or driver qualifications?

The Hon. D. H. L. BANFIELD: I shall refer the honourable member's question to my colleague in another place and bring down a reply. However, I should like to make it quite clear that the bus to which the honourable member has referred was not a South Australian bus.

The Hon. C. M. Hill: I realize that.

PORT NOARLUNGA FLOODING

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to my recent question regarding Port Noarlunga flooding?

The Hon. T. M. CASEY: My colleague, the Minister of Works, states:

A detailed hydrological study of the Onkaparinga estuary is currently being conducted by consultants to the State Planning Authority. This study is being carried out to obtain technical and scientific information to use in the future planning of the estuary as a major district open space in accordance with the provision of the Metropolitan Development Plan. The proposals by Mr. Buckby are well known to the State Planning Authority, as they were included in an objection submitted by him to proposed planning regulation to reserve the land for acquisition for public and open space purposes.

A number of alternative schemes will be considered for the estuary, several of them having been suggested by members of the public, including Mr. Buckby. As many alternative hypothetical uses as practicable will be tested against the technical and scientific information obtained

from the hydrological study to determine the most suitable use or uses for the estuary within the framework of minimal disruption to the natural environment of the estuary, taking into account the problem of flooding. Since various riverine and tidal measurements and mathematical modelling data have yet to be completed and/or analysed, it is still several months too early to predict which of the several possible engineering works suggested may be the most suitable for the Onkaparinga estuary and the overall public interest. Information available to the office of the Director of Planning on the major cause of flooding in the estuary supports that given to the honourable member by me on September 12, 1973—namely, that the September, 1973, flood was largely a product of sea, wind and tides.

HOUSING TRUST

The Hon. C. M. HILL: I seek leave to make a short statement prior to directing a question to the Minister representing the Minister in charge of housing.

Leave granted.

The Hon. C. M. HILL: In the recent Housing Trust annual report, which was tabled in Parliament, a forecast was made that it was inevitable that some Housing Trust house rentals would increase. The Minister in charge of housing, commenting on the report and this aspect, indicated that the rentals that were to be affected would be those of the older Housing Trust houses, and the year 1956 was mentioned. I believe that showed that those people who were occupying houses prior to 1956 were on low rentals, which had not been increased since then. This would indicate, of course, that in all probability a considerable increase in outgoings in the budgets of those tenants would eventuate if this forecast in the annual report came to fruition.

My question is in the nature of a request. In view of the generally accepted view that house ownership is preferable to rental accommodation, would the Minister, if the outgoings of such people must be increased, consider a proposal whereby such houses might be sold on very low deposits to the present tenants so that the total payments they would have to make in future would not be irrecoverable outgoings to a landlord but would be part of the principal and interest towards the purchase price of those houses? In that way the tenants would be far more satisfied with the new circumstances than if they were to be asked simply to pay a considerably higher rental.

The Hon. A. F. KNEEBONE: I will take the honourable member's suggestion to my colleague and bring down a report on the advisability of doing what he suggests.

BOOL LAGOON

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to my recent question about Bool Lagoon?

The Hon. T. M. CASEY: I have been informed by my colleague, the Minister of Environment and Conservation, that the management of the Bool Lagoon Game Reserve is based on water levels agreed to between the South-Eastern Drainage Board and the National Parks and Wildlife Division of the Department of Environment and Conservation. This agreement allows for a level in the lagoon not exceeding R.L. 265 during the winter months, rising to R.L. 266 in the spring after the danger of serious winter flooding has passed. On September 5, it was necessary to start reducing the level in the lagoon, because at that time it was a foot (·305 m) above the agreed level for this time of the year.

MINERAL EXPLORATION

The Hon. R. C. DeGARIS: I seek leave to make a statement prior to directing a question to the Chief Secretary, representing the Minister of Development and Mines.

Leave granted.

The Hon. R. C. DeGARIS: I draw the Minister's attention to an article appearing in the *Bulletin* of October 27, dealing with the effect of policies adopted by the present Commonwealth Government on the mining industry in Australia generally. The article states:

In yet another setback for the Australian mining industry, Comalco Limited is understood to have cancelled plans for a $500 000 000 alumina refinery based on its Weipa bauxite deposit on Cape York Peninsula in Queensland's deep north. Though no announcement is immediately contemplated, the news will come as a further setback for the Whitlam Government—already under heavy fire for forcing the uranium group, Queensland Mines, to the wall and their running dispute with the Woodside-Burmah group over its massive gas discoveries on the North-West shelf of Western Australia.

The article then deals with a whole range of mining projects that have been deferred in recent months. Can the Minister of Development and Mines say whether Commonwealth Government policy has had any effect on mineral development in South Australia and whether there has been a turndown in the extent of mineral exploration in South Australia during the last six months?

The Hon. A. F. KNEEBONE: I shall endeavour to get a reply for the honourable member and bring it down as soon as possible.

MINISTERIAL STATEMENT: HAIL DAMAGE TO GLASSHOUSES

The Hon. A. F. KNEEBONE (Chief Secretary): I seek leave to make a statement.

Leave granted.

The Hon. A. F. KNEEBONE: It concerns hail damage to glasshouses at Virginia. Following deputations from growers to the Premier and me, the Government has decided to invoke the provisions of the Primary Producers Emergency Assistance Act to provide assistance to the tomato and vegetable growers at Virginia who suffered severe property damage during a recent hail storm in that area. Action is being taken to receive applications from people who have suffered damage to their properties. In appropriate cases, advances will be made to those growers who are in necessitous circumstances as a result of this storm to enable them to continue in their occupations as primary producers. Assistance will be by way of advances or loans that will bear interest at the rate charged by the State Bank of South Australia in respect of overdraft loans made to primary producers, which at present is 8¼ per cent.

At a later stage I will be prepared to consider whether any part of the interest charge should be remitted, and honourable members will recall that this action is in accordance with the provisions of the Act. I have arranged for officers of the Rural Industry Assistance Branch of the Department of Lands to open a temporary office at Virginia next Monday, and they will be available to discuss growers' problems and assist them in preparing applications. One of the officers present, who will act as interpreter, is the daughter of one of the growers, and I believe that her assistance will be valuable in facilitating the preparation of applications. When applications are prepared they will be considered, and assistance made available to all those who are eligible in terms of the scheme.

ROAD TRAFFIC ACT AMENDMENT BILL (WEIGHTS)

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

ROYAL STYLE AND TITLES BILL

The Hon. A. F. KNEEBONE (Chief Secretary) obtained leave and introduced a Bill for an Act relating to the Style and Titles of Her Majesty Queen Elizabeth the Second. Read a first time.

URBAN LAND (PRICE CONTROL) BILL

Third reading.

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That this Bill be now read a third time.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I was going to ask leave to make a personal explanation, but I realize that it is more appropriate that I exercise my right to speak on the third reading of the Bill. The Hon. Mr. Hill remarked yesterday on the effect of an amendment moved by the Hon. Mrs. Cooper in relation to clause 16. I am reported quite correctly in *Hansard* as saying, "I do not think that is right." There was another interjection to a similar effect. I would like to say that the Hon. Mr. Hill was right and I was wrong; I thought the honourable member was referring to subclause (1) (*b*), but he was referring to subclause (2). So, what he said was perfectly correct. On the other hand, we passed the subclause that he mentioned, and I think we were right in doing that, having examined it further since then, because it relates to the Commissioner being able to ask further questions other than those set out in the form. I believe that the Commissioner should have the power to do that. What is reported in *Hansard* as my having said is an incorrect statement by me.

Bill read a third time and passed.

COMMERCIAL MOTOR VEHICLES (HOURS OF DRIVING) BILL

Second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

For a number of years legislation has been in force in other States to limit the hours of driving of passenger and goods vehicles with an unladen weight in excess of 2 tons (2·03 tonnes). Legislation of this kind has been found to be a necessary adjunct to road safety both in those States and in oversea countries. Honourable members are well aware of the gravity with which the Government of this State views the problem of long hours of driving and of its determination to create legislative controls in this area. It is most important that those who drive motor vehicles which require a high degree of skill and stamina to manage and are capable of causing extensive damage if not properly controlled, should not exert themselves beyond the limits of average human endurance and efficiency. If they do so, they endanger themselves and other road users as well.

The problem of long hours of driving of heavy commercial vehicles was first discussed by the Australian Transport Advisory Council in 1961. It was recognized then, and has been ever since, that limitation of the hours of driving of commercial motor vehicles is a vital adjunct to road safety. Discussions have since ensued with the various Ministers responsible for transport and road safety and with the transport operators and unions involved. There is no doubt that it is in the interests of the road transport industry and the public that steps be taken in South Australia to limit the hours of driving of commercial vehicles. Accordingly, the Government decided to appoint a committee to consider all aspects of this matter and also the question of speeds, loads and braking of commercial motor vehicles. The latter three matters are the subject of a Bill designed to amend the Road Traffic Act, which I will introduce shortly.

I would like at this stage to express the Government's appreciation of the work of this committee, which was called The Committee to Consider Conditions of Operation of Commercial Road Transport. The committee's Chairman, Mr. A. G. Flint (Assistant Commissioner of Highways), capably and successfully guided the deliberations of the committee, and I take this opportunity to record my appreciation of his sterling efforts. In addition, he has taken on the extra task of addressing several meetings in country areas to ensure that the true facts of the legislation were placed before interested parties. Mr. Flint was capably assisted in his duties by the following persons who constituted the committee:

Mr. J. C. Adams,
Collector of Road Charges,
Highways Department;
Mr. R. Chown,
Senior Vice President,
South Australian Road Transport Association;
Mr. J. A. Crawford,
Managing Director, Commercial Motor Vehicles Pty. Ltd.,
S.A. Automotive Chamber of Commerce;
Mr. J. D. Crinion,
Executive Engineer,
Road Traffic Board, South Australia;
Mr. G. A. Grotto,
Manager, Truck Engineering,
Chrysler Australia Limited;
Mr. L. H. Hosking,
Executive Officer,
Tip Truck Operators Association of S.A. Limited;
Senior Inspector T. R. Howie,
Traffic Region,
S.A. Police Department;
Mr. M. C. Johnson,
Secretary,
Department of the Minister of Transport;
Mr. J. M. Love,
Chief Engineer,
Royal Automobile Association of S.A. Incorporated;
Mr. J. J. Nyland,
Secretary, S.A. Branch,
Transport Workers Union of Australia;
Mr. E. J. O'Donnell,
Manager,
South Australian Government Motor Garage;
Mr. A. A. Scott,
Managing Director, Scotts Transport Industries Pty. Ltd.,
South Eastern Road Transport Industry;
Mr. M. Shanahan,
Senior Vice President,
United Farmers and Graziers of S.A. Incorporated.

All members of the committee have diligently applied themselves to the task they were set, and this is adequately demonstrated by reading the report of the committee which previously has been circulated to all honourable members. I take this opportunity of publicity recording the appreciation of the Government to all members of the committee for the work they have done.

Since its inception in February of this year the committee has thoroughly investigated the question of long hours of driving and the other matters referred to it, and the committee's recommendations largely form the basis

of the Bill now before this Council. One of the committee's functions was to consider interstate legislation and, whilst the provisions vary a little from State to State, there is a general pattern of requiring a half-hour rest period after five consecutive hours of driving, a limit of 11 or 12 driving hours in aggregate in any period of 24 hours and a rest period of 24 hours in every week. The Bill now under consideration provides for such a pattern of rest. This Bill does, however, differ in one major respect from the Victorian and New South Wales legislation, in that the latter applies to all commercial vehicles over two tons (2·03 t) and this Bill will apply only to commercial vehicles of an unladen weight exceeding four tonnes (as in Queensland). Thus, regard has been had to the changes that have taken place in the road transport industry over recent years. Much heavier vehicles are now used for long distance haulage, and it is only the driving of these vehicles that the Government wishes to control.

The legislation basically functions through drivers being required to keep a prescribed log-book relating to the periods spent by them in driving and resting from driving. It is essential that these log-books be of a uniform nature. The form of the log-books will, under this Bill, be prescribed by regulations. It is proposed that log-books will be readily available in country areas and that the price will be uniform with that payable in the other States. Some passenger transport operators conducting extended tours in South Australia could have difficulty in respect of the rest period of one day in seven, where drivers may be conducting a tour for a period of more than seven days. In the regulation-making powers contained in the Bill there is provision for the exemption of any person or persons of a prescribed class from complying with all or any of the provisions of the Act.

Clause 1 contains the short title. Clause 2 provides for the commencement of the Bill on a day to be proclaimed. It is hoped that the legislation can be brought into operation from July 1, 1974. Clause 3 contains the definitions necessary for the purposes of the new Act. It will be noted that an authorized log-book includes a log-book issued under similar legislation elsewhere in Australia. I draw attention to the definition of "commercial motor vehicle", which embraces only commercial vehicles of an unladen weight exceeding four tonnes. This relieves drivers of most local delivery vehicles from the necessity to observe the provisions of the Bill. The clause also contains other explanatory matter and matters of an evidentiary character.

Clause 4 limits the hours of driving in the same manner as the corresponding legislation of Victoria and New South Wales. The driver must not at any time drive continuously for a period in excess of five hours. He must not drive for continuous periods amounting in the aggregate to more than 12 hours within any period of 24 hours. He must have at least five consecutive hours of rest from driving in a period of 24 hours and at least one period of 24 consecutive hours of rest from driving during the preceding seven days or two periods of 24 hours each during the preceding 14 days. Subclause (2) specifies the factors to be taken into consideration when calculating a driving period. It should be noted that time spent by a driver on or in his vehicle in connection with the vehicle or the load while it is stationary is not, by omission from the clause, regarded as time spent in driving. Subclause (3) provides that, where there are at least two drivers driving a sleeper-cab vehicle, time spent by a driver as a passenger is not regarded as driving time if each driver has had at least 24 hours outside the vehicle during the preceding four days. Subclause (4) makes special provision for drivers carrying livestock or bees to be exempt from the Bill whilst they are carrying such a load.

Clause 5 requires the driver of a motor vehicle to keep the required records in an authorized log-book. The book is required to be kept in accordance with the clause and with the directions contained in the log-book. The clause also requires an employed driver to supply his employer each week with the duplicate copies of each page of his log-book. Clause 6 prescribes the manner in which an authorized log-book can be obtained. The method is simple: the driver merely calls at a police station or other proclaimed issuing depot, identifies himself by production of his commercial motor vehicle driver's licence, and produces the log-book last issued to him or a statement that he was never previously issued with one or that the book last issued to him was accidentally lost. The issuing officer makes certain entries in the new log-book that are necessary for administrative purposes. The various offences relating to log-books carry deservedly high penalties.

Clause 7 imposes on the owner of a motor vehicle the duty of obtaining from his drivers the duplicate copies of every record made by them. Clause 8 imposes both on owners and on drivers of motor vehicles the duty, when required to do so by an inspector, of producing for examination every authorized log-book or other record required to be kept by him and of permitting the inspector to make copies thereof and endorsements thereon. One of the principal uses of the log-books and records is, of course, to enable the policing authorities to detect with reasonable facility any breaches of the restrictions on the hours of driving and, obviously, the production of such records is essential. A driver must stay stationary long enough to enable an inspector to examine the documents the driver is required to produce. The other provisions of the clause are designed to facilitate the policing of the measure.

Clause 9 is designed to overcome a common malpractice previously experienced in other States before similar provisions were enacted, whereby drivers would keep more than one log-book and use different log-books for travelling in each State. These would be falsified to make it appear that the drivers had not driven for periods in excess of the restricted periods nor exceeded the speed limits. The clause prohibits a driver from having in his possession an authorized log-book other than one lawfully issued to him or a log-book with any original pages missing or more than one log-book containing any page that is unused or uncancelled. Clause 10 sets out penalties for offences against the new Act.

Clause 11 gives drivers certain necessary or desirable defences to charges for offences against the Bill. Paragraph (*a*) protects a driver who exceeds his prescribed driving hours through some unforeseen event and paragraph (*b*) exempts the purely local driver from the necessity to carry and make the records where his employer keeps such records at his place of business. Clause 12 enables interstate drivers, as regards periods of driving and resting from driving before entering this State, to make all entries in their log-books at the time of entering the State.

Clause 13 contains general and specific regulation-making powers necessary for giving effect to this measure. The type of log-book intended to be used under this measure and at present in use in New South Wales and Victoria is identical with that in use in the United States of America and throughout Europe. This kind of log-book has been adopted because it has a number of advantages. It is easy to make the record and to ascertain from the record exactly what work has been done, and the record

itself is not easy to falsify. It will also be familiar to the many European migrants who engage in truck driving almost as soon as they reach this country. It is now the practice in many oversea countries to use a recording instrument known as a "tachograph", which records accurately and automatically the speed of a vehicle and the time for which it is stationary and in motion. Power has therefore been given to make regulations for the use of such instruments in part substitution of log-books. Subclause (3) gives a desirable flexibility to the working of the Bill, in that regulations may be made exempting certain classes of vehicle, vehicles carrying certain classes of load, or vehicles operating under certain conditions. The Government believes that this measure, if passed by Parliament, will greatly assist in improving road safety.

The Hon. A. M. WHYTE secured the adjournment of the debate.

SOUTH AUSTRALIAN MUSEUM BILL

Second reading.

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

The South Australian Museum was established in 1856 and in more than a century of operation has achieved an international reputation for its collections, scientific research and displays. It is currently administered under the Museum Act, 1939, as a separate department, with the Director a permanent head responsible to the Minister of Education. On February 28, 1972, the Museum became a division of the newly-created Environment and Conservation Department. The fact that the role of the Museum and its administration have not been redefined in a more modern context since the previous Act of 1939 makes the introduction of the present legislation most timely and appropriate. It is necessary to spell out the functions of the Museum and board in relation to the Environment and Conservation Department and the Ministry. This implies, quite rightly, a more environmentally-orientated role for the Museum in its research and collecting programmes as well as in the nature of its exhibits.

The timeliness of introducing this new Bill is emphasized further by the recent arrival of the Museum's new Director, who, under a new charter envisaged in the amended Act, will have clear guidelines for the development of the Museum in furthering environmental research and education. It is therefore considered desirable to repeal the old Act and introduce a new Bill rather than attempt to amend the old Act in the light of these changing circumstances.

The new Bill deals more specifically with the administration and functions of the Museum than did the old Act. Many of these functions have changed only slightly over the years; others have become important more recently. Basically, however, the Museum houses, and its board is responsible for the care and control of, the State collections of biological, geological, anthropological and historical material in the broadest sense. This responsibility is vested in the board to give it the independence so necessary to deal with other institutions in the exchanges and loans of material and to attract from individuals donations and bequests of material or money to enable a limited number of purchases to be made. As a learned institution, the Museum has carried out notable programmes of research into natural history and Aboriginal culture of this State and beyond since its inception.

Successive Museum boards have continued this tradition established by the founders in actively promoting research within the Museum itself and in association with other learned bodies; this is actually defined in the new Bill. Much of this work, as with that on the collections, gains little publicity and often only meagre support. A more specific charter setting out the Museum's functions should enable it to carry out its legal obligations more effectively and also attract additional encouragement. The size of the Museum Board is increased with the inclusion of the Director of Environment and Conservation proposed by the new Bill. This officer cannot, however, be appointed Chairman of the board. The independence of the board from the Public Service and the board's freedom to disburse funds as it sees fit for the advancement of the Museum is retained from the old Act.

In addition to fulfilling its traditional scientific purposes, the Museum today has a highly important educational responsibility, and the board's functions include the collection and display of material of educational, as well as of historical and scientific value. The old Act dwelt rather specifically on the care and control of the collections and not upon Museum functions of curation, research and education. While all of these roles have been pursued actively since the Second World War, and the former long before that, the Museum has moved into the twentieth century, so to speak, only relatively recently, to become a lively dynamic place of serious scholarship, arresting displays and powerful education thrust.

Yet its strength still lies in its collections and research, which can now be directed towards the whole South Australian environmental context. These resources are the reference data providing the background to many newly developing projects having ecological implications. Thus, the care, control and augmentation of, and research upon, the collections must continue and accelerate to keep pace with development of the State. At the same time, the Museum can provide a living history of the past as a guide for the future. The Bill clearly enables this policy to be followed. I therefore commend this Bill to honourable members and draw their particular attention to the functions of the Board as laid down. These clearly define the Museum's charter and the procedure by which it will carry out its responsibilities to the State, at the same time maintaining its notable reputation by world standards.

I deal now with the provisions of the Bill. Clauses 1, 2 and 3 are formal. Clause 4 repeals the present Museum Act. Clause 5 contains a number of definitions necessary for the purposes of the new Act. Clause 6 continues the Museum Board in existence. The board is a body corporate and has full power to enter into contractual rights and obligations incidental to the administration of the Museum.

Clause 7 deals with the constitution of the board. The board consists at present of five members. In future the Director of Environment and Conservation will be an *ex officio* member of the board. Clause 8 deals with the terms and conditions on which members of the board hold office. Clause 9 validates acts or proceedings of the board during vacancies in its membership. Clause 10 provides for the appointment of a Chairman to the board. The Chairman is to hold office for a four-year term. Clause 11 deals with the procedure of the board. Four members of the board constitute a quorum. Clause 12 provides that the Director of the Museum shall attend at every meeting of the board for the purposes of giving detailed advice to the board on the day-to-day running of the Museum and other matters within his knowledge and experience.

Clause 13 sets out the functions of the board. The board is to undertake the care and management of the Museum and of all lands and premises vested in or placed under the control of the board. The board is

empowered to carry out or promote research into matters of scientific or historical interest in this State. The board is empowered to accumulate and care for objects and specimens of scientific or historical interest, and to accumulate and classify data in respect of any such matters. The board is empowered to disseminate information of scientific or historical interest and to perform other functions of scientific, educational or historical significance that may be assigned to it by the Minister. The board is empowered to purchase or hire objects of scientific or historical interest, to sell, exchange or dispose of any such objects, and to make available for the purpose of scientific or historical research any portion of the State collection.

Clause 14 provides for the appointment of a Director of the Museum. The Director and other officers of the Museum shall hold office subject to the Public Service Act. Clause 15 provides for the board to make a report on the administration of the Museum in each year. A copy of the report is to be laid before each House of Parliament. Clause 16 provides for the board to keep proper accounts of its financial dealings. The Auditor-General is to audit the accounts of the board at least once each year.

Clause 17 provides that any person who, without the authority of the board, damages, mutilates, destroys or removes from the possession of the board any object from the State collection or any other property of the board is guilty of an offence. Clause 18 provides for proceedings for an offence against the new Act to be disposed of summarily. Clause 19 provides that the moneys required for the purposes of the new Act shall be paid out of moneys provided by Parliament for those purposes. Clause 20 empowers the Governor to make regulations in relation to the new Act.

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

LAND AND BUSINESS AGENTS BILL

Adjourned debate on second reading.

(Continued from November 7. Page 1624.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading. The reintroduction of the Bill clearly illustrates one point to me: that the Government is willing, merely for the sake of political expediency, to forgo urgent and (by compromise) reasonable legislation. Honourable members have advocated the need for a complete redrafting of and a modern legislative approach to laws relating to the real estate industry. This is needed, and indeed has been needed for some time, in South Australia. Yet the Government was willing last session, because of its uncompromising attitude, which it took for no other reason than political expediency, to drop the amending Bill, losing what every honourable member recognized as an urgent measure.

The Real Estate Institute and, indeed, all organizations and associations related to the real estate industry agreed that new concepts were needed. Those organizations, which supported the major part of the Bill that came before honourable members about a year ago, recognized the urgency of the redrafting of and rethinking on the legislation. The same attitude has been expressed by all honourable members. Despite that, the Government chose last year to throw the baby out with the bathwater in an attempt to fashion a constitutional stick with which to beat the Council. Since the Government has been in office, it has tried many times to use the Council as a whipping boy, just as it has tried to use other groups in the community for the same purpose. I know, as does every honourable member in this Chamber, that not every land agent in South Australia is an angel. We all know that some land agents add nothing to the standard of the real estate industry in South Australia.

The Hon. T. M. Casey: What you're saying is that they are crook.

The Hon. R. C. DeGARIS: I am not saying that. However, I am willing—

The Hon. T. M. Casey: You should say what you mean.

The Hon. C. M. Hill: Why don't you listen to what he said?

The Hon. T. M. Casey: He didn't say anything.

The Hon. C. M. Hill: Yes, he did.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: I am saying that, irrespective of the profession (be it the medical, legal or real estate profession) one will find therein persons who add nothing to the standard of that profession. I quote from the *News* of today:

London, Today: Britain's top policeman, Metropolitan Commissioner Sir Robert Mark, has accused some lawyers of being bigger crooks than the criminals they defended in court.

What I say is perfectly true. The Government, in seeking a whipping boy for political reasons, has branded every land agent in South Australia as a political lever for its own ends. That is a tragedy, and it is unfair to many people who serve the community well in their professional calling, whether they be land brokers, land agents, real estate agents, auctioneers, or stock and station agents. The big majority are people of very high standing in the community, but it is true that the Government has sought to find a whipping boy for all its problems, and in this it has associated this House. The attitude the Government has adopted on this Bill is probably the most arrogant attitude it has adopted since it has been in power.

The Bill brings under one Act the licensing and control of persons who act as agents in the selling of land or businesses, or who prepare documents relating thereto. Most of the matters contained in the Bill were dealt with previously in the second reading debate on a Bill that had its passage last year, in the session before last. The comment I make (and I do not wish to deal at length with these matters in the second reading debate because most of them have been covered on a previous occasion) is that in my opinion the law relating to land brokers should not be included in this Bill, but should be incorporated in the Real Property Act. I am sure that, if the Government were to consider this matter carefully, it would agree that this is the correct course to take. It is most desirable that the whole of our law relating to land brokers, people who prepare documents, should be in the Real Property Act.

I have no doubt the Government has had approaches for this procedure to be adopted, and I would be obliged if the Chief Secretary could inform the Council when he closes the second reading debate of the Government's reasons for not adopting this procedure. An examination will reveal that this is a perfectly logical place for it to be—not included in the general law regulating the operations of land salesmen, land agents, and other related matters. That is my first comment.

Part IV of the legislation deals with the registration of salesmen. Clause 22 (1) deals with the employment of salesmen and states:

A person shall not employ any other person (other than a person registered as a manager under this Act) as a salesman unless that other person is registered as a salesman under this Act.

Penalty: Two hundred dollars.

The Bill contains 31 separate penalties. Clause 22 (2) states:

Subject to subsection (3) of this section, a person shall not, unless the board considers that special circumstances exist, and gives its consent in writing, employ or continue to employ a salesman in the business conducted in pursuance of a licence except upon the basis that the salesman is employed full-time in that business.
Penalty: Two hundred dollars.

Then we come to the proviso:

(3) This section shall not be construed as preventing—
(*a*) an agent from employing a registered salesman on a part-time basis within a period of twelve months after the commencement of this Act;
or
(*b*) an agent from continuing to employ a registered salesman on a part-time basis where the salesman was so employed by the agent immediately before the commencement of this Act.

It appears reasonable that, if the standard of salesmen is to be raised, there is a need to encourage the permanent employment of salesmen in the real estate industry. The industry needs trained sales people, not people using it as a second string or as a means of gaining part-time employment. Therefore, the general concept in Part IV could be supported wholeheartedly.

The proviso subclause is an interesting one. It allows a part-time salesman to continue operating for 12 months and allows existing positions where part-time salesmen are being used to continue. I quote again subclause (3) (*b*):

An agent from continuing to employ a registered salesman on a part-time basis where the salesman was so employed by the agent immediately before the commencement of this Act.

I draw the attention of the Council to this provision. As I said, one could appreciate the need to improve the standard of salesmen in the industry. I do not think anyone here would want to see the continuation of the part-time salesman not permanently attached to an agent. The Government could make two approaches to this problem: first, the very rigid approach that appears in the first part of clause 22 (2), by simply saying that part-time salesmen are against the law and shall not be used; secondly, it could take the more resilient attitude of allowing existing practices to continue under the controls of the Act controlling salesmen until eventually the part-time salesman was phased out. In the question of the registration of salesmen, covered by Part IV, the Government has chosen the more resilient and more humane approach. I believe the approach of having a phasing-out period, allowing existing situations to prevail, could be supported by the Council. I commend the Government for its attitude to the question of part-time salesmen, and I believe possibly that is part of the Australian Labor Party's philosophy. It has been said on a number of previous occasions in this Chamber that this should be the case, and I support it. I may say it is also a Liberal philosophy.

The Hon. A. F. Kneebone: With a small "l" or a capital "L"?

The Hon. R. C. DeGARIS: The Labor Party still uses a big "L", and I do not see why it should have the capital to itself.

The Hon. A. F. Kneebone: I did not know whether you meant Liberal or L.M.

The Hon. R. C. DeGARIS: Liberal and Country League—the major Liberal philosophy in South Australia. I turn now to Part VII, which deals with land brokers. The first clause in this Part is clause 48. I intend to deal briefly with clause 49, which provides for the appointment of the Land Brokers Licensing Board. It states:

(1) There shall be a board entitled the "Land Brokers Licensing Board".

(2) The board shall consist of five persons appointed by the Governor of whom—
(*a*) one shall be a legal practitioner of at least seven years standing nominated by the Minister;
(*b*) one shall be the Registrar-General or his nominee; and
(*c*) three (at least one of whom must be a licensed land broker) shall be persons nominated by the Minister.

So there is a certain amount of Ministerial control. I suggest to the Chief Secretary that it would be appropriate in this case to follow the procedures of the Land Valuers Licensing Act, where one person is taken from a nomination by the Commonwealth Institute of Valuers and one person is taken from a panel recommended to the Minister by the Real Estate Institute. That approach should be adopted in the appointment of the Land Brokers Licensing Board. This approach allows for representation on the board of other nominations acceptable to the Minister from existing organizations associated with the land broking industry. I suggest here two organizations—the Real Estate Institute and the Land Brokers Society. The third one could be at the nomination of the Minister. This is the correct approach to be made to the appointment of this board: a panel to be nominated by the two major associations or organizations—the Real Estate Institute and the Land Brokers Society.

Probably the most important clause in the Bill, which will almost certainly engage the attention of honourable members more than any other clause will, is the last clause in Part VII, clause 61. It is the clause that caused most concern when the Bill came up the last time and, although several changes have taken place in that clause through the rethinking of the Government, it is still similar to the previous provision. We are dealing here in South Australia with a system of land brokerage unique in Australia. Many things have been said about it and I do not want to reiterate all that was said last year, but one must admit (and I think the Government will recognize this point because, in rereading the debate, I noticed one or two interjections from the Hon. Mr. Shard which seemed to indicate that he, too, agreed with this viewpoint) that in South Australia we have a system that should not lightly be cast aside. Our system of land brokerage has served us well for over a century in this State and has provided the most economical land brokerage system in Australia.

One can take examples, as the Attorney-General did last time, to show that, because certain things have happened, therefore the whole system should be changed. I made the point earlier that in any profession—legal, medical, or any other—the occasional difficulty will always arise. We must examine closely any change in a system that has served the State so very well for a long period of time. If the system can be improved, for the greater protection of the community, this Council should improve it, but at the same time we must examine the brokerage costs incurred in other States. As the second reading explanation is a very long document and the Bill itself is long, I have not quite completed all my work on it, so I seek at this stage leave to conclude my remarks.

Leave granted; debate adourned.

MOTOR FUEL DISTRIBUTION BILL

Adjourned debate on second reading.

(Continued from November 7. Page 1616.)

The Hon. C. M. HILL (Central No. 2): This is a long and unusual measure. It is long because it comprises 64 clauses; it is unusual because it is a Bill that may never be proclaimed. The Chief Secretary said that the appointed

day might never be set down and, in effect, that the Bill would never be brought into being as an Act if the parties involved in this whole matter of the rationalization of service stations continued their voluntary arrangements and reduced the number of their service stations by about 10 per cent. One must gather the impression that the Government is telling the industry to be good boys, or else! I cannot recall similar circumstances before when a threatening Bill involving this principle has been before this Council.

The Hon. M. B. Cameron: Has there not been further debate indicating that the measure will be proclaimed?

The Hon. C. M. HILL: I do not know; I am basing my remarks upon the speech made by the Chief Secretary when explaining the Bill yesterday. Surely it would have been a more responsible, more mature and less childish approach if the Government had said to the industry clearly, "You must invoke your voluntary disinvestment scheme; you must reduce the number of your outlets by 10 per cent and, if you do not do that within a reasonable and specified time, we shall have no alternative but to introduce legislation and enforce those arrangements by law." That would have been a far better way for the Government to approach this problem.

It could have said to the industry, "If you do not achieve the target we shall have no alternative but to legislate." I hope we do not see this sort of practice again in any other measure, because it shows little trust by the Government in the people concerned and in private industry generally. In my view, it is rather sinister and indicates a Big Brother approach. Legislation that emphasizes fear in this way is bad.

I now refer to the *Australian* of August 2, 1973, where, under the heading "S.A. cuts petrol outlets", we see the following report:

> The South Australian Government has told oil companies in the State to cut their petrol outlets by 10 per cent by next July. The Premier, Mr. Dunstan, told Parliament yesterday the Government would legislate for a reduction if necessary.

He does not yet know whether the number of outlets will be reduced in accordance with the voluntary arrangement. If that report is correct the Premier said that it would be necessary to legislate, but we have the very legislation before us now: an approach which deserves strong criticism. If the Bill is proclaimed it will endeavor to rationalize the number of service stations in this State.

Three principal interests are involved: first, the oil companies; secondly, the resellers (and under this category one must consider both lessees and freehold owners); and thirdly (in my view the most important category), the public itself, the motorists of this State. We are told that the aim of this Bill is to reduce the number of stations by 10 per cent. I understand that at present 2 100 service stations and garages exist throughout the State, 700 of which are owned by the oil companies. This means that the change must take place in about 210 of the stations.

The Hon. M. B. Dawkins: The number has been reduced by about one-third.

The Hon. C. M. HILL: And I am sure every endeavour will be made to continue with the plan.

The Hon. M. B. Dawkins: And that has occurred during the last nine months.

The Hon. C. M. HILL: There has also been a change in Tasmania, a Royal Commission on the question in Western Australia, and a recent news item in New South Wales said that the New South Wales Government was endeavouring to close about 600 outlets during 1974. The estimated number of stations in New South Wales was 6 200, which means that a reduction of about 10 per cent is also the target in that State. In several places throughout this Bill it is obvious that country garages, stores and primary producers will be affected in some way, but I intend to leave that matter to those honourable members in this Chamber who know the rural scene far better than I do and who, I understand, have already received representations about it.

Part II of the Bill comprises clauses 6 to 19, in which the Motor Fuel Licensing Board is set up; its functions are set out in clause 6. It seems that permits or licences will be granted, if the Bill becomes law, to almost every existing reseller and then, by a system of variations, which are set down within the board's functions, the ultimate reduction will take place. I am considerably concerned about the composition of the board because it comprises only three members. Arguments can be submitted supporting the benefits of small boards compared with large committees, but in this matter the problems and areas of work of the board are great and I doubt whether it is wise to have such a small board.

More importantly, we again encounter the Government's attitude regarding board appointments. Last week the Hon. Mr. Gilfillan mentioned that there was a Government tendency at present to appoint members to boards without any guidelines being laid down, whereas interested associations could be invited to submit names, the Government's having the ultimate right to choose one of the names submitted. When we look at this Bill we see that the board shall consist of three members appointed by the Government. As there are three definite interests involved in this matter, namely, the oil companies, the resellers, and the motorists, surely it would not be too much to expect the Government to ask these groups (the motorists could be represented by the Royal Automobile Association) to submit names to be considered for these appointments. In my experience that practice has not previously failed. In fact, it develops much greater confidence between the Government and the associations that are involved: it brings them closer together and engenders greater respect. From whichever way one looks at this question the latter method is preferable when appointing boards, and I therefore ask the Government to consider changing this proposal.

Clauses 20 to 23 set up an appeal tribunal which, in effect, will consist of one person, a judge as defined in the Local and District Criminal Courts Act, 1926-1972. No further appeal exists in this legislation other than an appeal to the tribunal. Clauses 24 and 25 deal with the appointment of inspectors. The powers of these inspectors should be looked at closely before the Bill is passed, because it appears, from clause 25, that the inspectors can enter not only petrol resellers' premises to seek information (both documentary and verbal) but also they can enter the homes of anyone they believe can give information, and can even demand information.

Clauses 26 to 46 deal with licences and permits. It is proposed that licences will be issued to petrol stations, whereas permits will be issued to people who sell petrol where sales are not the principal part of the business of an applicant. Licences and permits shall be applied for and sought within a period of three months after the appointed day. I commend the Government for providing exemptions for certain people who will be able to make sales without committing an offence against the provisions of this Bill. In some circumstances, too, bulk sales are permitted, and the Government has left the way open, through regulations, to prescribe other circumstances in which exemptions may be made; that is a step in the right direction. I query whether

or not the name of the lessee of a service station ought not to be included in the actual licence.

Under the terms of the Bill the licence holder is the owner of the premises. As we know, there are many service stations where the lessee has the rights of a tenant; the owner in these cases is usually an oil company. Under the Bill the actual licence would be held by the oil company, not by the lessee. It would seem that the inclusion of the lessee's name or the operator's name in some way on the licence might be a means of ensuring that the board was fully aware of the very large turnover of proprietors that occurs. As a result of the board having this information, it might have the opportunity to deal with any problems arising between the oil company and the operator. I know that the resellers favour this point very strongly, but I realize that arguments can be advanced for and against it.

Clause 31 provides that applications for a licence shall be made in the prescribed form; that is pleasing to see, in view of the debate yesterday. Part IV, dealing with undesirable arrangements, is the most important part of the Bill. It deals with a situation in which either party to a lease or a contract or an arrangement, whether verbal or written, can apply to the board, and such an existing arrangement can be declared undesirable; or, it can be declared an approved arrangement. This must cut across the principle of privacy of contracts.

The lessee, having contracted in a lease to occupy premises for a certain period (let us say, two years), can apply after one month's occupation to have that lease declared an undesirable arrangement and, if the board thinks fit, it can declare it to be such an arrangement. In that case, the lease would be void and would have no effect. Similarly, an oil company can make an application to nullify the effects of such an arrangement. This might well be the machinery by which the Government intends that the lessees will have their interests cared for, rather than the alternative way of being part of the licence arrangements.

Part IV does not lay down who should apply to the board to have an arrangement declared undesirable. It does not say whether a third party should have the right to do it, nor does it say in what form an application can be made. The third party might be a creditor of the lessee. This aspect of the machinery should be looked at very carefully by this Council. The remaining Parts of the Bill deal with industrial pumps and miscellaneous matters. I am pleased to see that the provisions dealing with industrial pumps exclude the business of primary producers.

This Bill is an unusual measure. It lays down that regulations shall be brought forward to cover many of the points. As a result, this Council will be able to have another look at many aspects of the legislation when regulations are introduced, if the whole plan ever reaches that stage. I hope the Government will give all sections of the industry every chance to implement voluntary schemes, which are by far the best method of overcoming the problems. If that can be done, I make a plea that the Government should stand aside and not proceed with this measure. I again stress that I am very concerned about the Part dealing with undesirable arrangements, and I hope it will receive a very close study by honourable members. I support the second reading of the Bill.

The Hon. R. A. GEDDES secured the adjournment of the debate.

COMPANIES ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

PYRAMID SALES BILL

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

PAWNBROKERS ACT AMENDMENT BILL (LICENCES)

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

ADJOURNMENT

At 3.55 p.m. the Council adjourned until Tuesday, November 13, at 2.15 p.m.