

LEGISLATIVE COUNCIL

Wednesday, June 11, 1975

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

QUESTIONS**CHAMBER TELEPHONES**

The Hon. C. R. STORY: My question is directed to you, Mr. President. I notice that telephones have been placed under certain of the benches in front of honourable members' seats in the Chamber. I should like to ascertain from you, Sir, the purpose of these instruments, what use will be made of them, and whether they conform to Standing Orders.

The PRESIDENT: An intercommunication system, which has not yet been completed, is being installed in Parliament House. I was not sure what had been installed, and received this information from the Clerk only a little while ago. The Ministers will have access to the intercommunication system; the Clerk will have a direct line of connection, from the table, with the Clerk in another place; and there is also a telephone providing a direct connection with the Speaker in another place. I understand that the Ministers have an installation that will be added to later. I have not examined the question of Standing Orders in this respect. This is purely an intercommunication system in relation to the workings of the Parliament.

TRAFFIC CONGESTION

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

Leave granted.

The Hon. C. M. HILL: Since the introduction of the priority road system in metropolitan Adelaide, the delay and congestion of traffic in the main South Road, Morphett Vale, area has increased tremendously. This is, I believe, because the traffic is unable conveniently to enter or leave South Road, mainly because there are not yet any controlled intersections along that section of South Road. Residents from this area have made representations to me, and have particularly mentioned three intersections there. I refer to the intersections of South Road and O'Sullivan Beach Road, of South Road, Flaxmill Road and Wheatsheaf Road, and of South Road, Beach Road and Doctors Road. My questions are, therefore: what are the department's plans regarding traffic lights in these areas, and how long will it be before some action is taken to overcome the serious problem that has arisen there?

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

MODBURY HOSPITAL

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Chief Secretary, in his capacity as Minister of Health.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the Modbury Hospital, the first section of which was completed some time ago (honourable members were given the privilege of inspecting it at the time of its opening) and which I believe is being used to a considerable extent at the present time. I ask the Minister whether in fact the first section of this hospital is being used to full capacity or approaching that stage; if so, can the Minister give an

estimate of the amount of overflow from the Royal Adelaide Hospital which is contributing to that state of affairs? Finally, is he in a position to say when the second stage of the construction is planned to commence?

The Hon. D. H. L. BANFIELD: I am not aware of patients going to Modbury from the Royal Adelaide Hospital, but I will check on the position for the honourable member and bring down a reply.

SOUTHERN SUBURBS HOSPITAL

The Hon. C. M. HILL: I ask the Minister of Health again, because I know the question has been asked on several occasions in the past few years, whether his department has any definite plans to establish hospital facilities in the region of Port Noarlunga and Christies Beach.

The Hon. D. H. L. BANFIELD: This area is being kept under notice all the time, but nothing will be done before the Flinders Medical Centre is under way.

TRAFFIC REGULATIONS

The Hon. C. R. STORY (Midland): I move:

That the Traffic Prohibition (Thebarton) Regulations, made under the Road Traffic Act, 1961-1974, on November 21, 1974, and laid on the table of this Council on November 26, 1974, be disallowed.

I speak as the representative of the Joint Committee on Subordinate Legislation which, after a good deal of taking of evidence and consideration, has recommended to Parliament that this regulation be disallowed. The main purpose of the disallowance is that Hayward Avenue, which is the street under consideration on this occasion, is one of a number of streets running parallel to South Road and Holbrook Road in the Thebarton and West Torrens council areas. Previously Stephens Avenue, which runs parallel to the street under discussion, was closed by resolution of the Thebarton council. I do not know why Hayward Avenue and Stephens Avenue were not brought in under the one regulation, but they were not. The committee has received complaints from industry located at the West Torrens end of Hayward Avenue.

In conjunction with other closures that have been made by the West Torrens and Thebarton councils, it has caused a bad bottleneck, particularly for industry in the area. The committee has inspected the area, has taken evidence from a number of people, and has generally concluded that the closing of Hayward Avenue would be most detrimental to industry in the area. Further, the committee believes that the closing of Hayward Avenue would not fully accomplish what the council hopes to do; that is, steady the traffic in that vicinity. It seemed to the committee that what was needed was an overall, co-ordinated plan dealing with the city of West Torrens and the city of Thebarton and, in all probability, taking into account the city of Woodville and the city of Hindmarsh. Those four councils abut each other for some distances along their boundaries.

It seemed to the committee that the Road Traffic Board should consider the general situation of through traffic in the area and should, in collaboration with the councils, work out a co-ordinated plan. The closing of this street would in all probability make this new idea quite difficult to implement. The committee has communicated with the Road Traffic Board, and the board's chief engineer has given evidence to the committee, which has received the following letter, dated May 20, 1975, from the Department of Transport, Office of the Minister:

I refer to your letter of April 9, 1975, regarding the traffic prohibition regulations for the West Torrens, Thebarton and Hindmarsh areas.

I have been advised by the Chairman, Road Traffic Board, that it has been past practice for the Road Traffic Board to agree to the closure of a road or roads on the submissions made by the local authorities provided that no detrimental safety aspects are foreseen. The board and the Highways Department, however, now require that in any submission for a closure, that a plan be drawn up by the council engineer or by consultants for the council, indicating the effect of the closure and future proposals for the area to complement the closure.

It is the intention of the two authorities to give closer attention to the area traffic and environmental needs of submissions in the future, and particularly those where one council's proposals about another council area.

The Corporation of the City of Thebarton has already prepared such an area traffic management scheme and West Torrens has currently employed a consultant to carry out the work. The Road Traffic Board and the Highways Department will co-ordinate and evaluate the scheme when the West Torrens' proposals have been completed.

Yours sincerely, Geoff Virgo, Minister of Transport.

So, not only has the committee concluded that the closing of Hayward Avenue would not be in the best interests of all the ratepayers and the travelling public but also it is fortified in its conclusion by the fact that the Transport Department also concurs in its decision.

The Hon. T. M. CASEY secured the adjournment of the debate.

CIGARETTES (LABELLING) ACT AMENDMENT BILL

The Hon. D. H. L. BANFIELD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Cigarettes (Labelling) Act, 1971-1972. Read a first time.

The Hon. D. H. L. BANFIELD: I move:

That this Bill be now read a second time.

It amends the Cigarettes (Labelling) Act to include the advertising of cigarettes. It is part of a uniform programme of the States to introduce legislation which requires the health warning, at present compulsorily included on all packets of cigarettes, to appear in all forms of cigarette advertising. It is accepted by almost all authorities connected with the medical profession that smoking is a serious health hazard, and this measure is one further step to discourage smoking. It also removes the present anomaly that cigarette advertising, other than such advertising by radio and television (which is controlled by the Commonwealth Broadcasting and Television Act), is not bound to include an appropriate health warning. The Bill also provides a regulatory power to control the advertising of cigarettes and to prohibit advertisements which do not comply with the prescribed requirements.

Clauses 1 and 2 are formal. Clause 3 amends the long title of the principal Act to include the advertising of cigarettes. Clause 4 includes a definition of "advertisement" in section 3 of the principal Act. Clause 5 adds a new section 4a prohibiting the publication of any advertisement relating to the sale of cigarettes unless the prescribed health warning is included and providing a penalty of \$1 000 for any breach of the section. Clause 6 amends section 5 of the principal Act, giving wider regulatory powers to control the advertising of cigarettes and the manner in which the warning is to be presented.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (ADMINISTRATION)

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

FOOD AND DRUGS ACT AMENDMENT BILL

Read a third time and passed.

BEVERAGE CONTAINER BILL

In Committee.

(Continued from March 26. Page 3193.)

Clause 1—"Short title."

The Hon. C. R. STORY: I ask that progress be further reported.

Progress reported; Committee to sit again.

COAST PROTECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from June 10. Page 3239.)

The Hon. C. M. HILL (Central No. 2): I support the second reading of this Bill, although I do not agree totally with all the clauses in it, and I intend in the Committee stage either to move or to support amendments to try to introduce some changes to it. My support for the Coast Protection Board relates particularly to the work which I foresee it is able to carry out in metropolitan Adelaide. Some time back I was most interested to read a copy of a report that was commissioned and, I understand, accepted by the Coast Protection Board, dealing with proposals to improve the coastal areas of metropolitan Adelaide.

Those proposals constituted a master plan for this work and comprised, in effect, the improvement and redevelopment of beach centres as they relate to local government areas along the whole coastline that forms part of metropolitan Adelaide. That master plan was a most imaginative one and, in my view, if it could have been implemented stage by stage, in the passing of time it would have upgraded the beach areas of Adelaide to a state and condition which I think they should be in as part of the overall metropolitan area. I am not being critical of local government or any institutions, or indeed the people of these beach areas, but I cannot help saying that some of the centres along the coastline are not in very good condition as far as their buildings and public facilities are concerned, as well as in relation to their open spaces and esplanade areas, and in fact a great deal is lacking in necessary amenities for those areas.

The reason basically is that local government bodies in those areas simply have not had the money to spend on this work. They have always made the point, quite rightly, that much of the amenities provided in these areas are used by people other than their ratepayers; in other words, they are used by people who visit the beaches during the summer months. So there should be, as local government has always claimed, some method by which an overall contribution should be made for amenities of that kind.

It seems to me that the Coast Protection Board is the vehicle through which this aim could be achieved, and that is why I welcome its proposed endeavours within metropolitan Adelaide. I believe that, if a satisfactory partnership can be struck up between the local government areas along the beaches and this one overall authority known as the Coast Protection Board, progress can be achieved towards improving greatly the beach-front areas of metropolitan Adelaide.

Because this possibility now exists, and because the board has had produced an excellent master plan for such work, I believe that Parliament should make every possible endeavour to see that the machinery is put in train to bring these goals to fruition. We then come to the rather delicate aspect of this partnership to which I have referred regarding local government and the Coast Protection Board. I think it would be totally unfair, for example, if, as is

proposed in the Bill, the Coast Protection Board was able to move into a local government area and, without the consent of the local government body, was able to acquire property and redevelop these beach-front areas and then charge the council a portion of the cost involved.

Surely, if there is to be the best possible partnership between these two groups, common consent of both parties for major work ought to be obtained in the first instance. If it cannot be obtained, negotiation and discussion should transpire, and I suggest that, if such discussions continue, ultimately some agreement, even though it might have to be a compromise arrangement, should be reached and work to improve our beach areas could proceed.

As the Bill reads at present, that full agreement is not necessary and I think there should be some change in the Bill so that, provided local government agrees, and provided the Coast Protection Board wishes to implement a major plan of redevelopment, work should proceed and local government should be prepared in those circumstances to contribute some of the money leaving the Coast Protection Board, using State funds, to provide the balance of the cost involved. This is a simple aim as far as machinery is concerned, yet it is a necessary aim. That is the plan I would support if it could be fashioned in Committee regarding the Bill. For the purpose of allowing the Bill to proceed to that stage for debate, I support the second reading.

The Hon. M. B. DAWKINS (Midland): I, too, support the Bill at this second reading stage. When the Minister introduced the Bill, he said:

It is intended to broaden the powers of the Coast Protection Board, in particular with regard to acquisition of, and dealing with, land.

He also said:

Provision is also made for the board to share the costs of acquisition with local councils.

The rest of his short second reading explanation was devoted to the means which it was intended to use to accomplish these aims. I have said I would support the Bill at the second reading stage, but if it were to pass through the second reading and the Committee stages to the third reading without some amendment, I would not be able to support it at the third reading stage because I think some aspects of it leave something to be desired.

The Minister, in saying that it was intended to broaden the powers of the Coast Protection Board, indicated that clause 2 would amend section 22 of the Act and widen the board's powers of land acquisition. Personally, I believe that clause 2 widens the powers of acquisition of the board in far too sweeping a way. Clause 2 provides:

Section 22 of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Where the Board is satisfied that it is necessary or expedient to acquire any part of the coast—

and I underline the last few words: any part of the coast—

(a) for the purpose of executing works authorised by this Act;

or

(b) for any other purpose—

and I emphasise those words “for any other purpose” in paragraph (b)—

consistent with the functions and duties assigned to, or imposed upon, the Board under this Act, the Board may, with the approval of the Minister, acquire any land constituting or forming part of, that part of the coast;

I would suggest that, at this point of time at least, that is far too sweeping a power for the board. Like the Hon. Murray Hill, I have considerable sympathy with the aims which were evident when the Coast Protection Board was set up. I am aware of the situation being anything but ideal in many places along the coast, and especially in the areas of metropolitan Adelaide and some places adjacent to that area. I believe that the powers suggested in clause 2 are too sweeping at this time. If I were a bush lawyer and could have a go at altering this clause—

The Hon. C. R. Story: Who said you are not?

The Hon. M. B. DAWKINS: That may be, but I was about to say that unfortunately I do not have the trained legal mind that my colleague the Hon. Frank Potter is from time to time rather fond of referring to. I would suggest that after the word “Minister” in this clause there should be added:

and the consent of the municipality or district council in whose area that part of the coast is situated.

Then the board could possibly go ahead and acquire the area. I do not believe that at this time there should be a complete, overriding power of acquisition. I object to the clause as it stands. Before I would be willing to support it, I would consider either striking out new subsection (1) (b) of section 22 or adding words somewhat similar to those I have quoted. I am also concerned about the other point the Minister made: that provision is made for the board to share the cost of acquisition with local councils. This is provided for in clause 4, which inserts the following new subsection in section 33:

(4) Where the board, acting in pursuance of its powers under this Act, acquires land within the area of a council the board may recover from the council, as a debt, a contribution, determined by the board not exceeding one-half of the cost incurred by the board in acquiring the land.

To my mind, one of two things can happen to that provision. One was suggested by the Hon. Mr. Hill; that is, the board would have to receive a council's approval before it acquired land under the condition that the council was liable for half the cost of acquisition. The other possibility is to excise new subsection (4) altogether. I have heard a considerable number of objections to this provision, because it means that the Coast Protection Board could decide, without consulting any council, to acquire a large area of land in a council's area and then bill the council for a large sum representing half the cost. This is not a reasonable proposition at present. I have heard it said that this could be another means of forcing councils to amalgamate in order that they could cope with the situation; that may be an extreme view, but there have been many objections to the provision as it stands. Because this is a Committee matter, I do not intend to deal with it any further at this stage. With the qualifications I have made, I support the second reading of the Bill.

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

ADJOURNMENT

At 2.54 p.m. the Council adjourned until Thursday, June 12, at 2.15 p.m.