HOUSE OF ASSEMBLY.

Tuesday, November 18, 1958.

The SPEAKER (Hon. B. H. Teusner) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

BULK HANDLING OF WHEAT.

Mr. O'HALLORAN—Has the Minister of Agriculture a reply to my question of October 30 as to whether it would be possible, to assist in handling the prolific harvest that seems likely to be garnered in the western section of the mainland, for farmers to deliver wheat direct to rail trucks at sidings where there are no bulk handling installations, to be carted to Wallaroo for storing pending shipment?

The Hon. D. N. BROOKMAN—I have received the following reply from the General Manager of the South Australian Co-operative Bulk Handling Limited:—

The South Australian Co-operative Bulk Handling Limited is aware that its silo facilities, including the terminal in the Wallaroo division, may be heavily taxed with bulk wheat in view of the promising harvest prospects, and accordingly, a request has been made to the Australian Wheat Board for the provision of as much shipping as possible from the terminal port during the harvest intake period so as to relieve any congestion that may occur. In addition, appropriate rail movement from country silos to the Wallaroo terminal will be effected when possible so as to provide as much room as possible at these silos since wheat receivals are expected to be particularly heavy. Direct trucking this year of bulk wheat (at points where bulk silos are not installed) would create greater congestion at the terminal and may interfere with the clearance of bulk wheat from the silos. The full extent of the company's resources are at present being directed towards the erection of silos to serve the greatest number of growers as soon as possible.

WELLINGTON FERRY.

Mr. JENKINS—Much publicity has been given to the foundering of the Wellington ferry during the week-end and I understand an investigation is being made into the cause. One of my constituents—and this could apply to others—was crossing on the punt in a utility that was insured for £200, but which he valued at £450. The utility is now at the bottom of the river and he was advised yesterday that the £200 insurance will be available but it will cost him £150 to recover the vehicle from the river bed. Can the Premier say whether compensation will be paid in such a case?

The Hon. Sir THOMAS PLAYFORD—I have not consulted the Crown Solicitor on this matter and until the facts of the incident are definitely established it would be injudicious for me to make any public statement. The question of any losses that have occurred will naturally receive the Government's earnest consideration. Although the inquiry may establish that the punt was in every way serviceable and that the incident did not occur through negligence, I am sure the House would want the Government to sympathetically consider the matter.

Mr. BYWATERS—As Mr. Jenkins said, much publicity was given to the unfortunate incident at Wellington, and as the ferry serves my district some of my constituents are concerned lest the same thing should happen to other Murray ferries. I realize an inquiry is being held, but I ask the Minister whether it will be a public inquiry, whether it will be an independent inquiry and not a departmental one, and whether it will be possible for constituents of mine concerned in the accident to receive compensation? One motor car involved was insured, but there were lost two tennis racquets, two valuable colour cameras, and a lady's wristlet watch and handbag.

The Hon. Sir THOMAS PLAYFORD—The report of the inquiry will be made public. The facts will be simple to establish by the diver who will examine the ferry today. I do not want to go into all the circumstances at present; in fact, I think honourable members will agree that we should not determine the findings before the report of the inquiry comes to hand. The information that the Government has received indicates that the ferry was in good condition, and its condition was not responsible for the accident, but I will bear in mind the losses that the honourable member has mentioned.

LONG SERVICE LEAVE.

Mr. FRED WALSH—Since the Long Service Leave Act was passed last year many agreements have been entered into between employers and employees providing for long service leave outside the provisions of the Act. It has been generally accepted that these agreements must be registered in the Industrial Court to comply with section 13 of the Act which states:—

(1) An employer who is bound by an industrial award or industrial agreement which provides for long service leave for any workers employed by him shall be exempt from this Act in relation to every worker to whom the award or agreement applies.

Recently the Employers Federation has advised at least one of its members that it is not

necessary to register agreements in the court and consequently much confusion has been created. Considerable expense has been incurred by employers and employees in registering agreements in the court. Can the Premier say whether the fact that an agreement has been entered into without being registered in the court renders the agreement binding and exempts the employers and employees concerned from the operations of the Act?

The Hon. Sir THOMAS PLAYFORD—I had no prior knowledge of this question and my reply is subject to that limitation. I think the answer is in the negative. The Act is specific that in default of a court agreement employers must provide long service leave, and I doubt very much whether any authority can take the court's place in approving of an agreement. I will have the question thoroughly examined and if the reply is not to hand before the session terminates will ensure that the honourable member receives a written reply setting out the position. As the matter is of some consequence to employers and employees it would be advantageous if some publicity were given to it and I will see that that is done when I forward the reply.

SCHOOL TRANSPORT OF RETARDED CHILDREN.

Mr. COUMBE—Some time ago I had the honour to introduce a deputation to the Minister of Education from the Crippled Children's Association and other associated bodies requesting that consideration be given to the transport of retarded children to and from their schools. Has the Minister anything further to report on the matter raised at the deputation?

The Hon. B. PATTINSON—I cannot report anything definite at the moment. It was a very representative deputation and submitted a strong case for the transport of physically and/or mentally retarded children to and from special schools in the metropolitan area. After receiving advice from departmental officers I submitted the matter to Cabinet, which referred it to the Treasurer. In turn, he referred it back to me for further consideration, and I am considering it at present. After the House rises I hope to reach a decision and will let the honourable member know and, as it will be a matter of considerable importance, I will make a public announcement.

RAIL TRANSPORT OF SCHOOL CHILDREN.

Mr. HUGHES—A letter I have received from the Corporation of the Town of Wallaroo states:—

It has been brought to the notice of the council that whereas all school children irrespective of age and length of schooling are entitled to free bus travel to and from school by the Education Department, this does not apply to those travelling by rail if they have attended that particular school more than three years and are above 15 years of age. I am directed to request you to take up this matter with a view to the removal of an anomaly, as it is felt that there is every justification for it.

Can the Minister say whether children, irrespective of age and length of schooling, are given free bus travel to and from school? If so, will he explain why this concession does not apply to all children travelling to and from school by rail?

The Hon. B. PATTINSON—In the first instance, all school children are not given free bus transport; they must come within certain categories of distances from schools to get it. It is not correct to say that school children are not given any free rail service, for application can be made for such service if desired. I think it would be better if I wrote to the honourable member and set out the position for him, for it would be a long story to give in reply to a question.

HAY-DIE AND TAKE-ALL.

Mr. GOLDNEY—Reports have appeared in the press recently of the incidence of hay-die, or take-all, in cereal crops, and in the last few days reports have come from Victoria that the disease is widespread there. Can the Minister of Agriculture say whether his department considers the incidence of this disease will have any material effect on harvest returns from cereal crops this season?

The Hon. D. N. BROOKMAN—Last week I replied to Mr. Laucke's question on this subject and said that damage from hay-die did not seem to be a major problem in this State. I think the report I received said that the harvest might be reduced by about 1,000,000 bushels because of hay-die, but if the honourable member will consult *Hansard* he will see my reply.

Mr. Goldney—Since that time Victoria has reported the occurrence of hay-die.

The Hon. D. N. BROOKMAN—I noticed that, but my reply was given only a few days ago and I think it gave all the information

the department has. If the position alters suddenly I do not think there is much that I can do about it.

TREATMENT OF ALCOHOLICS.

Mr. STEPHENS—When speaking on the Address in Reply this year I said that certain citizens of Port Adelaide had been trying to help alcoholics in that district. I said the Port Adelaide Corporation, a banker, a doctor, an industrialist, and ministers of religion were trying to help alcoholics, and I asked them to arrange a deputation to wait on the Premier to see whether he could give them any financial assistance under the Act. He was sympathetic, and I ask him whether he has considered the matter, and will he give the deputation a reply, as promised?

The Hon. Sir THOMAS PLAYFORD—I informed the deputation that in the making of grants to outside organizations the normal procedure followed by the Chief Secretary was to obtain a report from the Auditor-General on the proposal and its value to the State. In this instance I have asked the Auditor-General for a report on the work being done and whether the State should make a financial grant. It has not yet come to hand.

TRAMWAYS TRUST BUS SERVICES.

Mr. HEASLIP—In this morning's *Advertiser*, under the heading "M.T.T. Take-over 'disturbing'," appeared the following:—

The M.T.T. take-over of a feeder service operated by a private bus licensee is "disturbing," the chairman of Metropolitan Omnibus Operators Association (Mr. G. A. Cole) says in his annual report . . . Existing private licensed services are comparable with those provided by the M.T.T and as the private services are conducted at a profit, against losses sustained by the trust, there should be no further reduction.

Will the Premier say whether it is the trust's policy to take over routes that are profitable to private enterprise and add to the losses incurred on all trust tram and bus services?

The Hon. Sir THOMAS PLAYFORD—The Minister of Works, under whose department this matter comes, has already asked the trust for a report on the statements in this morning's press. When it is received it will be considered by Cabinet.

UREA SPRAYING.

Mr. STOTT—I have received complaints from River Murray districts that urea used for spraying citrus trees is causing damage to them, and reports that similar sprays are damaging cherry trees in the Adelaide hills. Will the Minister of Agriculture take steps to have the urea used brought under the appropriate Act to see that it is sold in accordance with the regulations and that its biurate content is brought down to .5 per cent? I understand it is now above that figure and that that is why it is causing damage.

The Hon. D. N. BROOKMAN—I will get a report on the matter, consider it and inform the honourable member of the position.

WOMEN TRAM CONDUCTORS.

Mr. BOCKELBERG—Each year the Tramways Trust incurs a loss of about £500,000. Can the Premier say whether it has considered employing women as conductors? They are employed in tramways and railways all over the world and their employment here would mean a considerable reduction in the cost to the general taxpayer.

The Hon. Sir THOMAS PLAYFORD—The trust considered the matter during the war. I think it considered the practice in other States. It is doubtful whether the employment of women would mean any savings to the trust, and I understand the report was not favourable to their employment. Also, it would lead to a considerable amount of capital expenditure because the facilities for employees would have to be duplicated if both males and females were working together in the same section.

Mr. O'Halloran—In any event, they would be entitled to the same payment for doing the same work.

The Hon. Sir THOMAS PLAYFORD—I do not think our Arbitration Court actually provides for that, although Commonwealth awards may do so.

PORT AUGUSTA WATER SUPPLY.

Mr. RICHES—Has the Minister of Works any information about the discolouration of water at Port Augusta?

The Hon. G. G. PEARSON—I have received the following report from the Engineer for Water Supply:—

These complaints have arisen due to the use being made of water stored in the Nectar Brook reservoir following intakes in August and September this year. As mentioned by the district engineer, there were two occasions, 10th September and 27th October, when this type of trouble occurred but on each occasion the water cleared again fairly quickly. Until the completion of the Morgan-Whyalla pipeline the Nectar Brook reservoir was one of the main sources of supply for Port Augusta.

The town is supplied by gravity from this reservoir and it is essential that water be supplied to the town from this reservoir on the occasions when it is available.

PORT PIRIE WATER PRESSURES.

Mr. RICHES—Has the Minister of Works anything to report regarding water pressures at Port Pirie? I understand the member for the district (Mr. Davis) asked a question on this matter some time ago, and I mentioned it last week as well.

The Hon. G. G. PEARSON—A scheme, estimated to cost about £120,000 has been prepared but because of the cost it will have to be referred to the Public Works Committee. The documents necessary for setting out the terms of reference are now with the Crown Solicitor and when the terms have been prepared the matter will be referred to the committee.

FIRE FIGHTING IN SOUTH-EAST.

Mr. RALSTON—Owing to the excellent season in the lower South-East, there has been a prolific growth of grass and herbage this year. This is very noticeable on country roads, and forest roads and tracks, especially in the pine forest area. In previous years the forest areas usually harboured countless thousands of rabbits. They kept grass and undergrowth controlled to a minimum amount in a very efficient manner, and at very little cost to the department. Since the introduction of myxomatosis the position has completely changed. The fire hazard will be more dangerous this year than ever before. The emergency fire service organizations take a very serious view of the whole position. Though they are confident that they can give adequate protection when a fire occurs in pastoral or agricultural areas, some doubt has been expressed as to whether effective co-ordination and control have been achieved between the Woods and Forests Department units and the emergency fire service units should a major outbreak occur in the forests similar to that of last Easter. Can the Minister of Agriculture give any information on—

1. What additional mechanical equipment for fire fighting, or what modification of existing equipment, has been provided this year by the Woods and Forests Department?
2. Has wireless equipment, suitable for the control and direction of departmental fire fighting units, been installed?
3. Is it the intention of the department to make use of aerial spotting during days of extreme fire hazard?

The Hon. D. N. BROOKMAN—The Woods and Forests Department has made strenuous efforts to get rid of rabbits, and myxomatosis is not the only reason for the considerable depletion that has taken place. I am glad to have the honourable member's endorsement of this, because frequently people say that eradication methods have not been successful. At about the end of August I made a statement about the fire control equipment of the Woods and Forests Department, and since the big fire at Wandilo many additions have been made to it. At the end of August the department had 14 fire trucks at various parts of the South-East equipped with tanks, mostly of 500-gallon capacity, although at least one had a capacity of 3,000 gallons. Most of the trucks have been enlarged to take a greater number of men for fire protection, and have been insulated against fire and heat. I asked the Conservator of Forests the present position relating to radio, and was given the following information. The department has discussed this matter with the manufacturers of the equipment and has decided on the types of equipment to be used, subject to confirmation by the Postmaster-General's Department expert. A final conference with the Postmaster-General's Department's expert has been arranged for tomorrow to finalize the types of equipment needed, after which the department will call for tenders. Every effort will be made to complete the purchasing and licensing of equipment as expeditiously as possible in order to have it ready for the time of greatest danger. As to aerial spotting, arrangements have been made with the Mount Gambier Aero Club to hire a plane for the purpose as required.

BUS DESTINATION SIGNS.

Mr. LAWN—Has the Minister of Works a reply to my question of November 6 concerning destination signs on Tramways Trust Buses?

The Hon. G. G. PEARSON—I referred this matter to the General Manager of the Tramways Trust, who furnished the following report:—

When the new buses were designed, it was decided that destination signs at the rear could not be justified on the grounds of the capital and maintenance cost involved. This followed the same general practice adopted in respect to new bus fleets in Australia, New Zealand and America. The matter has been under review again in recent months and estimates to install adequate destination boxes

at the rear showed that it would cost about £39,000 for approximately 300 new buses. It is remarked that buses have comprehensive signs in the front and there is a "check" sign on the near-side which meets the needs of the vast majority of patrons.

OIL EXPLORATION ROAD.

Mr. O'HALLORAN—Can the Minister of Works state whether the route of the proposed new road to serve the purposes of the oil exploration now taking place in the north-east corner of the State has been defined, and what progress has been made in the construction of the road?

The Hon. G. G. PEARSON—The route has been mapped out, and certain work done. I cannot state the route from memory.

Mr. O'Halloran—Does it start from Lyndhurst?

The Hon. G. G. PEARSON—I am not sure. If the Leader desires I will bring further information tomorrow. A considerable amount of work has been done and good progress made.

TOURIST TRADE.

Mr. JENKINS—Yesterday's *News* stated that an interstate shipping line was prepared to spend £25,000,000 on the Australian tourist trade. Is it likely that there will be a link between that shipping line and the South Australian Government Tourist Bureau in order to promote the tourist trade in South Australia?

The Hon. Sir THOMAS PLAYFORD—I cannot answer that question yet. The gentleman concerned is, I understand, coming to discuss this matter with me.

LOXTON SOUTHERN MAIN.

Mr. STOTT—Many Loxton people feel that the first part of the southern main was badly laid and that that is the reason why the main bursts occasionally. The Minister of Works will be aware that the department is replacing rubber joints with lead caulking in an attempt to overcome the trouble, but there is much anxiety that in the summer months the main will again go out of action. Is there any foundation for the statement that the first part of the main was badly laid, and that that is the cause of the bursting of the main?

The Hon. C. S. HINCKS—A problem has arisen with this drain, but up to the present the engineers have not been able to discover the reason for it. They are now experimenting with a short section of the main to see if they can ascertain the cause of the trouble. Everything possible is being done to correct the position.

LEAVING HONOURS CLASS IN SOUTH-EAST.

Mr. RALSTON—A serious problem is developing at the Mount Gambier High School—and it also affects other high schools in the lower South-East—because of the lack of a Leaving Honours class. It costs about £5 or £6 a week to maintain a Leaving Honours student in Adelaide and this is much more than most parents of country students can afford; consequently, higher education is denied these students. I believe there are at least 30, and probably more, students in the lower South-East available to attend a Leaving Honours class next year and this number will increase each year. Will the Minister of Education seriously consider providing a Leaving Honours class at the Mount Gambier High School to cater for the needs of students in the lower South-East?

The Hon. B. PATTINSON—I shall be pleased to do so, but I would not like to mislead the honourable member or his constituents into thinking such a class could be provided by the beginning of the next school year. I believe one of the best methods of decentralization is to decentralize education, particularly secondary education, so that country families are not disrupted through some members being obliged to come to the city for higher education. On the other hand, there is a serious shortage of highly qualified teachers capable of instructing Leaving Honours students, who are comparable with first-year University undergraduates. Leaving Honours classes are somewhat extravagant in their use of staff because such a wide variety of subjects is taught leading to University standard. I have received similar requests for such classes from the Upper Murray, Port Augusta, Port Pirie and other leading country centres, and I am anxious to see them established as soon as possible, but I do not think it will be possible to do so for the beginning of the next school year.

ZANUCKVILLE WATER SUPPLY.

Mr. RICHES—Has the Premier received a report from the Housing Trust on the provision of rain water tanks for Zanuckville cottages?

The Hon. Sir THOMAS PLAYFORD—The Housing Trust has not forwarded a report yet. When it comes to hand I will see that the honourable member gets it.

LOANS FOR HOME PURCHASERS.

Mr. BYWATERS—Has the Premier a reply to the question I asked last week concerning the availability of loans for home purchases

by employees of David Shearer Ltd. of Mannum?

The Hon. Sir THOMAS PLAYFORD—I inquired into this matter and found that both the Savings Bank and the State Bank have a waiting list for home finance. I am investigating the position to see whether it is possible to relieve the position, but I shall be obliged to confer with the Savings Bank Board. I think the firm concerned should lodge an application for a loan and in the meantime I will see whether I can assist by conference with the bank.

GLENBURNIE PRIMARY SCHOOL.

Mr. RALSTON—Can the Minister of Education inform me what progress, if any, has taken place in providing a safer playground at the Glenburnie Primary School?

The Hon. B. PATTINSON—Yesterday Cabinet authorized me to negotiate for the purchase of just over an acre of land adjoining the school. I hope the negotiations will be speedy and successful.

FARMLETS FOR VEGETABLE GROWING.

Mr. BYWATERS—Has the Premier a reply to the question I asked last week concerning a water supply for an area of about 750 acres at Murray Bridge which has been subdivided for small farmlets?

The Hon. Sir THOMAS PLAYFORD—The Minister has investigated this matter and reported to me. I understand four applications have been made for a water supply, but they were for the normal domestic supply. Whether this area can be opened up as an irrigation scheme will require considerable investigation. It is certain that the present pumps and pipelines, which were designed for a domestic supply, would not be suitable for an irrigation scheme. There is not a great surplus capacity in the present supply, but the four applications for normal connections will be met in the ordinary course of events.

MOUNT GAMBIER ADULT EDUCATION CENTRE.

Mr. RALSTON (on notice)—

1. Has the further conversion and rehabilitation of the Wehl Street Primary School for adult education purposes at Mount Gambier been commenced?

2. If so, when will this work be completed?

3. If not, when is it proposed to commence it?

The Hon. B. PATTINSON—The replies are:—

1. No.

2. *Vide* No. 1.

3. It is proposed to call public tenders early in December.

MOUNT GAMBIER SCHOOLS.

Mr. RALSTON (on notice)—

1. Have tenders been called for the erection of a primary school at Mount Gambier North and an infant school at Mount Gambier East?

2. Have any tenders been accepted?

3. If so, when will such work commence?

4. If not, when is it proposed to call tenders?

The Hon. B. PATTINSON—The replies are:—

1. No.

2. *Vide* No. 1.

3. *Vide* No. 1.

4. Mount Gambier North primary school—April, 1959. Mount Gambier East infant school—July, 1959.

TAXATION DEPARTMENT PREMISES.

Mr. LAWN (on notice)—

1. How long has the Taxation Department been situated in the Railway Building?

2. How much rent has the department paid during this period?

3. Has the department given notice of its intention to vacate these premises?

The Hon. Sir THOMAS PLAYFORD—The Railways Commissioner reports:—

1. Since October 19, 1931.

2. From October 19, 1931, to June 30, 1958—£219,991 11s. 4d.

3. Yes.

PUBLIC WORKS COMMITTEE'S REPORTS.

The Speaker laid on the table the final reports of the Parliamentary Standing Committee on Public Works on Drainage of Cooltong Division of Chaffey Irrigation Area and Mount Gambier North Primary School, together with minutes of evidence.

Ordered that reports be printed.

PARLIAMENTARY PAPERS.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved:—

That it be an order of this House that all papers and other documents ordered by the House during the session, and not returned prior to the prorogation, and such other official reports and returns as are customarily

laid before Parliament and printed, be forwarded to the Speaker in print as soon as completed, and if received within two months after such prorogation, that the Clerk of the House cause such papers and documents to be distributed amongst members and bound with the Votes and Proceedings; and as regards those not received within such time, that they be laid upon the table on the first day of next session.

Motion carried.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 13. Page 1736.)

Mr. HEASLIP (Rocky River)—Generally speaking, I have no objection to the Bill, but there are some clauses to which I cannot subscribe. Clause 3 deals with the non-registration of motor vehicles used in fire fighting, and I entirely agree with this clause because it will assist greatly in getting prompt action to fight fires. I oppose clause 5, which states:—

Any person who drives a motor vehicle on any road outside a municipality, town or township at a greater speed than 50 miles per hour shall be guilty of an offence.

If we pass this clause practically everyone driving on country roads will be committing an offence. It is bad legislation because many normally law-abiding people will be breaking the law, and it will not be possible to police this provision. I have often opposed other legislation, particularly amendments to the Road Traffic Act, that cannot be policed or enforced. Some time ago we passed a provision making it an offence to drive at more than 20 miles an hour when within 50 yards of a railway line. I believe that practically everyone breaks that law, which is not enforceable, and in many cases it is unnecessary. Clause 5 puts the onus on the motorist to prove he was not guilty of an offence when driving at over 50 miles an hour in the country, and that is the reverse of the position under most laws. Modern motor vehicles can be driven safely at over 50 miles an hour on an open road, and in the country we have many good, straight roads where people will be breaking this law. Unfortunately, I do not think an amendment of the Act along the lines of clause 5 will reduce accidents to any extent. Even if we raised the speed limit to 60 miles an hour many motorists would break the law, and we would not be able to enforce it.

Mr. Corcoran—How would you grapple with the problem?

Mr. HEASLIP—We should leave the law as it is, for it is working well. Section 43 (1) states:—

Any person who drives a motor vehicle on any road at an excessive speed shall be guilty of an offence.

Mr. Corcoran—What is excessive speed?

Mr. HEASLIP—That is a matter for the prosecution to establish.

Mr. O'Halloran—Isn't there a *prima facie* provision about travelling at over 40 miles an hour?

Mr. HEASLIP—Section 43 (2) states:—

It shall be *prima facie* proof only that a person has driven at an excessive speed if it is proved that he drove on a road—

(*a*) in any municipality, town, or township at a greater speed than 25 miles per hour; or

(*b*) outside a municipality, town or township at a greater speed than 40 miles per hour.

Mr. Stephens—What is the position if a motorist passes a flock of sheep?

Mr. HEASLIP—If he runs into the sheep he is guilty of an offence and will have to pay compensation for any sheep killed or injured. If he passes another motorist dangerously at 41 miles an hour he is guilty of an offence as the law stands. Anyone driving dangerously on an open country road may be proved guilty.

Mr. Stephens—He cannot be proved guilty until after an accident.

Mr. HEASLIP—No. If he drives dangerously or at an excessive speed he can be proved guilty. Therefore, the Act provides all the necessary powers in this respect. We should not alter the law and say that anyone driving over 50 miles an hour is guilty unless he can prove his innocence.

Mr. Stephens—What is wrong with that?

Mr. HEASLIP—Why should he have to prove he was not guilty? He could be driving dangerously at 49 miles an hour, but he would not have to prove his innocence then. Motorists who can drive safely at 55 miles an hour will be continually looking in the rear vision mirror to see whether anyone is following, and this will be dangerous because their attention will be taken from the road and driving the car. I do not drive fast, but I often drive at over 50 miles an hour, so I will be breaking the law frequently, and I do not want to be in a position where I am forced to break the law. Often other motorists pass me, even when I am travelling at 55 miles an hour, but they have their vehicles under proper control. Government cars often pass me, but

I would not say they were driving dangerously or at an excessive speed. We shall put motorists in an invidious position if we place on them the onus of proving they were not guilty of an offence when travelling at over 50 miles an hour in the country. Practically all of us have driven modern motor cars at over 50 miles an hour on country roads, and there has been no doubt about our safety.

I hope the clause will not remain in the Bill, and I was pleased to hear metropolitan members opposing it. Generally, it applies to country people who travel long distances. If they are compelled to travel at no more than 50 miles an hour the position will become chaotic. At that speed many drivers will doze off and consequently their driving will become more dangerous. If we fix that limit, how shall we enforce it? People will continue to exceed it and will be guilty of an offence. The onus should not be on the driver to prove that he is not guilty. There will be a feast for the solicitors.

I do not think clause 7 goes far enough. A greater penalty should be imposed on people who steal a motor car and wreck it. For breaking a shop window and stealing only a pocket handkerchief the culprit can be sent to gaol, yet the person who steals a motor car and wrecks it can, in many instances, get away with it.

I am not happy about the interpretation of "farm implements." I have endeavoured to get the matter clarified and have put several questions to the Premier concerning bulk bins that are used for carting wheat on farms. In one reply he said:—

The Registrar is in some difficulty because Parliament has expressly excluded implements that are wholly or mainly constructed for the carriage of goods and he has therefore to analyse the purposes for which the bins are used before he can express an opinion. I think that examination will show that they can be classed as farm implements under the Act.

It would be all right if they were, but they are not. They are built specifically for the carriage of bulk wheat on farms. If the farmer moves a bin from one paddock to another, and in doing so travels on a road, he is liable. He should not be placed in the position of breaking the law when doing legitimate farm work. I know of one man who went to a railway station to pick up a bulk bin but the police officer would not allow him to take it on to the road until he obtained a permit from the Transport Control Board. The time taken in getting this permission holds up the work of farmers, so they break the law. In some instances bins are being taken from the railway station to the farms at night in order to dodge the police officer. Again the farmer should not be placed in the position of having to break the law. I support the second reading.

Mr. RICHES (Stuart)—I will not speak at length on this Bill because it is supported generally by members. The debate on clause 5, which deals with the speed limit on country roads, should take place in Committee. I oppose the clause as framed and in Committee shall move to amend it. The provision is unrealistic and it would be impossible to enforce it. There are two different schools of thought regarding the implementation of the proposed speed limit. One is that virtually there would be no speed limit, except in the case of an accident, and the onus would be thrown on the motorist, and that the only effective way to break down speeding is to alter the procedure adopted in the court after an accident has occurred. If that is the only effect of the clause it will not meet any of the situations mentioned by the Premier and the chairman of the State Traffic Committee. If we are convinced that speed kills and that there have been too many deaths on country roads through speeding, and I have not seen that refuted, Parliament should do something practical to reduce the speed, and it should be done in such a way that it can be properly policed, there is more safety, there is a more reasonable attitude on the part of the police officer and the motorist, and it is not a matter of opinion but a matter of law. In Committee I shall ask members to delete the reference to 50 and substitute 60. I think a limit of 60 miles an hour is reasonable. The proviso would then have to be deleted.

The SPEAKER—The honourable member cannot debate his proposed amendment but he can make a passing reference to it.

Mr. RICHES—South Australia could reasonably have a higher speed limit than operates in Victoria because in this State the volume of traffic is not so great. There are greater distances between centres of population and 60 miles an hour here would be comparable to 50 miles an hour in Victoria. To put a figure in the Bill and rely on an opinion as to whether the speed was safe would place everybody in an impossible position.

Mr. Shannon—It would not do the lawyers any injustice. It would help them.

Mr. RICHES—That is so. I would not stand for the intolerable position where everybody exceeding 50 miles an hour would be in danger of apprehension. Under the Bill the police officer has to say whether the exceeding of the speed limit constituted a danger and whether a charge should be laid. It is all a matter of opinion, which constitutes a dangerous situation. In the court one side could argue that there was safety and the other that there was not. The provision could not be carried out any more effectively than the present 25 miles an hour speed limit through built up areas. That provision is similar to this, although it is worded differently. If a motorist exceeds 25 miles an hour in a built-up area the onus of proof is on him to show that it was safe to do so. There is another limit of 35 miles an hour, and that is the limit that is observed in the main, because it can be understood and interpreted. If we want a provision that can be enforced and understood, and will bring down speed on country roads, there must be a set limit. I do not pose as a expert, or wish to force my ideas on other members, but we all have the responsibility of voting on this clause, and I will move along the lines I think best. If other members do not accept my view I shall not try to persuade them against their judgment, which is as good as mine. I have observed road traffic for many years, and I think that if a reasonable upper limit that people can understand is fixed there will be a reasonable chance that it will be complied with. This, I believe, would save lives. To have no limit at all, but put the onus of proof on a defendant if he is doing more than 50 miles an hour, will not achieve anything. I support the second reading.

Mr. HAMBOUR (Light)—I support most of the Bill, but object to clause 5. I believe the first part of this clause permits a motorist to increase his speed by 10 miles an hour over the present 40 miles an hour limit. The clause would not reduce speed; it would simply make it easier for the police to obtain a conviction. I am here to protect the interests of my constituents, and with all due respect to your past profession, Mr. Speaker, there is not a member of the legal profession in my district—

Mr. O'Halloran—How lucky are you!

Mr. HAMBOUR—It shows that the citizens in my district are law-abiding. I apologize for the fact that some are prosecuted under the Road Traffic Act, and as no legal assistance is available, they go to the courts and plead guilty. They do this because they do not know how to conduct their defence, and the cost of obtaining legal assistance is often much greater than the fine. A member of the clergy told me over the week-end that he had had four convictions under the Road Traffic Act, and on each occasion his speed was under 10 miles an hour. On one of these occasions it was my car with which he collided when reversing out of the church yard. The matter was reported, and he was prosecuted for driving without due care. I believe this is a provision in the Act under which anyone can be prosecuted for anything, and it is a difficult charge to get out of.

I protest against the method of prosecution by the police for road traffic offences, particularly as they apply in the country. I have no fault to find with the constable who reports an accident, and is usually called to the scene and analyses the circumstances. However, sometimes the policeman does not go to the scene, but makes out a report in his office from information given to him by one or two of the people concerned. This is sent to Adelaide, where an officer of higher standing decides whether to prosecute. If a prosecution is launched, and the defendant is smart enough or wealthy enough to defend the action, he has a chance to get out of it, but one defendant, when discussing the matter with me at some length, told me it would be cheaper to plead guilty. That is not British justice, and I would like the Commissioner of Police to see that circumstances are investigated more thoroughly before any action is taken, because in this case I believe the wrong man was prosecuted, or, if he should have been prosecuted, so should the other driver. Fortunately the fine was very low, but it must be remembered that, in addition to police action, subsequent action will be taken by the insurance company that will involve the people concerned in a lot of expense. I believe I am here to defend the rights of people and I want to see that they are given every opportunity to set out the circumstances. If, after considering the facts, the Police Department considers that a prosecution should be launched I will back it to the hilt, but I do not want it to launch prosecutions by remote control. It should remember that the defendant is at its mercy, because he cannot always obtain legal aid and is not qualified to defend himself, so often he pleads guilty to avoid loss of time and cost.

That is wrong. I hope the department will consider what I have said.

It has been said that the provision to which I object applies to Victoria and New South Wales, but it is frequently said that South Australia does not have to be guided by other States, and I sincerely hope it will not be guided by them on this matter. If we doubled the number of traffic police we would perhaps double the number of convictions, but that would not stop the number of fatal accidents. Like every member of this House, I am appalled by the number of accidents, but I do not think this clause will bring about the desired results. The traffic police are able to deal with road hogs, and I believe a clause like this should deal with them, not with the man who occasionally travels at 55 miles an hour. It is wrong to place the onus on a defendant to prove that in the circumstances it was reasonable to exceed 50 miles an hour. That is contrary to all we believe in. In every prosecution the defendant should be proved guilty: he should not be made to prove his innocence. Although I support the second reading, I will oppose clause 5.

Mr. BYWATERS (Murray)—Although I support the second reading, I trust that the Bill will be tidied up in Committee. I believe clauses 3 and 4 are perfectly sound. Clause 3 permits fire fighters to use unregistered vehicles; this is desirable because it is necessary to use farm vehicles, which do not have to be registered unless they are taken on the road, in the event of a fire. I believe the clause that will enable primary producers to use tractors at a concession rate will benefit a number of fruitgrowers in my area who now travel from their orchards to packing sheds or pick-up points to dispose of their fruit, and it will benefit dairymen as well. I feel that clause 5, which has been debated fully, is not quite what is required. A speed limit of 50 miles an hour is too low, and the onus should not be on the individual to prove that he had a clear right-of-way and that his driving was not dangerous. We already have provisions against excessive speed. It is obvious that speed is becoming a killer, especially on main highways. Many serious accidents occur on the road between Murray Bridge and Tailem Bend and beyond, particularly on holidays. This causes much congestion in the local hospital, and in many cases death. Something should be done about speed, but speed alone has not been responsible for the death of many of our worthy citizens. Drunken driving is another major cause and I am not satisfied with the penalty applying for such an offence. It should be increased. I believe that on a first conviction a person's licence should be suspended for 12 months, and for a second offence for life. Some people who drink and drive have no thought for the safety of others, let alone their own safety. I support the second reading in the hope that some amendments will be made in Committee. If clause 5 is not amended I will oppose it.

Mr. QUIRKE (Burra)—I support the second reading with definite reservations on clause 5. I agree with much of what has been said in opposition to it. It provides that if a person drives at more than 50 miles an hour he is guilty of an offence, but it lists various defences. The defendant has to prove that it was safe to drive at 50 miles an hour having regard to the "nature, condition and use of the road." It could be a bitumen road, a country dirt road, a metal road or a road with a floating surface.

Mr. O'Halloran—Or a succession of potholes.

Mr. QUIRKE—Yes. The defendant has to prove that the road was safe. In certain circumstances a bitumen road can be unsafe at 10 miles an hour and a road with a floating surface at a curve can be unsafe at any speed. Who is to be the judge of whether a road was safe? Will the man's words be accepted or the prosecution's? Will the road be inspected to determine whether the defence is sound? The "nature, condition and use of the road" must be considered in relation to the amount of traffic that at the time was on the road and the amount of traffic that was reasonably likely to come upon it. In other words a defendant must anticipate what traffic is likely to come on the road. It can be reasonably said that traffic can come on to any road at any particular time and that could upset any defence. Regard must also be had to the nature and condition of the vehicle. I agree that some vehicles are not in a roadworthy condition and that lighter vehicles when driven at high speed will overturn if they get off a hard bitumen surface into the loose metal at the side of a road. The defendant must prove that it was safe for him to travel at a speed greater than 50 miles an hour in view of all those conditions and in view of all other relevant circumstances. What does "all other circumstances" mean? The clause is wide open. It would be virtually impossible for a man to provide a defence, so,

under those circumstances, why don't we make a definite speed limit? I would oppose a definite limit of 50 miles an hour because with a modern car 50 miles an hour is not unreasonable. We can never hope to legislate for fools. I agree that it would be wise to have more police patrols. We have an energetic constable at Clare who is concerned for the safety of the people. He is a fair man but if a person commits a breach of the Road Traffic Act he is brought before the court. We could do with a few more constables like him because there are many fools on the road and speed does kill.

Mr. O'Halloran—It does not always kill the fool.

Mr. QUIRKE—That is so. There are many causes of accidents. There are some drivers who stop a couple of chains over the top of a hill and following motorists, even if only doing 40 miles an hour, instinctively swing to the right to avoid that vehicle and frequently collide with approaching cars. Most members will recall a recent accident of that nature. How can we overcome the idiotic behaviour of the driver who becomes stationary in such a position? What about the truck driver who, so that he can see both ways, parks his truck right on the apex of a hill. To pass him a following vehicle must pull to the right. I encountered a truck so parked recently and I drove right up behind it until I could see over the hill. It was as well I did because a car was approaching rapidly from about five chains away. I would have had no hope had I driven past that truck. If we set a limit of 40 miles an hour these accidents would still happen. There are some drivers who travel at 45 miles an hour with the canvas showing on every tyre.

Mr. Geoffrey Clarke—Such a car would be unroadworthy. The police check vehicles for unroadworthiness.

Mr. QUIRKE—Not enough are being inspected by the police. What about hire-purchase companies which sell cars allegedly in sound condition but with the castellated nut on the front wheel held on with a loose nail? Is that an offence? What about dummied-up brakes on secondhand cars which become completely ineffective after a few miles running and a little use? Is that an offence? It is in other countries. All secondhand cars that are sold should bear a certificate of roadworthiness so that the purchasers won't risk their lives as soon as they drive on the road.

Mr. Geoffrey Clarke—A person can get a secondhand car examined.

Mr. QUIRKE—Yes, but examinations are compulsory in other countries. In some States of America when a person sells a secondhand car he must provide a certificate that the brakes are completely effective. A similar provision should apply here. In the majority of cases people do not even consider the hand brake when they purchase a car.

Mr. Geoffrey Clarke—The brakes of a new car might be out of order within a week.

Mr. QUIRKE—But in such a case a purchaser can return it, but let him try to return it to a secondhand dealer. Some cars are sold with faulty tubes which blow out at high speed. A person who sets himself up in business selling secondhand cars should be prepared to certify that the cars are sound. We should have legislation to that effect. We can go so far, but we cannot legislate for each individual case. I was a passenger in a car being driven by my son near Clare, and a vehicle full of young people passed us at probably 80 miles an hour. Our car was doing 60, but we were left for dead. The other car then slowed down and beckoned us to pass. We sat in behind, and it went off again and was deliberately rocked on the road. Drivers such as that should have their licences cancelled.

Mr. Fred Walsh—They should be placed under the Mental Defectives Act.

Mr. QUIRKE—Yes. The suitability of an applicant to hold a licence should always be considered. I doubt whether driving tests would reduce accidents greatly, for our accident rate is no greater than that in States that have compulsory driving tests. I am sure many motorists are not safe on the roads and should not hold a licence. I am not prepared to accept clause 5. I would much rather have an absolute speed limit, for I do not like placing the onus of proof on the motorist. A modern car can be driven safely at over 50 miles an hour, but even competent drivers cannot foresee every hazard, so we shall always have accidents. The member for Stuart has an amendment on the file for a speed limit of 60 miles an hour, and that is fast enough for anyone. I will vote for the second reading, but if clause 5 is not amended I will vote against it.

Mr. LOVEDAY (Whyalla)—I support the second reading, but I am not satisfied with clause 5, for it does not do what it sets out to do. I agree with other members that the intention of the clause is to secure convictions more easily with a view to reducing the toll on our roads, but it will not have that result.

I think that most accidents result from certain circumstances rather than from speed alone. In the last issue of the *Sunday Mail* three coroners expressed doubts on clause 5, and from my experience of driving on country roads I think that most people travel at between 50 and 60 miles an hour. If there are no hazardous circumstances a modern car can be driven safely at that speed. Most accidents occur because the drivers are not sufficiently experienced or trained in anticipating dangerous situations, and if they are travelling quickly the accident is more serious. If we had more traffic police on country roads those who often ignore ordinary safety precautions would drive more safely, and the dangerous activities of the road hog would be curbed.

Our roads would be much safer if drivers concentrated their attention on driving and had a greater knowledge of what constitutes a dangerous situation. Such drivers are rarely concerned in accidents if their vehicles are in sound condition, and if they do have an accident it is usually the other fellow's fault. We should ensure that motorists are well trained in driving vehicles. We have been told that as many accidents occur in countries that have driving tests as in those with no driving tests, but I question the nature of many driving tests. They should be comprehensive and embody training to ensure that drivers know how to meet dangerous situations and exercise foresight on the roads. Those who know anything about training for flying will recall that a Link trainer is used to simulate actual flying conditions, and I doubt whether the training of motorists has been approached from that angle.

Clause 5 will put a driver in a position where his opinion will be placed against the opinion of the police, and the decision will also be a matter of opinion. The onus will be placed on the defendant, but instead of reducing accidents it will be only a source of irritation and expense to motorists generally without achieving its main objective. I am sure all members want to reduce the toll of the roads, but we should approach this subject from a different angle. I am satisfied that the high accident rate is not the result of speed alone, but often of speed associated with other circumstances. In Committee I will oppose clause 5, but I am satisfied with the rest of the Bill.

Mr. FRED WALSH (West Torrens)—I support the second reading. I was pleased to hear the following remarks of the member for Burnside (Mr. Geoffrey Clarke), who is chairman of the State Traffic Committee:—

It is the unanimous view of the committee that sooner or later—and sooner for preference—the Road Traffic Act should be re-written, not because it has many deficiencies compared with traffic legislation in other parts of the world, but because it needs re-sorting and re-classifying and the relevant paragraphs put in better order.

That shows that the committee believes the Act should be re-written, and it seems strange that in almost every session we get a Bill to amend the Act in the dying stages of the session, so that members generally do not have an opportunity to study the effects of the Bill before they speak. Sometimes it is passed hurriedly, though I cannot say that on this occasion we have not had sufficient time, for we are not so rushed with business as we usually are at this time of the year. I do not think any member who has spoken has supported clause 5, though some members have more or less indicated support by interjection. The great number of serious road accidents greatly perturbs all members. They are caused by a number of factors, such as speed in association with certain circumstances, and this was referred to by the member for Whyalla. Other causes that have been put forward are drunken driving, gross carelessness, and deliberate non-observance of the ordinary rules of the road and common courtesy.

Mr. Geoffrey Clarke—Speed is the biggest single cause of fatalities on country roads.

Mr. FRED WALSH—Perhaps, but I have mentioned other important factors. Road courtesy and the ordinary rules of the road should be observed at all times, and many taxi drivers are the biggest offenders in this respect, though they are under the direct control of an authority.

Mr. Geoffrey Clarke—That is admitted, but speed is the biggest killer on country roads.

Mr. FRED WALSH—I heard the honourable member before. I agree with him up to a point, but it is all due to the circumstances. Speed makes accidents more serious, and I think that is where the honourable member is being led astray in his enthusiasm for speed control. A newspaper article shows that 98 persons were killed in the metropolitan area and 102 in the country in fatal accidents in the year ended June 30, 1958. It said that although the country death rate was slightly higher the number of accidents involving death or injury in the country was only about half the number in the metropolitan area. The

police figures showed 2,822 metropolitan accidents and 1,550 country.

Mr. Geoffrey Clarke—The figures include trivial reportable accidents.

Mr. FRED WALSH—Of course the accidents were not itemized. Another cause of accidents is the confused interpretation of the law. Because of their lack of understanding of the English language, new Australians are unable to follow our laws. They do not intend to be lawbreakers, but they have difficulty in interpreting the laws. As a matter of fact, a number of Australians cannot understand them. Mr. Loveday referred to education. I have driven a motor vehicle for over 30 years and done a considerable amount of country driving, so I know the effect of speed on accidents. Driving tests would help to teach people the elementary knowledge required in handling vehicles.

Mr. Loveday—They should be thorough tests.

Mr. FRED WALSH—Yes. I do not suggest merely the asking of a few questions. The person who has held a licence for some time and has not been involved in an accident should not have to undergo a test. From time to time the police provide facilities for providing that vehicles are roadworthy. Of course, this entails expense, and a number of people give some of their time in assisting the police. We could extend this to instituting a check on the drivers themselves. The condition of roads is another important factor in accidents. On some suburban roads it is difficult to drive safely at more than 25 miles an hour, but where conditions are satisfactory why keep the driver down to 50? I do not support the onus of proof being thrown upon the person charged. The basis of British justice is to throw the onus of proving the charge on to the people making it. Only in the last 25 years has the opposite practice been brought into Commonwealth law, and unfortunately it has been included in some of our industrial law. The Opposition will not agree to anything but the ordinary principles of British justice. To have anything else would be a retrograde step. I can remember that when I was a boy the Adelaide Corporation steamrollers always had a man walking in front waving a red flag. I do not know whether it was done to stop the drivers from travelling too quickly, but we boys used to get great fun from walking in front of the rollers. I read the other day that in Paris in 1869 a horseless vehicle travelled at 2½ miles an hour. Do we want to get back to those days?

Mr. Millhouse said that we should have only the provision dealing with persons driving to the danger of the public, and I agree. The breaking down of the speed limit to 35 miles an hour in built-up areas has not reduced the number of accidents. Despite that permissible speed, a driver could go down Rundle Street at 20 to 25 miles an hour and still be driving to the danger of the public. Of course, the sensible person would not drive to the danger of anyone else. He would be as anxious to look after his own safety as the safety of other people. I would support Mr. Riches' move, but there are still objections to a speed limit, even if it is fixed at 60 miles an hour. I would never agree to the onus of proof being thrown on the person charged. Let us consider what happens sometimes on our country roads. The Gawler Road is narrow and three vehicles cannot safely travel abreast, but attempts are made to do it. When returning from trotting or race meetings at Gawler one driver will speed up without regard for the long stream of vehicles ahead of him, which may be travelling at 35 to 40 miles an hour. He will suddenly see a car approaching him and he will dart back into the long line of traffic, and this causes chain collisions when brakes are applied hurriedly. In this matter the police are missing out. Almost every Saturday people pass through the built-up area of Elizabeth at more than 35 miles an hour, and many get away with it. Accidents will continue whatever is done, but if something of a practical nature could be submitted to reduce the number of accidents I would be the first to support it. I do not think Mr. Riches' move will effect much improvement. In principle I subscribe to the other provisions in the Bill, but I want to mention zebra crossings. When they were first proposed I suggested the use of flashing lights, but Mr. Geoffrey Clarke, the chairman of the State Traffic Committee, laughed at it.

Mr. Geoffrey Clarke—No.

Mr. FRED WALSH—That is the impression I gained from the reception of my remarks. Now everybody supports flashing lights at zebra crossings.

Mr. Geoffrey Clarke—I had not the slightest intention of laughing at your suggestion. I think it may have had something to do with the adoption of signs like "walking feet."

Mr. FRED WALSH—That came afterwards. To control zebra crossings in a practical way, there must be flashing lights worked on a cycle, and these crossings should

be placed only where they are absolutely necessary. While lights are flashing, vehicles must not go over the crossings under any circumstances and pedestrians will know they can proceed safely, whereas they now hesitate. We have heard a fanfare over the Grote Street crossing. I admit that it is good as far as it goes, but I believe it should have been placed 100 yards further down Grote Street because, with the volume of traffic we can expect in that street, vehicles will bank up and interfere with traffic at the King William Street intersection. It would have been better to install it further down Grote Street and have flashing lights working on a cycle. Yesterday I stopped at that crossing to allow pedestrians to cross, and another car stopped behind me, but a utility truck raced past us travelling at least 35 miles an hour. Two old ladies about to leave the refuge in the centre of the road were greatly shocked. At certain times of the day, particularly on Tuesdays and Fridays, when there is a big volume of traffic in that area, a policeman should be stationed there, and action taken against any motorist who goes over the crossing and endangers pedestrians. It is not always the private motorist who offends, but the employee who is in a hurry to do his work and does not worry about pedestrians.

I am concerned about the action of the City Council in permitting U turns and right-hand turns in King William Street. Probably my opinions are not worth much to the Council, because all knowledge is supposed to be concentrated there, but I suggest that there should be no U turns or right-hand turns from King William Street into Rundle, Hindley, Grenfell, Currie, Pirie or Waymouth Streets at any time of the day. I will exclude North Terrace, because if turns were prevented into it there could perhaps be some difficulty. If it is proper to stop right-hand turns at peak periods surely it is proper to stop them all day. Motorists would re-route their journeys if they were not permitted to turn, and they would not be inconvenienced. I know that under the council's new proposals, to take effect when tramway poles are removed, U turns will be eliminated, but in addition I feel that right-hand turns should not be permitted into the streets I have mentioned. Apart from these criticisms, I support the second reading.

Mr. GOLDNEY (Gouger)—In common with other members, I oppose clause 5. With a speed limit of 50 miles an hour an army of police officers will be needed to make it effective, or the unlucky few will be prosecuted and the bulk of offenders will escape. When we had tramcars in the city, the law provided for a speed limit of 6 miles an hour past a stationary tram that was picking up or putting down passengers. In certain circumstances that limit was ridiculous, and at other times, when a number of people were getting on or off trams, vehicles should have stopped. The Act provides a 35 miles an hour limit in built-up areas, which is generally observed by motorists, although I have had the experience when travelling at 35 miles an hour along the Main North Road at Enfield of being passed by vehicles travelling at more than 40. Just because there were no police about they escaped prosecution. I believe a great deal depends on motorists' sense of judgment. Despite what the chairman of the Traffic Committee said about accidents in the country and the city, often serious accidents in the country happen to people driving out from the city. Of course, that cuts both ways, because some country people are involved in accidents in the city.

Yesterday's press reports an accident on the South Road on Sunday morning in which two people who were crossing the road were killed. Police officers came to the scene to investigate and stood on the road to make an examination. They took reasonable precautions by shining the lights of their own car on the vehicle concerned in the accident, yet another motorist crashed into them, seriously injuring two people. How can we deal with such things? It is not fair to enable the police to apprehend any motorist doing more than 50 miles an hour and make him establish that his speed was not dangerous to the public. I object strongly to this clause, and if an amendment is moved that will overcome the difficulty, I will support it. I support the second reading.

Mr. STEPHENS (Port Adelaide)—I support the second reading. I believe 50 miles an hour is fast enough.

Mr. Hambour—Don't you go faster?

Mr. STEPHENS—I do not think anyone should want to go faster. If people are permitted to do 50, before long some will want to do 70 or 80. Only a few years ago the speed limit was 35 miles an hour, but everybody managed. If people who drove fast were endangering only their own lives, I would say that we should let them go, because the sooner they killed themselves and got off the road the safer it would be for other people. It

may be safe to do 50 or 60 miles an hour if nothing goes wrong, but if a blow-out occurs at that speed some unfortunate person may be crippled.

Mr. Goldney—Don't safety wheels deal with that?

Mr. STEPHENS—I do not care about that. Some years ago there were different speed limits all over Australia, and on a trip between Adelaide and Port Adelaide five different speed limits applied. I moved an amendment to the law to provide for one limit of 35 miles an hour. The Premier accepted it, it was carried, and I do not think there have been any complaints about it since. I think 50 miles an hour is quite fast enough for anyone to travel in the country. One member said that he is often passed by vehicles when he is doing this speed. What chance would he have if the passing vehicle had a blowout? We should not forget that if we make the speed 50 miles an hour it will mean 60 to some people. I support this clause. A speed limit of 50 miles an hour will make our roads safer. We should penalize the person who drives at a dangerous speed because most police officers say that 75 per cent of our road accidents are caused through speed.

A number of accidents have been caused by heavy vehicles with inadequate braking power. Many 30 or 40 ton vehicles are equipped with a braking power for that load, but when a 20 or 30 ton trailer is attached there is not sufficient braking power and accidents happen. Something should be done about that. It is the responsibility of all members to ensure that our roads are made safe, but if we permit greater speeds than 50 miles an hour I hope that when the next accident occurs through excessive speed the members who oppose a limit will appreciate their responsibility. I support the Bill.

Mr. SHANNON (Onkaparinga)—My experience has proved that it is difficult to save people from their own folly by Act of Parliament. If clause 5 were a means of preventing road deaths I would support it. I do not gainsay the virtue of the State Traffic Committee's recommendations, but I point out to the chairman of that committee that a well-informed man recently told me that if we incorporate a specific speed limit in our legislation that speed will become the normal.

Mr. Stephens—It will become the minimum.

Mr. SHANNON—No, it will become the normal speed for the average driver because his attitude will be that the Act permits him to drive at that speed without any penalty accruing to him. There are occasions when 50 miles an hour is dangerous even in open country, particularly in undulating country where a person speeding over a hill has no opportunity to avoid oncoming traffic. To making it illegal to drive at 50 miles in country areas if a person cannot prove he is not taking unnecessary risks or creating hazards for other road users will not reduce our road toll. This clause will lead to much litigation. Many motorists who are apprehended as the result of an accident will have a more difficult task in proving that they were not driving dangerously, and many motorists will be brought before the court even though they were not involved in an accident. They will have to prove that it was safe for them to drive at the speed they were doing and that there were no other vehicles on the road and that there was no danger. The court will have to decide, not only on the veracity of the witness but on the policeman's evidence, whether there was a risk, and the tendency is for the court to accept the judgment of an experienced police officer. I think that a number of people will be unnecessarily dragged to court.

I was also told recently that if we apply a speed limit of 50 miles an hour many people who at present drive at 40 miles an hour will increase their speed to that limit. Whereas they may be quite competent at 40 miles an hour at **50 miles an hour they** may tend to lose confidence and more accidents will result. I am a little stumped for an alternative to this clause. I do not know how we can reduce the loss of life on our roads. I think we would require more traffic police, and we would have to face up to the cost involved. There is an economic loss on our roads now through the death of so many of our young men who are potential bread winners, so possibly we would be justified in using more police.

On my way to the city I pass several schools and I frequently notice that at the approach to a school some motorists pass other vehicles that have slowed down to 10 or 12 miles an hour. A motorist may not be travelling at more than the permitted speed of 15 miles an hour when he overtakes, but he creates a hazard. If children are crossing the road they cannot see overtaking traffic because their view is obscured by the leading vehicle in a line of traffic and, by the same token, the overtaking driver cannot see the children until too late. I would prohibit a vehicle from passing another on approaching a school site. I class children with cows as a hazard to motorists. Children are inexperienced and we

should legislate for their safety by prohibiting this practice. Whatever we do we shall still have road accidents. No law we pass will stop the road hog.

Mr. RALSTON (Mount Gambier)—I draw attention to clause 3, which amends section 7 of the Road Traffic Act by inserting the following subsection:—

(7) A motor vehicle may be driven on any road without registration—

(*a*) while carrying persons or fire-fighting equipment to or from any place for the purpose of preventing, controlling or extinguishing a fire; or

(*b*) in the course of training members of a fire-fighting organization or for transporting such members to or from such training; or

(*c*) for the purpose of taking measures for preventing, controlling or extingnishing fires.

In this subsection "fire" includes a bush fire and any other fire dangerous or threatening to life or property.

That allows a motor vehicle to be driven on a road even if it is not registered, but one of the most serious offences under the Act is driving a motor vehicle on a public road if it is unregistered and uninsured. The clause does not mention anything about a vehicle being uninsured. The motor vehicles that will be covered by this clause are usually kept on private property, and an owner might consider he had a right to go on a road when his vehicle was not insured, but he would be liable for substantial damages if he were involved in an accident. If the clause is to remain and an owner is liable in case of accident that should be clearly stated.

Clause 5 places the onus of proving he was not guilty of an offence on the driver if he travels at over 50 miles an hour, and this is a serious departure from the general principle of British justice that everyone is innocent until proved guilty. The police have ample opportunity of proving a defendant guilty under other sections, such as in cases of dangerous driving, and I am opposed to putting the onus of proof on the defendant just on an assertion by the police.

Mr. CORCORAN (Millicent)—I am just as concerned as other members at the terrific toll of the road. Many lives are lost as a result of road accidents, and I am eager to support anything that will reduce the number of accidents, but I have not been encouraged by the tone of the debate. The member for Onkaparinga said, in effect, that it does not matter one iota what the speed limit is, that the human element is the main cause of accidents, and I am inclined to agree with him. However, we must start somewhere in an effort to reduce accidents. One honourable member said that many motorists do not always heed traffic lights, but what can we do about them? We must realize that the greater the speed at which a vehicle is driven the greater is the force of impact if an accident occurs. If clause 5 will result in reducing the death toll we must give it serious consideration. The world is in a hurry, but that does not get people anywhere.

Mr. O'Halloran—Many hurry to their own funerals.

Mr. CORCORAN—I agree. One of the United States of America lowered the speed limit, and it was established that as a result the death rate was reduced. I do not like placing the onus on the motorist to prove he was not driving dangerously, for people should always be considered innocent until proved guilty, but what should we do to reduce the number of accidents? I am demoralized by the tone of the debate and the hopelessness of the whole thing. We seem to be grappling with something concerning the human element, but how are we going to solve the problem? We cannot imbue common sense into those who have not got it, but have driving licences.

Perhaps an increase in the number of motor traffic constables would help, but we cannot get them anywhere. Traffic police must be trained in their work, but I think if we had more of them on country roads the number of accidents would be reduced. I agree with the member for Barossa that heavy vehicles parked just over the brow of a hill are a menace, and this practice should be prohibited. I shall be pleased if any member can put forward better suggestions to reduce traffic accidents than we have heard so far. We should pass clause 5, but delete the provision about the onus of proof. That clause was introduced as a result of questions asked in this House firstly by the Leader of the Opposition, and it is generally agreed that speed is the main killer on country roads. I was once a passenger in a motor car travelling at over 70 miles an hour, and I warned the driver that if he did not reduce the speed by at least 20 miles an hour I would get out. I wanted to arrive at my destination intact instead of in a box. We should reduce the speed limit and try to inculcate into the minds of motorists some sense of responsibility when they get behind the wheel.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Speed outside municipalities and towns."

Mr. O'HALLORAN—From the debate on the second reading I gathered that this clause would be subjected to a determined assault, but I defend it. I am not entirely happy with it, but I see no alternative. After all, it is the result of an investigation by the State Traffic Committee.

Mr. Geoffrey Clarke—It was a unanimous recommendation of the committee.

Mr. O'HALLORAN—Then we must have some regard for that recommendation. No member is more opposed to placing the onus of proof on a defendant than I am, but in this case the onus is not placed entirely on the defendant, for the proviso sets out a defence that can be used.

Mr. Stott—But he has to appear in a court.

Mr. O'HALLORAN—Why? I see no reason why the police should bring him before a court just for the court to decide whether a speed of over 50 miles an hour was dangerous in the circumstances.

Mr. Stott—How does he defend this action?

Mr. O'HALLORAN—In the same way as other people defend an action when taken to the court. I have complete confidence in the police force and I do not think they would bring people to court just because they were travelling at more than 50 miles an hour on a country road.

Mr. Geoffrey Clarke—They would not get a conviction.

Mr. O'HALLORAN—That is so.

Mr. Stott—Why put it in?

Mr. O'HALLORAN—It is apparent that the honourable member does not understand the proviso. If it is taken out there will be an absolute limit of 50 miles an hour. Does Mr. Stott subscribe to that? The only alternative is to raise the limit to 60 miles.

Mr. Geoffrey Clarke—Or have none at all.

Mr. O'HALLORAN—That is so. Earlier I said I had some regard for an absolute speed limit, but dangers are associated with it. If it is 60 miles an hour every driver will travel at that speed, but very few roads warrant such a speed continuously. There are all sorts of hazards to contend with. In my electorate there are more traps for young and old players than in any other part of the Commonwealth. A driver can be travelling at 40 miles an hour on the gibber plain between Marree and Farina and then suddenly come across bull dust, where the loose surface is 18in. deep. Under the present law any speed in excess of 40 miles an hour is *prima facie* evidence only that the defendant was travelling at a speed dangerous to the public, but the onus is on the court to consider all the aspects of the matter.

If it is satisfied that a case has been established by the police the defendant is punished, but, on the other hand, if it is not established the defendant is acquitted. We propose to increase the speed limit by 10 miles an hour and make it a little more difficult for the defendant to prove his innocence. In effect he must show that the speed in excess of 50 miles an hour was not dangerous under the circumstances. We have to consider as alternatives whether we should throw out the onus of proof provision, or whether we should accept a fixed limit of 60 miles an hour. I think the evidence is in favour of the clause as drafted. It is an improvement on the present position.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—Members have expressed much doubt about the recommendation of the State Traffic Committee. There will always be difficulties about a speed limit. In my electorate, and that of the member for Onkaparinga, a limit of 50 miles an hour would be far too high. In some places it would be impossible to keep on the road at 40 miles an hour. When we talk about 50 miles an hour we have in mind an open country road where for two or three miles ahead the road is clear, but unfortunately the law must apply to all roads. I draw attention to the following report in this afternoon's *News* of statements by Inspector Vogelesang, under the heading "He Fights Against Road Toll":—

The difficulties of cutting the road toll are as complex as human nature itself. He produced some grim figures, like the 37 motorists killed as a direct result of excessive speed in the past year. He says some of them might still have been alive if they had realized that the average driver's reaction time in an emergency is a second. In that time, a car travelling at 30 miles an hour will have covered 45ft.

At 60 miles an hour it is 90ft. In a matter like this we must consider alternatives, and Mr. O'Halloran has mentioned some. My alternatives are these. We could drop the clause altogether and go back to the present unsatisfactory law. The State Traffic Committee, on which the Royal Automobile Association is represented, has suggested the proposed alteration to a law that undoubtedly has broken down. Following on a question by Mr.

O'Halloran I referred the matter to the State Traffic Committee, which unanimously recommended that the present law be altered. Mr. Riches suggests a limit of 60 miles an hour but that would mean that there could be no successful prosecution unless the person charged travelled at 65 miles an hour, which would be a suicidal speed on many of our hills roads. It could be justified only on long stretches of open country roads. If that speed were fixed every goat would want to travel at 60 miles an hour. I would not support such a move. It is not permitted in any other State. We could make the speed limit 55 miles an hour, which would come near to what Mr. Riches proposes. The police must have a slight margin before a prosecution can be successful. I do not like Mr. Riches' proposal very much. Although it would be preferable to the present law, it would be better to have a provision to the effect that no prosecution could be launched under this clause without the certificate of the Commissioner of Police. This would mean that a prosecution would be launched only where there was some justification.

This type of provision is in a number of Acts, and ensures that the law will not be used frivolously. If it were inserted in this clause it would meet many of the objections raised by members. I think the present law is unsatisfactory, but I think it is better than the 60 miles an hour limit proposed by the member for Stuart, because no matter how capable a driver is, he will immediately assume he can travel at 60 miles an hour under any circumstances on a country road. I prefer the present clause with a proviso that a prosecution shall not be undertaken except on the certificate of the Commissioner. My second preference is an absolute limit of 55 miles an hour, but I do not like that much because of the great differences in our roads. If a motorist tried to travel at that speed on roads in my district he would soon have an accident. The Government would be prepared to accept an amendment to provide that a prosecution under this clause could be launched only on the certificate of the Commissioner. This would mean that no prosecution would be lightly undertaken and that only the motorist who was driving to the danger of the public would be prosecuted. I think this would be the best solution of one of the most difficult problems we have had before us this session.

Mr. RICHES—I move—

To delete "fifty" with a view to inserting "sixty."

I agree with much that the Premier said, but I think he had his priorities wrong. I think the best provision is that contained in my amendment. The Premier suggested that a limit of 60 miles an hour would encourage everyone to drive at that speed in all circumstances, but that is unrealistic; it would not be exceeded more often than is the present 35 miles an hour limit in built-up areas. Few people drive over that speed across intersections, for they know it is an absolute limit and if they exceed it they can be prosecuted, but they realize, too, that other provisions deal with other circumstances. It seems that the Premier is more concerned with what happens in the court after accidents occur than with preventing them and getting motorists to observe the law. If that is the aim of the Traffic Committee I believe there is much merit in what the Premier has put. However, I thought that committee's aim was to prevent excessive speed on the road, particularly as it sometimes causes death. Usually, if no other vehicle is involved no court action is taken, and the driver has virtually committed suicide because of his speed. Now the Premier has given the interpretation that there will be no action unless an accident happens.

The Hon. Sir Thomas Playford—I did not say that.

Mr. RICHES—Under what circumstances would a prosecution be launched?

The Hon. Sir Thomas Playford—When a speed over 50 miles an hour is a danger to the public.

Mr. RICHES—In whose opinion?

The Hon. Sir Thomas Playford—The Commissioner's.

Mr. RICHES—Is there anything more ridiculous than that? The sky will be the limit, but if there is no accident how can there be a prosecution?

The Hon. Sir Thomas Playford—If you try it you will find out.

Mr. RICHES—If there is no accident how can there be a case? We have a limit of 35 miles an hour in built-up areas, and I am trying to get a speed limit on country roads. If we have a definite limit it will be easier to obtain a conviction, and with a limit of 60 miles an hour the motorist will know where he stands, and so will the police and the courts. Why has there never been a prosecution under the existing law for exceeding 40 miles an hour? I suggest it is for the same reason that the 50 mile an hour limit will not be observed.

Mr. Millhouse—But if you compare the provisions of section 43 with this clause, you will see that the onus is around the other way.

Mr. RICHES—I have considered that, and I have heard the Premier say that no prosecution will be launched without the certificate of the Commissioner of Police, which I do not think will be given unless there is an accident.

The Hon. Sir Thomas Playford—That is not right.

Mr. RICHES—Then under what circumstances would a prosecution be launched? I think everyone would have a good chance of getting out of a charge under this clause if no accident happened, and I do not think it will bring about a reduction in speed. I think a reasonable provision that could be understood by motorists, the police, and the courts would be the most likely to be effective. If I felt that the clause as it stands would reduce speed, I would support it, but I do not think it would do anything except make it easier to launch a prosecution after an accident.

The Hon. Sir THOMAS PLAYFORD—In the first place I did not say there would be no prosecution unless an accident occurred. Of the number of breaches of the Act reported every day, 50 per cent are never prosecuted. Offences reported concern all types of minor breaches, some inadvertent, and some that do not endanger the public. They are all reported by the police and are examined by a special committee, which decides their seriousness. In some instances the committee decides the breach is serious enough to warrant a prosecution, in some it feels that a caution should be given, and in others it decides that if the person concerned attends the police driving school, he will not be prosecuted. Every offender is not prosecuted; I believe some of the best work done by the police has been done by its courtesy squads which, observing a breach of the law, pull up the driver and ask him whether he realizes he has broken the law. This has had a great effect not only in promoting safety, but in obtaining courtesy. A provision of the type I mentioned is not new; a similar provision is incorporated in the Early Closing Act, under which prosecutions cannot be undertaken except with the approval of the Minister of Industry. The Minister examines every case to determine whether there is cause for prosecution.

Mr. Fred Walsh—But the onus of proof of a breach of law is on the prosecution under that Act.

The Hon. Sir THOMAS PLAYFORD—The onus is on the prosecution to prove a breach under this clause.

Members interjecting—No.

The Hon. Sir THOMAS PLAYFORD—The breach of the law is travelling at a speed in excess of 50 miles an hour and the police have to prove that a person has travelled at more than that speed. The defendant is provided with a defence, notwithstanding the breach, if he can show that his speed did not occasion any danger to the public.

Mr. Riches—Under what circumstances could a motorist be prosecuted?

The Hon. Sir THOMAS PLAYFORD—When this provision was objected to I looked for an alternative. There are all manner of situations. For instance, there may be an open road for half a mile with an uninterrupted vision and no intersections. The type of brakes on a vehicle must be considered. A vehicle with bad brakes would undoubtedly be dangerous to the public if travelling at 50 miles an hour.

Mr. Riches—You wouldn't catch up with that until after an accident.

The Hon. Sir THOMAS PLAYFORD—If the police have reason to suspect that a vehicle is unroadworthy and it is travelling at more than 50 miles an hour they can stop it. The honourable member might just as well say that we could not catch up with a vehicle with faulty brakes, under the Act, unless there were an accident. This clause will apply not only on straight roads, but on hills and curved roads. Obviously, on curved roads 50 miles an hour would be excessive. To meet members' objections I am prepared to insert the following words in the clause:—

A complaint for an offence against this section shall not be laid except with the consent of the Commissioner of Police. An apparently genuine document purporting to be signed by the Commissioner of Police and to give consent to the laying of the specified complaint shall be *prima facie* evidence that such consent has been given.

In other words, before a prosecution would be made, the Commissioner would require the police officers to submit to him all the evidence they had that a person was travelling at more than 50 miles an hour and that that speed was dangerous to the public under the circumstances.

Mr. Riches—If they could not prove it was dangerous to the public a person could travel at 70 or 80.

The Hon. Sir THOMAS PLAYFORD—The honourable member is suggesting that the

minimum of 50 miles an hour at which police could take action should be increased.

Mr. Riches—I am suggesting that 60 should be the upper limit.

The Hon. Sir THOMAS PLAYFORD—If the honourable member wants to provide a specific speed limit I will be happy to consider it, but not at the expense of these provisions. Under this clause the police can prosecute if the speed is more than 50 miles an hour and it is dangerous to the public.

Mr. Riches—My amendment is that the police can prosecute if the speed is more than 60, without any proviso.

The Hon. Sir THOMAS PLAYFORD—But they could not prosecute at 50.

Mr. Riches—It would all depend on whether it was dangerous driving.

The Hon. Sir THOMAS PLAYFORD—I am not prepared to accept the honourable member's amendment because it would encourage people to travel at excessive speeds. At present many people from the metropolitan area, unfamiliar with hills roads, travel at excessive speed in my district at the weekend. The honourable member's amendment would lead to unnecessary accidents, many of which would be fatal, if applied to any of the country roads I use in the normal course of my daily travel. I will not have a bar of the amendment. If members are interested in providing that all prosecutions must be subject to analysis by the Commissioner before they are undertaken, I will consider such a provision.

Mr. LAUCKE—I am adamant in my opposition to this clause in its present form. It is impractical and unrealistic to expect a 50 mile an hour limit to be observed on open country roads. Reference has been made to the impracticability of high speed on certain roads, but I refer members to section 120 of the Act, which states:—

If any person drives or rides any vehicle or animal or walks on a road without due care or attention or without reasonable consideration for other persons using the road he shall be guilty of an offence.

That adequately caters for careless driving, having in mind, I take it, the type of road. An open country road is different from a winding hills road.

The Hon. Sir Thomas Playford—I have never heard of a definition of "open country road." They are classified either as roads in built-up areas or as country roads.

Mr. LAUCKE—A driver might be careless in travelling at 30 miles an hour on certain country roads and yet be perfectly safe when travelling at 60 on others. Section 121 of the Act states:—

If any person drives or rides any vehicle or animal on a road recklessly or at a speed or in a manner which is dangerous to the public he shall be guilty of an offence.

That obviously covers reckless driving. One of our proudest boasts is that in all cases a man is innocent until proved guilty, and this should be maintained at all times because it is the basis of British justice. I think the onus should be on the plaintiff, not on the defendant. I do not like it, because if this sort of provision creeps generally into our laws it will be most retrogressive.

The Hon. Sir Thomas Playford—We are providing a defence for the defendant.

Mr. LAUCKE—He is guilty until he proves his innocence.

The Hon. Sir Thomas Playford—He is guilty if he drives at more than 50 miles an hour; all he has to do is not drive at 50 miles an hour, and then he does not have to prove anything.

Mr. LAUCKE—The suggestion of referring proposed prosecutions to the Commissioner is, in my opinion, a good one, because it will overcome the possibility of an over-zealous police officer laying charges on grounds insufficient to sustain them. I am as conscious of the dangers of the road as any member of this august House, and I have no desire to be a party to adding to those dangers, but I cannot for the life of me see how we should or could hold back modern cars to 50 miles an hour which are at that speed not unsafe to the driver or to the public generally.

The Hon. Sir Thomas Playford—Last year 39 deaths were due to excessive speed.

Mr. Millhouse—We don't know what that excessive speed was.

Mr. Quirke—It could have been 30 miles an hour.

Mr. LAUCKE—We must not intrude unduly on the rights and liberties of individuals, and a limit of 50 miles an hour would not be reasonable.

The Hon. Sir Thomas Playford—I think it is now on every Statute Book in the Commonwealth, except in South Australia.

Mr. LAUCKE—I can see no virtue in the member for Stuart's amendment providing for a 60 miles an hour limit with no provisos, because conditions differ greatly. The driver must adjust his speed to conditions, and a limit of 60 miles an hour without any proviso, in my opinion, would be wrong.

Mr. Bywaters—If your tyres blew out at 60 miles an hour you would not have much hope.

Mr. LAUCKE—Until this clause is clarified, I will oppose it.

Mr. HAMBOUR—What will the clause do that the present law cannot do? Section 120 of the Act deals with driving without due care. I have seen many road traffic summonses, and most of them cite that section because the police find it the easiest of all charges to sheet home. Section 121 refers to driving recklessly or at a speed or in a manner dangerous to the public. With those two sections in the Act what more can the police want to launch prosecutions? Last month they obtained a conviction against a man who was travelling at two miles an hour.

Mr. Quirke—When he should have been standing still.

Mr. HAMBOUR—He was still in first gear and had only moved 7ft., and he was convicted for failing to put out his hand. I was interested in the Premier's suggested amendment. It would please me if a little more care were taken before prosecutions were launched. I was unaware, and I am still not convinced, that all road traffic offences go before a committee. During the second reading debate I said that prosecutions were launched by remote control. In the first place a report is sent in by the local constable. I have no fault to find with that procedure; he sends in the facts as given to him by the parties involved. He sends the report to the inspector or superintendent, who decides what shall be done. I have no fault to find with that, provided that the circumstances are thoroughly investigated and the blame is put on the person responsible for the accident. I am convinced that the police prosecuted one man who was the less guilty party. He was guilty all right, but the other person was the greater offender. How can the police decide these things 70 miles away without witnessing the accident or inspecting the scene of the accident?

Mr. Jenkins—The court decides.

Mr. HAMBOUR—The court does not launch prosecutions. My argument is that both parties should have been prosecuted, one for passing on the left. The man who was prosecuted was charged with failing to put his hand out 100ft. before making a turn. In fact, he put his hand out from a stationary start, yet he was the man who was prosecuted and convicted, and the other man who was travelling at high speed on his left was not prosecuted. I know of a parish priest who has had four convictions under the Road Traffic Act, and on each occasion his speed did not exceed 10 miles per hour. This clause sets a maximum speed of 50 miles an hour and provides a defence under certain circumstances, but how are we going to detect the offender? I believe the police, under sections 120 and 121, have unlimited power, yet what do we find? I repeatedly have to drive home against race traffic crowds, who travel two abreast, and that is where the traffic police should be. If they were there they could obtain a dozen convictions. Every member who has spoken on this Bill has said it is necessary to curb the road hog's practices. I think every member in the House would say that the number of traffic police should be increased. Under sections 120 and 121 the police can go anywhere in the State and "pinch" anybody for driving recklessly or without due care. What more is necessary? Do we wish to penalize the innocent person who is coasting along at 60 miles an hour on a 24-ft. sealed road, of which we have straight sections of 10 miles on the northern roads?

Last year a young man from the member for Burra's district was killed, and there was no-one near him. The explanation was that three people were riding in the front seat, and as he came to take a turn he could not get his wheel around. If a man is killed, this clause avails him nothing. The Premier says the present law is no good, but I disagree. The new clause provides for a speed limit of 50 miles an hour. It is to be presumed that there would be no danger to anyone else. A speed limit of 60 miles an hour is useless within 25 miles of the metropolitan area.

Mr. Riches—So is 50.

Mr. HAMBOUR—Exactly. What a monotonous trip it would be to travel to the South-East with a limit of 50 miles an hour. Have the police sufficient powers under the present law to deal with dangerous driving? If they cannot deal with the present position there are not sufficient of them.

Mr. HEASLIP—I have heard no explanation to induce me to change my mind on the proposal. Section 43 of the Act provides:—

(1) Any person who drives a motor vehicle on any road at an excessive speed shall be guilty of an offence.

(2) It shall be *prima facie* proof only that a person has driven at excessive speed if it is proved that he drove on a road—

(*a*) in a municipality, town or township at a greater speed than 25 miles an hour; or

(*b*) outside a municipality, town or township at a greater speed than 40 miles an hour.

Under certain circumstances, any speed above 40 miles an hour would be considered excessive. The section also provides:—

(4) In considering whether an offence has been committed under this section the court shall have regard to the nature, condition, and use of the road upon which the offence is alleged to have been committed and to the amount of traffic which at the time actually is or which might reasonably be expected to be upon such road and to the vehicle concerned, and to all other circumstances affecting the matter, whether of the same nature as those mentioned or not.

The police now have power to convict if anyone travels at more than 40 miles an hour. The clause proposes to increase the maximum speed to 50 miles an hour, and Mr. Riches' amendment will increase it a further 10 miles.

Mr. Riches—Do you know that there is no speed limit now?

Mr. HEASLIP—Virtually the speed limit is 40 miles an hour "under certain circumstances." The police can convict now if the conditions warrant it.

The Hon. Sir Thomas Playford—Conditions that they cannot prove. The honourable member is opposing the proposal because it provides for an effective speed limit.

Mr. HEASLIP—It is bad legislation. It is impossible to keep big motor cars on country roads down to 50 miles an hour. With sufficient police control throughout the country convictions could be obtained without increasing the speed limit to 50 miles. I can see no virtue in the proposal and I do not think it will result in reducing loss of life on the roads.

[*Sitting suspended from 6 to 7.30 p.m.*]

Later:

Mr. MILLHOUSE—The views I expressed in the second reading debate have not been altered by the arguments advanced by the Premier and the Leader of the Opposition in support of this clause. One thing upon which I think we are all agreed is that our aim here is to try to make the roads and motoring safer for the people of South Australia; that can be taken for granted. It is only the means to be employed to attain that aim that have caused some controversy. I feel we are in danger of forgetting that it is almost, if not completely, impossible to make people sensible and wise by legislation. It is all very well for this Parliament to pass Acts telling the people how they should drive their cars and what the rules of the road are. It is a different thing making them obey the rules that are made into law here.

I think that members have overlooked that aspect in discussing this measure—and I refer particularly to the honourable member for Port Adelaide (Mr. Stephens) who, apparently, thinks that all one has to do is pass a law on the subject and it will be automatically obeyed. That, of course, is not the position. I repeat that my main objection to this clause is that in making a virtual speed limit of 50 miles per hour we shall be passing a law which will be impossible to police and which will be widely ignored by the people of this State—and by members of this House—from time to time. Therefore, it is a bad law because, by passing a law that cannot be observed and will not be capable of enforcement, in effect we are helping to bring the whole of the law into disrepute.

In my second reading speech, I drew attention to a number of provisions of the Road Traffic Act falling into the same category. That is the crux of my objections to this clause. I am against inserting any numerical speed limit in the Road Traffic Act, for precisely the reason that the Premier gave in opposing the amendment of the honourable member for Stuart (Mr. Riches)—that the fixing of a limit of 50 miles per hour or 60 miles per hour will merely encourage people to drive up to or at about that speed.

Mr. Riches—What grounds have you for saying that?

Mr. MILLHOUSE—Human nature. As the Premier said in discussing the honourable member's amendment, there are some roads upon which it is dangerous to drive at 30 miles per hour or even less. It all depends upon the circumstances of the particular time and place. It is impossible to make a general rule here that will be applicable throughout the State. If an arbitrary speed is laid down as the limit, it is not possible to obtain a conviction in the case of a motorist who is driving at a slower speed but who is just as dangerous in the circumstances in which he is driving as the motorist driving at a higher speed of over 50 or 60 miles per hour in other circumstances.

Mr. Riches—How can one ever be convicted in a built-up area for driving at less than 30 miles per hour?

Mr. MILLHOUSE—For driving without due care. The honourable members for Barossa and Light referred to section 120 of the Road Traffic Act, normally called the "without due care" section. What is dangerous driving at one speed in one place may not be dangerous driving in another. It may be far more dangerous to drive at 30 miles per hour on a hills road than at 70 miles per hour in open

country. It is impossible, therefore, to lay down a blanket rule to cover all times and all circumstances. That is what both the Premier and Mr. Riches are trying to do.

Mr. Riches—No.

Mr. MILLHOUSE—Yes. The honourable member wants 60 miles an hour to be the absolute limit.

Mr. Riches—The upper maximum.

Mr. MILLHOUSE—That is right. The honourable member does not propose a proviso of any description, and I am opposed to that. Section 120 enables a conviction to be obtained in any part of the State for any speed, dependent upon the circumstances of the case.

Mr. Riches—This clause does not affect that at all.

Mr. MILLHOUSE—That is so, but it is sufficient to cover all the cases mentioned by the Premier and the honourable member.

Mr. Riches—I will show you directly that it is not.

Mr. MILLHOUSE—I will take a lot of convincing. I am opposed to the proposals submitted by the Premier and Mr. Riches. This afternoon the Premier quoted from today's *News* and mentioned a statement by Inspector Vogelesang, and referred to the following remarks by the Inspector:—

The difficulties of cutting the road toll are as complex as human nature itself. He produced some grim figures, like the 37 motorists killed as a direct result of excessive speed in the past year.

That is perfectly true, but we do not know what the Inspector meant by excessive speed. In some circumstances it is 20 miles an hour, but in others 70 miles an hour. It is difficult to give precisely the cause of accidents. Last week Mr. Geoffrey Clarke gave us some statistics. He did so with some assurance, but I think he was led astray by his wide professional experience as an accountant. He relied too much on figures. Those of us who have had experience in the courts know that few accidents can be traced to one cause. In almost every case there are a number of causes. One or another may be predominant, but it is difficult to say that an accident was caused by excessive speed, failure to give way, and so on. After the event it is difficult to dissect the matter to find out exactly what happened. For those reasons we must be wary before we accept the statement that a large number of accidents are due to speed. Mr. Geoffrey Clarke also said that speed was the greatest killer in road accidents.

Mr. Corcoran—We all agree with him.

Mr. MILLHOUSE—No. He also said that statistics showed that the greatest percentage of accidents occurred in country areas, and that may be so. He also said that by far the greatest number of accidents were due to speed.

Mr. Hughes—The Premier said that too.

Mr. MILLHOUSE—He may have done so. Last week I received from the Royal Automobile Association a brochure entitled "Driving is an Art." Mr. Geoffrey Clarke quoted from it.

Mr. Geoffrey Clarke—I referred to it.

Mr. MILLHOUSE—I stand corrected. Apparently the honourable member did not read it. If he had, he would have noted that "inattention" was the greatest single cause of road accidents. Mr. Geoffrey Clarke says one thing, and the R.A.A. says another.

Mr. Geoffrey Clarke—"Inattention" is a form of speed, and speed is the greatest killer.

Mr. MILLHOUSE—I can see a clear distinction between "speed" and "inattention."

Mr. Geoffrey Clarke—Don't misquote me. I referred to fatal accidents.

Mr. MILLHOUSE—I am not trying to contradict the honourable member, but to warn members against accepting statistics and believing that speed is the greatest killer and that in consequence we must reduce the speed limit.

Mr. Lawn—What do you suggest?

Mr. MILLHOUSE—We should try to prevent people from driving at a speed that is dangerous to themselves and other people. Sections 120 and 121 of the Act are sufficient to cover all the offences about which we have been talking. Section 120 deals with driving without due care and the offence carries the same penalty as section 43— a fine of up to £50. Section 121 covers reckless driving and a penalty of not less than £50 and not more than £100 can be imposed for a first offence. For a second offence there can be imprisonment up to three months. No one can say that a person found to be driving at 60 or 70 miles an hour in certain circumstances is driving with due care, and that in other circumstances it is not reckless driving. There is no doubt about that, and these two sections are sufficient to cover the case we have under consideration.

Mr. Hambour—Let the police get busy with what they have.

Mr. MILLHOUSE—That is so. Admittedly what they have now—section 43—is almost a dead letter, but it is better to leave it as

it is than to put in a section that is completely repugnant, and probably will necessitate bringing in another section altogether next year. The Premier gave various alternatives. He said we had to accept this clause, make the speed 60 miles an hour, or let the law stay as it is. I firmly believe that the law should stay as it is. I know that throughout the world there are far too many traffic accidents and we should do whatever we can to reduce the number, but statistics in this State, which has no speed limit, are better than statistics in the States that have one.

Mr. Geoffrey Clarke—Perhaps our motorists are more courteous.

Mr. MILLHOUSE—If they are we do not need this provision. With regard to the Premier's foreshadowed amendment that will make it an obligation on the Commissioner of Police to give a certificate before a prosecution can be launched—

Mr. Hambour—That admits that not enough care is taken now with prosecutions.

Mr. MILLHOUSE—I will go into that. Clause 5 is a bit better with the amendment, but it is not good enough for me to support. When an accident occurs, it is investigated by police officers who take statements from the people concerned.

Mr. Stott—Sometimes they do not even do that.

Mr. MILLHOUSE—Police officers always go to the scene of an accident if there has been personal injury and put in a report to headquarters that goes to an adjudicating panel of three experienced police officers in Adelaide; that panel considers all reports and decides whether or not a prosecution will be launched. It first decides whether the offence is serious enough to warrant prosecution, and secondly, whether there is sufficient evidence to obtain a conviction. The decision is made on the report, and the panel sends back an instruction to the police officer whether or not he is to launch a prosecution. That is the procedure now, and it is the procedure that would be followed under this clause. What the Premier suggests is that that process presumably should still be followed, but the Comissioner of Police would have to authorize a prosecution. Either he will simply rely on his adjudicating panel, as is done now, or he will do it himself, in which case he can only rely on the same facts as the adjudicating panel now relies on. He will be in no better position than the panel to make up his mind.

Mr. Stott—That is not a proper job for him to do.

Mr. MILLHOUSE—That is so, and I do not know how many cases there will be, but he could be overwhelmed by the number. With deference to the Premier, I suggest that the amendment will bring about very little change, and for that reason I do not think it makes much difference to the clause. There is the further point that we are substituting the opinion of the Commissioner of Police for the opinion of this House as to what circumstances should constitute an offence. I do not like that any more than I like the onus of proof in this clause. I do not wish to canvass it, because it has been discussed by members on both sides, but I merely point out that it is a comparatively easy matter to prove that a motorist is doing 35 miles an hour in a built-up area, and it will be easy to prove whether he was doing 50 or 60 miles an hour on a country road. The constable has only to get into the box, take out his notes and say, "I took up a position 50 yards behind the defendant, followed him in that position for three chains, and checked his speed at 55." That is all he would have to say to prove an offence, and it would be sufficient to put the onus on the defendant to show that in all the circumstances it was not an unreasonable speed. It is all very well to say this does not place a heavy onus on a defendant—it does. It is easy to give evidence of speed, because it can be easily checked, but it is far more difficult for a defendant to show that in all the circumstances his speed was not unreasonable. For those reasons I am not at all happy about the clause, and propose to vote against it. It is better to leave the position as it is than make it worse.

The Hon. Sir THOMAS PLAYFORD—It is quite clear that the Committee is divided on this provision. It is strange that all the authorities that have considered the matter, including representatives of the Royal Automobile Association, which is the biggest motoring organization, have agreed to this provision.

Mr. Riches—The members of the R.A.A. have not been consulted.

The Hon. Sir THOMAS PLAYFORD—Yes, they have. That association has a representative on the committee that recommended the amendment, and he speaks for the association. This Committee is hopelessly divided on this matter, and I can see that instead of desiring to tighten up the law relating to speed, it is prone to go the other way.

Mr. Riches—No.

The Hon. Sir THOMAS PLAYFORD—The honourable member has moved for a 60 mile speed limit.

Mr. Stott—You propose increasing it from 40 to 50.

The Hon. Sir THOMAS PLAYFORD—There is a great difference between my proposal and Mr. Riches' amendment.

Mr. Stott—There is no difference in the principle.

The Hon. Sir THOMAS PLAYFORD—There is every difference Mr. Riches said that a motorist may travel at 60 miles an hour under any circumstances on a country road.

Mr. Riches—I did not say anything of the sort.

The Hon. Sir THOMAS PLAYFORD—I can see that the Committee is hopelessly divided on this question. Members from both sides have stated that they want safety on the roads but they do not want to impose any restrictions that will create safety.

Mr. Fred Walsh—That is only your idea.

The Hon. Sir THOMAS PLAYFORD—I have listened to this debate carefully and members generally have opposed the provisions designed to make it more difficult for a person to speed on our roads. They ask, "Why don't the police launch more prosecutions under the present law?," but they would be the first to criticize the police if they prosecuted under the 40-mile an hour limit.

Mr. Hambour—Why don't they?

The Hon. Sir THOMAS PLAYFORD—The honourable member would be the first to criticize the police for launching such prosecutions. I am prepared to take the honourable member at his word and instruct the police to carry out the present law. Members who have opposed this clause will be happy to support it after we have had a practical demonstation of how unrealistic the present law is and how difficult it is to administer. Members have said, "Put the police on to it," so we will do that.

The Committee divided on the motion that progress be reported:—

Ayes (18).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Millhouse, Pattinson, Pearson, Sir Thomas Playford (teller), Shannon and Stott.

Noes (13).—Messrs. Bywaters, Corcoran, Dunstan, Hughes, Hutchens, Jennings, Lawn, Loveday, O'Halloran, Quirke, Ralston, Riches (teller) and Fred Walsh.

Majority of 5 for the Ayes.

Progress reported; Committee to sit again.

ANIMALS AND BIRDS PROTECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1726.)

Mr. CORCORAN (Millicent)—I support the Bill which, as the Minister explained last Thursday, originated because the level of Lake Bonney in the South-East was lowered as a result of a channel being excavated between the lake and the sea, about 2¼ miles this side of Cape Banks lighthouse. We are concerned because it affects one big island there called Bird Island, on which thousands of ibis are nesting. Some weeks ago I drew the Minister's attention to the concern of the people of Millicent about steps being taken to preserve this rookery and to prevent badgers and foxes damaging the young and interfering with the eggs.

As a result of that question, the Government arranged for an inspector of fisheries to visit the locality and make a report. He went there to see the prevailing conditions. The land on which the birds are nesting was an island but, since the water has been taken to the sea from the lake by this channel, it is no longer an island. Therefore, the birds do not enjoy the protection they had hitherto. Mr. Moorhouse went to make his inspection, and the district council of Millicent, the local government body controlling that area, was not altogether happy about his going there. He did not approach them as they had anticipated he would, for they thought he would meet the council and seek its co-operation in deciding what should be done to provide adequate protection for bird life on the island. However, the inspector, in his wisdom or otherwise, failed to call upon the council. He may have had his reasons for not doing so, but the council did not like it.

This morning the Minister of Agriculture received the following letter from the Millicent District Council:—

I am instructed by my council to ask if you would kindly supply a copy of the report on Bird Island (Lake Bonney), by the Fisheries and Games Department and also that the Bill which is to be placed before Parliament be deferred until my council has studied the report and made submissions on the same. Yours faithfully,

(Sgnd.) H. H. Whitehead, District Clerk.

I immediately telephoned the district clerk and advised him that the House would be rising tomorrow night and that if this Bill was not proceeded with, it would mean that no protection would be provided for the bird life on

the island. I am responsible for convincing them that it was inevitable that the Bill be proceeded with. Although it may not provide all they suggest should be provided, it at least would provide some means of protection in the meantime because, once Parliament is prorogued, there will be no further activity here until after the next election.

The Minister is just as keen as I am about this matter, as I am sure honourable members will appreciate from his statements in the House. He is anxious to preserve the life of the birds in their thousands, for they are not only an ornament but play a useful part in destroying grubs and other pests. The inspector's report states:—

Though the three islands at the northern end of the lake have been declared a bird sanctuary, it is only on the outermost island that the ibis nests. Two species are present—the strawnecked and the white.

Many of these birds were seen there and there is no evidence of vandalism. All that could be observed by the inspector was that the birds had been hatched and the eggs that were broken had been broken from the hatching of the chicks.

When I reported to the House that vandalism had occurred it was on the information of two people who had seen young lads wandering about the island and concluded that they were there for no good purpose. If I misinformed the House, it was because I had been told that. Whether Inspector Moorhouse or I was right is another matter; we are not concerned about that. Our concern is the preservation of the life of these birds. The Act provides for the protection of birds and there is nothing to prevent trespassing, but under the Bill it will be an offence to trespass. I suggested earlier that a fence be erected to prevent vandalism, and it is still possible that a fence will be required.

Mr. Quirke—Will the foxes be able to read the notice?

Mr. CORCORAN—That is what I wanted to ask the inspector. If a human being does not obey the instructions he will be prosecuted, but the foxes will not be able to read the notice and a fence may be necessary. It may also be essential to have a moat. The hatching period has almost passed, but if this legislation proves to be insufficiently effective further action can be taken. I would have been happier if the inspector had conferred with the local government authority. The island is near Picnic Point, and it may be necessary to define the area to be covered by the Bill. No doubt it will be done by proclamation. There is no reason to oppose the Bill and no grounds on which to ask the Government to defer its consideration, as suggested in the letter I read. Those interested in this matter reconcile themselves on the understanding that if the legislation is not effective the co-operation of the local council and the member for the district can be sought. I support the Bill.

Mr. SHANNON (Onkaparinga)—We have been talking as though there were only one place to which this Bill must apply. It is important that the protection should be provided for Lake Bonney, but it will have wider application. Similar circumstances will lead to the Government's proclaiming other areas. I agree with Mr. Corcoran that as far as possible we should provide protection because we may lose some of our valuable bird life if it is disturbed. I wonder what would happen if an offence were committed by a trespasser. He may do as much harm as the person who shot birds, because that would mean no more nesting in the area. Section 33 of the principal Act says:—

Every person who is guilty of an offence against this Act shall, except where otherwise prescribed, be liable—

(*a*) for the first offence to a penalty of not less than one pound or more than five pounds.

That seems to be inadequate. I cannot see that a fine of £5 will be a deterrent.

Mr. Stephens—Make it months instead of pounds.

Mr. SHANNON—I could not agree to that. For the second or subsequent offence the penalty is not less than £5 nor more than £30. I should like this to be the penalty for the first offence.

Mr. O'Halloran—When were those penalties provided?

Mr. SHANNON—In 1938. It is 20 years since the penalty clause was amended. Other penalties between £2 and £5 are provided, but they are not high penalties to impose on irresponsible people, although the people who do the mischief are probably interested only in collecting birds' eggs. We should examine the penalties in the Act, although I do not think this can be done without an instruction, because we are only amending section 19.

Mr. Hambour—You can do anything if you want to.

Mr. SHANNON—We could consider penalties with the consent of the Minister. If he said that the present penalties were adequate because offences were not prevalent, I would

accept that, but recently a vandal shot protected birds in the hills. It would be fairly easy to catch a person who camps on a reserve, which is one of the offences under the Bill, and a sufficient penalty should be provided. I am all in favour of protecting our natural fauna and flora, and as the years pass, people will thank us for preserving some of the things peculiar to Australia. It is an appropriate time to deal with penalties when dealing with this Bill.

The Hon. D. N. BROOKMAN (Minister of Agriculture)—I take exception to the attitude of the member for Millicent (Mr. Corcoran). Few members raise a matter by way of a question, have it examined, and get a Bill brought down to cope with the problem, which is exactly what happened on this occasion. About a month ago he asked a question about areas in Lake Bonney that are no longer islands because of the draining of the lake, and wanted action taken to protect the ibis in their nesting grounds. I promised that an inspector would inspect the area, which he did, and reported thereon. As a result the Government brought down this Bill to prohibit entry to closed areas. That does not mean that these islands will be protected without a further proclamation, but the honourable member was not satisfied with the position, and now complains that the district council was not consulted by the inspector when he was in the area. I did not instruct the inspector to see the district council.

Mr. Corcoran—They were not my sentiments; they were conveyed by the district clerk of Millicent.

The Hon. D. N. BROOKMAN—During question time the honourable member read a letter to me, which the council evidently wrote to him.

Mr. O'Halloran—He is supporting your Bill.

The Hon. D. N. BROOKMAN—His remarks were less than faint praise. We are doing the best we can to do what he wants, yet he quoted a criticism by the council in a letter written to him, but I have not had a chance to see it; I have only heard it quoted.

Mr. Fred Walsh—Do you favour the Bill?

The Hon. D. N. BROOKMAN—I support it; the honourable member appears to be for the Bill but against the Government.

Mr. Corcoran—I thought I made it clear that I supported the Bill.

The Hon. D. N. BROOKMAN—I am glad to hear that. The district council need have no fear; the Government is not forcing this through against the wishes of the council or without a consultation. All the Bill does is to give power for a proclamation to be made prohibiting the entry of persons to closed areas—areas in which fauna and flora are protected from destruction. Making an area a closed area does not of itself prohibit the entry of people, and in this case entry by people into this concentrated nesting ground would possibly destroy the only habitat of the birds, so this Bill has been introduced to give power to prohibit entry to closed areas which must be specified in a proclamation. The district council has offered to see me before any proclamation is made under this Bill, and I would be glad to see them.

Mr. Corcoran—They did not understand that.

The Hon. D. N. BROOKMAN—Then I hope you will inform them. I inadvertently quoted part of the Chief Inspector's report in which he said that the fence suggested by the honourable member would be useless if there were not sufficient power. It may well be possible to prevent foxes getting into the area if a fence is erected when the ground is dry. I thought I had satisfactorily explained this the other day, but Mr. Corcoran had some doubts.

Mr. Shannon points out that the penalties in this Act were fixed in 1938 and are extremely low. The minimum penalty for a first offence is £1 and the maximum £5. I should be prepared to support an increase in the maximum penalty, but I think it would be a mistake to increase the minimum penalty. I would not oppose increasing the present maximum of £5 to £20.

Bill read a second time.

Mr. SHANNON moved—

That it be an instruction to the Committee of the Whole House on the Bill that it has power to consider a new clause relating to penalties.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Prohibited areas."

Mr. KING—I support this clause. Although in the second reading it was suggested that the clause was designed to protect the breeding habits and breeding grounds of ibis in the Lake Bonney area I point out that it is general in application and can apply to breeding places in other areas. It will apply to the River Murray because ibis and other wading birds play a valuable part in controlling pests in pastoral country under irrigation and in vineyards and orchards. With the spread of civilization into the outback and the

clearing and draining of swamps the natural breeding places of many of these birds are becoming smaller. Future generations will thank us for making provision for these birds. Several areas near Renmark provide breeding places for these birds. Lake Merretti, for instance, is a breeding place for at least 100 different types of wading birds and it should be preserved for the safety of these birds.

Mr. HARDING—I support the clause. I do not know whether it is because food has become scarce that the ibis has intruded further inland in the South-East than was normally the case. They fly inland in the morning and return to the swamps and protected areas in the evening and it is impossible to estimate their value in destroying millions of crickets and cockchafer beetles.

Clause passed.

New clause 4—"Penalties."

Mr. SHANNON—I move to insert the following new clause:—

4. Section 33 of the principal Act is amended—

(*a*) by striking out the word "five" in the fourth line and inserting in lieu thereof the word "twenty"; and

(*b*) by striking out the word "thirty" in the sixth line and inserting in lieu thereof the word "fifty."

I point out that the minimum penalty will remain unchanged and that the court will have a greater discretionary right in an aggravated offence to impose a penalty of £20 for a first offence. The proposed increase in the maximum fine is in keeping with the change in monetary values since 1938. At first glance the retention of the £1 minimum fine may seem to leave the door open for providing a light penalty, but it is possible that an irresponsible child, for instance, may innocently commit a trivial offence. The court must have wide discretion in such cases. The increase in penalty will indicate to the court the way this House feels about our native life.

With regard to the penalty for a subsequent offence, I have not followed the simple percentage increase applied to the first part of the amendment because I think the court would be loth to inflict a higher penalty than the one I propose. I think that £50 will be a sufficient deterrent in the protection of our wild life. Personally I think that hanging would be too good for people who wantonly destroy some of our native fauna. People who come to this country from other parts of the world are very interested to see the wild life that we have in this continent. That is a tremendous asset, and as the years go by it will be imperative to induce tourists to come to this country if for no other reason than to see our native fauna.

New clause inserted.

Title passed.

Bill read a third time and passed.

DAIRY INDUSTRY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1727.)

Mr. BYWATERS (Murray)—Although this is a very short Bill it is a very important one. I support the second reading. I understand that the Australian Agricultural Council has asked all State Governments to legislate for the prohibition of the manufacture and sale of filled milk. Until this legislation comes into force any person can purchase skim milk from a factory and by adding vegetable fats to the extent of 3.5 per cent can sell this milk in the metropolitan area or in any other part of the State or the Commonwealth. This matter was brought to the notice of the Governments of the States because of something that occurred in the Philippines not very long ago, when almost overnight the dairying industry was seriously threatened. The Labor Government has no wish to see this come about in this State, because it wishes to protect the man on the land and to see that he gets a fair return for his labour.

Filled milk presents a great threat to the dairying industry; therefore the Labor Party opposes its introduction into this State. It is pleasing to see that a Bill has been brought down to prohibit its manufacture and sale. The people in the Philippines purchased this commodity to a great extent, I understand, because the price was so much lower than the real article. Not so very long ago people were more concerned with quality than anything else; I think they are still concerned with quality, but the price factor has become very real today because housewives have to make their money go further, and if they find they can purchase a substitute they are inclined to overlook the quality if they are able to effect a saving. This could easily happen in this State; therefore this prohibition is very desirable.

The Minister, in his explanation, said that the dairying industry was not as good as it was a few years ago and that dairy farmers were going through a trying time. That is

perfectly true. Dairymen in my district, particularly on the river swamps extending from Mannum to Tailem Bend, are producing much of the city's milk today, and the introduction of this filled milk would present a big threat to them. They are feeling the pinch today because times are not as good as they were, and we do not wish to see anything that would make things worse for them. Not long ago the butterfat price was 4s. 6½d. a lb., but by a gradual reduction it has come down to 3s. a lb. today, and that in itself is sufficient to make things harder for the dairyman, who still has the same production costs and the same financial commitments. The dairymen are finding that their returns are not as good as they were, and whereas milk was bringing about 3s. 1d. a gallon not very long ago, they would be hard put to it today to average 2s. 1d. to 2s. 3d. a gallon over the year. We have been told that during the autumn the position regarding milk supply to the metropolitan area becomes very acute. It has been suggested that city milk licences be extended to cover other country areas, and I believe that eventually this will have to be done. It is only during the autumn that we have a shortage of milk in the city, and it is the River Murray areas that provide quite a big percentage of the city's milk during the lean period.

I submit two alternatives to the Minister for his consideration. One is to increase the price during the lean period. People may think that the price of milk will have to be increased during this period, but I do not think that is the case. Whereas producers receive on the average 2s. 1d. to 2s. 3d. a gallon over the year, it is sold retail at about 6s. a gallon in small quantities. If the price to the producers were increased by 1d. or 2d. a gallon during the autumn I do not think that the city price would be increased. Either that, or it would be necessary for all milk producers to produce more during the lean period. I understand that at times some do not produce any milk, whereas they may produce 100 gallons a day during the spring flush period. It may be necessary to alter the Act to see that each dairyman produces some milk during the lean period. Filled milk would be a danger to the milk industry, and I am pleased that this Bill has been introduced to protect dairymen, who form a big percentage of my electorate. I support the second reading.

Mr. SHANNON (Onkaparinga)—I commend the Government for once more coming to the aid of the dairy farmer by protecting him against unfair competition. This is in a somewhat similar category to the old "coconut cow," which we used to call margarine. The fat used in filled milk is of vegetable origin, and mostly the coconut provides it. There are certain aspects of which the Government should take some cognizance. I am a regular reader of the *Australian Dairy Review*, which gives a world picture of conditions in the dairy industry. One article dealt with a problem that has arisen in the United Kingdom and is similar to the one we are now dealing with, except that it deals with filled cream that masquerades as dairy cream. One of the biggest bugbears to the dairy industry is the attempt of certain commercial interests to put on the market a product in the guise of dairy produce, whereas it is not dairy produce at all. I refer to margarine, which is packed in the same shape as dairy butter, although it is certainly marked "table margarine." This was forced on the manufacturers some years ago by Parliament, but the colour of the product is as near as possible to that of butter and the manufacturers use a flavouring as near as they can get to the flavour of butter. It was done for the purpose of leading the unsuspecting public to think they were getting a dairy product. As soon as the wrapper is taken off and the margarine is placed on the table of a boarding house, restaurant, or hotel, the unsuspecting public think they are eating butter, and that is the intention of the manufacturers. It is an unfair method of competing with the dairy farmer who has suffered a recession in prices and has had a very trying time during the past year.

The fall in butter prices has adversely affected New Zealand more than Australia because "they have more of their eggs in the butter basket." Australia is not quite so dependent on its dairy produce as New Zealand is. The market has recovered a little. For instance, the cheese market is the brightest spot at the moment and is better than milk on a fat basis, and there is no difficulty in making sales. It is up to Parliament to look after these worthy citizens who produce milk. Many of them served either in World War I or in World War II, and some even served in both. Parliament should see that their standard of living compares favourably with that of the remainder of the community. If we are to allow these questionable competitive methods to creep in it will make it difficult for those entirely dependent on dairying. Often it is their only source of income and they would suffer most if prices receded. I commend the Government for bringing forward a very useful, protective measure

to see that the dairy farmer gets a fair deal and does not have to compete with the old "coconut cow."

Mr. HAMBOUR (Light)—I applaud this legislation as far as it goes. The product under discussion is quite popular in the Philippines and is better than nothing. Mr. Bywaters mentioned that at times there is a short supply of milk for the metropolitan area, and I understand that last year powdered milk had to be added to build up the standard. As we have plenty of milk in South Australia, we do not want filled milk. Although the consumer pays the same price in the metropolitan area as the consumer in a country area, the producers' prices are different. I recently checked the figures and found that to be correct. The country producer does not get as much for his product as the producer supplying the metropolitan scheme.

Mr. QUIRKE (Burra)—I would not have spoken but for some remarks from the honourable member for Murray (Mr. Bywaters). He did not mean anything wrong but I am a bit of a purist in these matters. He referred to an "inferior product." Skimmed milk retains all its solids, only the fats being removed, and the most vital part of the milk remains in the solids. We can do away with the fats altogether and still obtain full nutritional value from the milk. Therefore, we must not talk of "inferior products."

I support this Bill. We do not want anything other than milk, the lacteal fluid that is extracted from the bovine quadruped. Honourable members will understand that I am not deceived by this phrase "inferior product." Margarine is not inferior to butter in its nutritive qualities. Filled milk, which has vegetable oils, can be beneficial in some respects compared with animal fats. I have a report from the Chief Dairy Instructor, which reads:—

Content of vitamins A and B in margarine is standard whilst in butter they vary according to the seasons.

So do the salts. I support this Bill in its entirety because we do not want an increase in margarine production whilst we have butter; we do not want coconut fats put into milk whilst we can supply milk with butter fats; but, at the same time, we have to be careful what we say about what ultimately may be a valuable export to places that cannot afford to pay for our butterfat. Although we say it is "inferior" it is not. It is just as good in the main and, although we ban it here because our product is milk produced on our farms and it is essential that we keep the dairying industry going, even at the expense of the £13,000,000 to £14,000,000 subsidy it is receiving today (which shows its parlous condition), anything that would further reduce the economic security of the dairyman would be disastrous to him. That is recognized in Australia by the millions spent on subsidizing them. I support all that but we have to be careful about referring to good products as in any way inferior from a nutritional point of view.

Mr. Riches—Would you give filled milk to a baby?

Mr. QUIRKE—You could with the greatest of ease and with no detriment to the baby, just as you give margarine to children with no detriment to them.

Mr. Riches—I would give mine cow's milk.

Mr. QUIRKE—So would I if it were available but the people in the Philippines will not be weaklings, stunted, deficient and suffering from malnutrition merely because they have filled milk, for it contains every solid other than the fat in the milk.

Also, we have to be careful that the protected foodstuffs for children—eggs, milk, butter, cheese and so on, that carry the calcium-forming vitamins A and D, essential for the building of young children—do not become too dear or we shall have to subsidize them further. There is too much sickness among children in this country in the wide open spaces and the vitamin D-giving sunlight. It is known that calcium can be present but, without vitamin D, calcium is not effective in the metabolism of the child, which must have vitamin D, which comes from butter, vegetable oils and sunlight.

I am a little disturbed at the amount of dire sickness among our infant children. Everything possible should be done to alleviate that. I wonder to what extent they are receiving protected foodstuffs that are so high in price—eggs at their price, butter at its price, cheese at its price (cheese being one of the most fruitful sources of calcium). Are these children receiving sufficient of these foodstuffs at these prices? They may be—I do not know—but I should be wary of increasing the price of protected foodstuffs. That is my only concern. Give them milk, give them butterfat, give them eggs laid in good and natural conditions. There is no necessity for filled milk. I support this Bill but let us not kid ourselves that, when we ban this food, we are banning something that would victimize the

consumer in its nutritional value, because we would not be doing anything of the sort. It has a value. I support the Bill.

Mr. LOVEDAY (Whyalla)—I support the Bill because it seems necessary in the interests of dairy farmers, but I would like an interpretation of subsection (1) of new section 22a which reads:—

A person shall not manufacture or sell any liquid being a colourable imitation of milk and containing substances not derived from the lacteal secretion of the cow.

We should be satisfied, before agreeing to that subsection, about the interpretation that may be applied in connection with condensed milk, which has sugar and other substances in it, and milk drinks that are sold with colourings and flavourings in them. I do not want any advantage to be taken as a result of the misinterpretation of the clause.

Mr. LAUCKE (Barossa)—I commend the Goverment for the expedition with which this Bill has been introduced. It is necessary protective legislation for the dairy industry. Filled milk can present as dire a threat to the industry as an *ad lib* production of margarine. I hope there will always be an alert and a live appreciation of the dangers to the dairy industry in the way of substitutes for cream, milk and butter. We must remember that filled milk contains imported, cheaply-produced vegetable oils instead of butter fats. When giving the second reading explanation of the Bill the Minister said that in the Philippines the product was advertised as "quality milk from the finest American dairy herds." It was thought to be a true dairy product. At all times we must protect the products of the dairy industry and prevent products masquerading as genuine from gaining a hold to the detriment of the dairy industry. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Colourable imitations of milk."

Mr. SHANNON—I move—

After "milk" in subsection (1) of new section 22a to insert "or cream."

The sales of cream compared with the sales of whole milk containing butter fat are infinitesimal. In the United Kingdom dairy farmers are protected against colourable imitations of milk. Manufacturers are selling a commodity which not only looks and tastes like cream but is advertised as cream, and the words "milk" and "dairy" are used to indicate to the unsuspecting buyer that he is buying cream. The United Kingdom Parliament is amending the law to make it a penalty to use "milk" or "dairy" in relation to these synthetic commodities, which have no relation to milk or cream. We have it in South Australia in a small way. One firm sells what it terms "Jersey cream." To the dairyman "Jersey" means a cow, and this indicates to the buyer that he is getting something that come from a cow. The commodity is used for filling sponges and small cream cakes. I have no objection to its being used in this way so long as it is known that it is not real cream, but more or less mock cream. The industry is being affected by big interests which are trying to get something sold as the real thing. It is all right if the consumer knows that it is not a dairy article and only an imitation.

Mr. Riches—What about subsection (2)?

Mr. SHANNON—I am not too sure that it goes far enough, but it is an attempt to protect the industry. I give the Government full marks for its protective attempts, but I do not want the Bill to contain something that will be opposed by the Council, although it is a protection to which the industry is entitled. I am anxious to protect dairy farmers from unfair competition.

The Hon. D. N. BROOKMAN (Minister of Agriculture)—I appreciate the spirit in which the member for Onkaparinga moved this amendment, but I suggest that he does not press it because this Bill will not affect anyone in business, for nobody desires to make filled milk in South Australia, nor does anyone contemplate making it. When the Agricultural Council decided that it would be a good thing to bring in this law its members had that in mind. Some people make various commodities that I know only by their trade names. These have a place in industry, but they would be affected if the amendment became law, so the amendment would upset business arrangements. As the Minister who introduced this Bill, I would not like to see it affect people in business, and that is why I ask the honourable member not to press the amendment. If the Bill is passed, it will safeguard the position adequately, because it will not hurt anyone and will ensure that the position does not get any worse. The member for Whyalla (Mr. Loveday) asked whether milk drinks would be affected by this clause. I have had a consultation with the Parliamentary Draftsman, and he

is quite satisfied that milk drinks will not come under the clause. When I first saw it, I thought the Bill covered coloured milk, but it does not, so the honourable member need not be concerned.

Mr. QUIRKE—Will the provisions of this clause prohibit the sale of goats milk?

Mr. HAMBOUR—I was going to ask the same question. People in my district breed goats; they have spent a great deal of money in importing goats that give milk. Many people believe it is good for babies with eczema, and they should be permitted to buy it if they wish to do so. If the word "cow" does not cover a nanny, I would like the word "goat" inserted.

Mr. SHANNON—Goats' milk sells at a high premium. It would not pay people to compete with it or to tinker with it by colouring. I do not think it is necessary to insert "goat" in this clause. Goats' milk has certain qualities; it is particularly suitable for infants and for people suffering from eczema, so it has a premium on the market.

The Hon. D. N. BROOKMAN—There is no difficulty about this matter, because goats' milk is not a colourable imitation of cows' milk.

Amendment negatived.

Clause passed.

Title passed.

Bill read a third time and passed.

SUPREME COURT ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

MAINTENANCE ACT AMENDMENT BILL.

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

HOSPITALS ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

The Hon. G. G. PEARSON (Minister of Works)—I move:—

That this Bill be now read a second time.

It makes alterations in the constitution of the committee appointed under section 33 of the Hospitals Act to advise the University and the Adelaide Hospital Board with respect to matters concerning the medical and dental courses of the University, and the attendance and instruction at the Adelaide Hospital of students in those courses. In practice, the principal function of the committee is to recommend the appointment of the honorary physicians, surgeons, and dentists of the Royal Adelaide Hospital. These appointees besides being members of the staff of the hospital, also hold appointments from the University as clinical teachers.

At present the committee consists of seven persons. Three of them are University representatives, one being nominated by the Council of the University, one by the Faculty of Medicine, and another by the Faculty of Dentistry. Two are nominated by the members of the honorary medical staff of the Adelaide Hospital and two are nominated by the Adelaide Hospital Board. By arrangement, one of the board's representatives is elected as chairman, with the result that only one representative of the board votes on matters coming before the committee.

It is proposed in the Bill to enlarge the committee to 10 men. The three additional members will be a chairman appointed by the Governor, a nominee of the Council of the Royal Australian College of Physicians, and a nominee of the Council of the Royal Australian College of Surgeons. These two bodies have for some time been seeking representation on the Advisory Committee and on other like bodies throughout the Commonwealth. The argument in favour of giving them recognition is that they have special knowledge of the qualifications of physicians and surgeons and are therefore able to give valuable help in recommending appointments of the honorary clinical teachers. The proposal to have an independent chairman on the committee will make it unnecessary for one of the Adelaide Hospital Board representatives to act as chairman, and the Hospital Board will accordingly have two effective representatives instead of one. In consequence of the increase in the number of members of the committee the Bill proposes to raise the quorum from four members to five.

Mr. O'HALLORAN secured the adjournment of the debate.

MENTAL DEFECTIVES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1701.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill makes some small but material changes to the Mental Defectives Act and probably one of the least noticeable, but nevertheless most important, is the change in the title of the Act and the institutions controlled under the powers conferred by the Act. In future the Act will be known as the "Mental Health Act." This will remove some of the unwarranted stigma that people associated with the old legislation and with the institutions controlled thereunder. Conversely, it will offer a greater ray of hope to the relatives of those who become afflicted with mental illness and to those so affected. The Bill improves the machinery and simplifies the procedure in transferring patients from one type of institution to another. At present this is somewhat complicated and it is provided that certificates and orders under which a person is committed to an institution shall become, in effect, a type of passport that accompanies him when he is transferred from one institution to another.

Another important feature is that the provisions of the Bill will facilitate the hospital treatment of children, particularly those who are mentally affected. At present there is no half-way house for children who become affected and who have been committed to an institution like the reformatory. If they are certified as mentally affected, at present they have to be incarcerated in a criminal mental institution along with hardened criminals who may come from Yatala because of their mental condition. It is a most desirable reform that children may be taken from the reformatory or other institutions and placed in a proper institution where their mental health may be treated.

The Bill also provides that State children who become liable for committal to a mental hospital shall be treated similarly to ordinary children; in other words, that any stigma that might have applied to them in the past will be removed so far as their treatment is concerned. The Bill provides that, where a person has escaped from custody and has remained free for a period of more than three months—which is the period provided in the present law under which he may be taken back into custody—and is certified as cured by two doctors as a result of an independent examination conducted by them singly, that person may recover any property which the Public Trustee has cared for during the term he was a patient in a mental hospital. That is another desirable provision.

On the general question of mental illness and proper provisions for treating these cases, one could speak at great length because different types of mental illness require different forms of treatment. However, as this is a simple Bill dealing with machinery matters and changing the name of the Act, I do not propose to discuss it in detail.

The Minister in his second reading explanation told us that the whole of the legislation dealing with this unfortunate aspect of our community life will be subjected to a complete review in the near future as the result of a report by a Royal Commission which investigated the position in England recently. Dr. Birch is at present studying that report. I pay the highest compliment to him for his great interest in mental illness generally, for his competence in arranging the best possible forms of treatment for those suffering from mental illness, and for his kindly and humane administration and control of mental institutions. As a result of his study of the report of the Royal Commission in the Old Country and his own great experience and knowledge of the subject, I feel sure that when this matter comes before the House next time we shall be able to take a forward step in providing the proper treatment and the proper institutions to care for our mentally sick people. I support the Bill.

Mr. LAWN (Adelaide)—I support the Bill. Dr. Birch, the Superintendent of Mental Institutions, has for some years been recommending the alteration of the title of the Act. About two years ago I requested the Government to consider that alteration, and I am pleased that the Bill changes the title to the Mental Health Act. Whether an illness is mental or physical it is still a state of ill health.

I join with the Leader of the Opposition in paying my tribute to Dr. Birch. I have paid several visits of inspection to the Parkside Mental Hospital, the first being several years ago in company with other members of the House. Only a few weeks ago a person who often visits mental institutions in New

South Wales arrived in Adelaide and asked me if it were possible for her to visit a mental institution here. I thereupon rang Dr. Birch, who was kind enough to give us permission to visit the Parkside Mental Hospital. I have had contact with Dr. Birch on several occasions, both personally and by telephone. The Chief Secretary has stated that in his opinion Dr. Birch is the best medical practitioner on mental health in Australia, and I believe that to be so. I am certainly impressed not only with his ability but with his humane approach to this form of sickness. Anyone who discusses this affliction with Dr. Birch can only come to the conclusion that he is living for only one thing, which is to give service to this unfortunate section of our community. I pay my tribute to him, and say unhesitatingly that the people of South Australia owe him a great debt for the work he is performing.

I condemn the practice we are adopting in South Australia of having young children amongst adults at Parkside. I believe—and I am not unsupported in my belief—that they should not be placed in Parkside with adults. Anyone who sees the conditions under which the children are living will agree that the position is not what it should be. I think Dr. Birch believes that children should be placed in an institution something similar to the Children's Hospital or in some other intitution where they are apart from adult patients. The Government is considering a comprehensive review of this legislation, but I do not think any amendment is necessary to enable children to be placed in a separate institution.

Mr. O'Halloran—This Bill will facilitate it to some extent.

Mr. LAWN—I think it could be done now without any amendemnt to the legislation, and I think Dr. Birch considers that young children should never have been sent to Parkside in the first place. A review of this type of legislation is being made by the New South Wales Parliament, so once again this State is lagging behind other States, and not only in industrial legislation. I am pleased that at last the Government has agreed to a request which our Superintendent of Mental Institutions made some years ago to change the title of this Act, and I support the Bill.

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

STATE BANK ACT AMENDMENT BILL.

In Committee.

(Continued from November 11. Page 1638.)

Clause 2—"Capital."

Mr. QUIRKE—I do not think that the amount of money that will be provided under this Bill will be nation rocking, but I applaud the idea. The bank would have to be extremely careful in the amounts advanced because it would find it was losing its cash resources to other banks, and it would take some time for it to get into its stride again. Much money would be out on loan and only small amounts would be coming back. Careful administration would be needed. Ultimately there could be a kind of rotating fund that possibly could carry its own weight, but that would be a slow process.

What the State Bank lacks is the capacity to collect the savings of the people in the form of savings themselves. Advances for homes are moneys on loan. The Savings Bank uses its own money for advances on homes. We had evidence today that both the Savings Bank and the State Bank are rather hamstrung in the amount they can lend for houses. The position will have to be handled cautiously. I again suggest that both banks should be under the one board, and with the savings of the people from all parts of the State coming into the Savings Bank money would be available for housing and personal loans. Some private banks have established savings bank accounts. The Bank of New South Wales in other States has a tremendous Savings Bank organization which is only a year or two old.

Clause passed.

Remaining clause (clause 3) and title passed. Bill read a third time and passed.

SUPERANNUATION ACT AMENDMENT BILL.

In Committee.

(Continued from November 6. Page 1626.)

Clause 12—"Increase of certain existing pensions"—which Mr. O'Halloran had moved to amend in paragraph (*a*) of new section 49a by striking out "1949" and inserting "1955."

The CHAIRMAN—I have been examining the admissibility of the amendment to clause 12 moved by the Leader of the Opposition on November 6, the last sitting of the Committee on this Bill. Section 59 of the Constitution Act provides that "it shall not be lawful for either House of the Parliament to pass any

vote, resolution or Bill for the appropriation of any part of the revenue or of any tax, rate, duty or impost for any purpose which has not been first recommended by the Governor to the House of Assembly during the session in which such vote, resolution or Bill is passed.'' It is statutory recognition of a British Parliamentary principle described by Erskine May in the following words:—

The Sovereign, being the executive power, is charged with the management of all the revenue of the State, and with all payments for the public service. The Crown, therefore, acting with the advice of its responsible Ministers, makes known to the Commons the pecuniary necessities of the Government; the Commons, in return, grants such aids or supplies as are required to satisfy these demands.

On November 12 the House received a message from His Excellency the Governor in the following terms:—

The Governor recommends to the House of Assembly the appropriation of such amounts of the general revenue as are required for the expenditure indicated in the Superannuation Act Amendment Bill, 1958, as introduced by the Honourable the Treasurer.

According to the best of my information, if clause 12 of the Bill as introduced by the Government becomes law there will be a substantial contribution from general revenue to the Superannuation Fund to meet the increased benefits proposed by this clause; and further, if the Leader of the Opposition's amendment to clause 12 to extend the class of pensioner entitled to such benefits became law, the amount of contributions from general revenue to the fund would be further substantially augmented. May states:—

The guiding principle in determining the effect of an amendment upon the financial initiative of the Crown is that the communication to which the Royal recommendation is attached must be treated as laying down once and for all, (unless withdrawn and replaced) not only the amount of a charge but also its objects, purposes, conditions and qualifications. In relation to the standard thereby fixed, an amendment infringes the financial initiative of the Crown not only if it increases the amount but also if it extends the objects and purposes, or relaxes the conditions and qualifications expressed in the communication by which the Crown has recommended a charge. And this standard is binding not only on private members but also on Ministers.

I consider that the Leader of the Opposition's amendment requires to be recommended by the Governor, and as it has not been so recommended I rule that the amendment may not be further proceeded with.

Mr. O'HALLORAN (Leader of the Opposition)—Mr. Chairman, I intend to move that your ruling be disagreed with, but it is most difficult for me effectively to move my motion without first having an opportunity of considering your ruling. I do not know whether I would be entitled to ask that progress be reported to enable me to consider your ruling, but if I am so entitled I ask that progress be reported.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—Normally, I would accede to the request of the Leader of the Opposition, but I suggest to him that perhaps that course should not be followed on this occasion. This Bill confers a great benefit upon a section of superannuated public servants and I would be very loath to have the Bill not dealt with this session, because I desire it to pass, and I think the Leader of the Opposition would also be most anxious for that to happen. In fact, he moved a motion earlier in the session which had some of the objects in this Bill. Under these circumstances, any serious delay might prejudice the passing of the Bill this session.

In connection with your ruling, Mr. Chairman, may I say that I have considered this matter myself, and it may help the Leader of the Opposition if I tell him of the investigation that I have made. I might add that I have not collaborated in any way with you, Mr. Chairman, although you were probably aware that I was investigating the matter because I conferred with the Clerk of the House. There is not the slightest doubt that money is involved in the Leader's amendment. If he continues with his motion that progress be reported, I can inform him that two certificates in connection with this matter will be of some interest to him. The first is from the Manager and Secretary of the Superannuation Fund Board, which says:—

The cost to the Government to give effect to the amendment moved by Mr. O'Halloran would be approximately £44,000 for the first full year, reducing gradually thereafter.

I also have a report from the Parliamentary Draftsman, who investigated this matter on my behalf. He states:

The Superannuation Board's officers have investigated the cost of Mr. O'Halloran's amendment. They report that the amendment provides increases of £40 a year for 1,100 pensioners, namely £44,000.

My own investigating officer in the Treasury (Mr. Seaman) places the figure slightly higher than that amount. It may be that the Leader of the Opposition has in mind that instead of the Government altering the regulation to

provide for the Government to meet this additional cost, the money would be paid out of the accumulated surpluses already in the fund. Superannuation can be paid from only two sources, one being by direct payment of subventions made by the Treasury each year. If the estimated figure of £44,000 is met from the Treasury, I think this course will undoubtedly fall within the scope of the Constitution Act. I think the Leader of the Opposition recognized that fact when he moved his motion earlier in the session; in fact *Hansard* records him as saying that the Opposition was not in a position to introduce a Bill to give effect to this matter because of the limitations of the Constitution.

It may be that the Leader believes that this £44,000 would come from the fund already in existence. Assuming that that were his argument, I have here a report from Sir Edgar Bean on that aspect of the question, which states:—

Section 59 of the Constitution Act says that it shall not be lawful for either House of Parliament to pass any vote, resolution or Bill for the appropriation of any rate, tax, duty, or impost for any purpose which has not been first recommended by the Governor to the House of Assembly during the session in which such vote, resolution or Bill is passed. In connection with the Superannuation Bill and Mr. O'Halloran's amendment, the question arises whether the money in the Superannuation Fund representing contributions paid by contributors pursuant to the Superannuation Act is an impost within the meaning of section 59 of the Constitution. In my opinion, it is an impost. It is a compulsory levy collected under an Act of Parliament for a purpose defined by Parliament. I do not think the fact that the payers of the impost are also the beneficiaries of the money makes any difference. According to Wharton's Law Lexicon the word "impost" means any tax or tribute imposed by authority. It may be that there are some arguments in favour of the view that the superannuation contributions are not a tax, but they are certainly a tribute within any reasonable meaning of the word and therefore an impost. If this is so, appropriations from the Superannuation Fund are entitled to the protection given by section 59 of the Constitution Act.

Mr. Chairman, since this Bill was introduced the Public Service Association has approached the Government regarding other benefits not provided in it. I wrote to the association and explained that the Government could not extend the scope of the Bill without some investigation and I asked whether it preferred the investigation to take place and so delay the Bill or whether it preferred that the measure should go through, and an investigation be made in due course. In its reply the association made it clear that it desired the legislation to go ahead so that there would be no delay. The Leader of the Opposition's suggestion could be investigated by the same officer who is investigating the other matters submitted by the Public Service Association. If he likes to accept that I will submit to him the questions as he defines them.

I have made a considerable investigation of the merits of extending the period beyond that provided in the Act as a commencing period. I have a copy of the reasons why the Government provided a particular time for the extension that has been made and I should be quite happy to submit them to the Leader, and if he agrees to make any submissions they can go back to the same investigating officer who will investigate the other submissions of the Public Service Association. That would be preferable to an obscure argument on the legality of the Bill. I do not think any honourable member would want to accept any procedure that subsequently could be challenged and therefore I suggest that the Leader does not ask for progress to be reported. However, if he asks for it I should be pleased to accept the motion, but it would be much better, from the point of view of the Public Service and the subsequent investigation on other matters, if this point was not pressed at present. If it is pressed ultimately, the Government will sincerely support the Chairman's ruling. I am content to give the Leader of the Opposition the documents at my disposal.

Mr. O'HALLORAN—I am impelled, after some consideration of the Constitutional position, to admit that on the facts as you have examined them, Mr. Chairman, your ruling is right, and therefore I do not intend to contest it; but I have some very grave doubts whether you have fully examined the position. In discussing clause 12 I think I am entitled to examine the position as it existed prior to my moving my amendment.

In the first place I can find no reference in the Bill to an appropriation. It is certainly founded on a message from His Excellency the Governor, but I can find no reference to an appropriation. Secondly, I appreciate the remarks of the Treasurer that the position as I presented it in moving the amendment would be considered by some authority in the near future. However, this Parliament will adjourn after today or tomorrow and any corrective measure would have to wait until Parliament reassembled next year. I am not satisfied that my amendment would require an appropriation of public money or that the fund is not in the

position to meet the increased charge without calling on the public purse. I respect Sir Edgar Bean's advice mentioned by the Treasurer, but the fund at the moment has a surplus of £9,708,000 and is increasing at the rate of nearly £1,000,000 a year. We turn to the surplus in the fund which is provided by the contributors as distinct from subsidies made by the Government to pensions. I think the Treasurer will realize that the Government's contribution to pensions is in the form of an annual subsidy, which is made in the Budget. Figures for the last five years disclose that members' contributions in 1953-54 were £593,000, the interest earned £268,000 and the total income £861,000. The Fund's proportion of pensions paid was £150,000. Other expenditure that can be described as repayment of voluntary savings and such things amounted to £82,000 and the total expenditure that year was £232,000, leaving a surplus in the fund at that stage of £629,000. In 1957-58 members' contributions amounted to £848,000, interest earned to £482,000 and the total income was £1,330,000; pensions paid amounted to £232,000, other expenditure to £133,000, and the total expenditure was £365,000, leaving a surplus of £965,000.

I submit that without any appropriation from the public purse or a grant from revenue the pension fund would be in the position to support the financial result of my amendment. I understand that the provisions of the Superannuation Act provide that 60 per cent of the total cost of pensions shall be borne by the Government, but actually at the moment 80 per cent is being borne. For the life of me I cannot understand why it is necessary for the Government to bear 80 per cent of the fund when it is legally committed to pay only 60 per cent, considering that the fund is increasing at the rate of nearly £1,000,000 a year. I suggest that under those circumstances it would have been possible to avoid the difficulty. I do not disagree with your ruling on the premises you based it, Mr. Chairman. I have some little knowledge of the Constitution and I believe you are right, but I think that the premises on which you based your ruling are wrong. Without any contribution from the public purse, without any involvement in Constitutional procedure in the dispersal of Government funds, these small considerations that I have suggested should be made available to some pensioners without any increase in the Government's subsidy to the Superannuation Fund.

Mr. Jennings—The Premier will move your amendment now.

Mr. O'HALLORAN—I thank the honourable member for his interjection; I shall refer to that aspect in a moment. The point I was about to make was that I believe—I do not desire to delay or jeopardize the passing of this Bill—that it confers a benefit on some pensioners under the Superannuation Fund. It is a delayed benefit but, nevertheless, a benefit to which they are entitled and which they deserve. For that reason—of course, I have to be fairly circumspect in my view point—I shall not refer to the attitude of the Public Service Association, but I assure honourable members that no section of Government employees approached me with a suggestion that I should move my amendments. I took it on myself, with the consent of the member of my Party, to move these amendments because I believed they were just and reasonable, since the increases are limited to pensioners that commenced on January 1, 1949.

Let us examine what preceded that date. We had just emerged from a war and a period of wage-pegging and price fixation. There had been slight increases in wages and prices, but the Government of that day decided that some increase in superannuation benefits was necessary and justified, and Governments in other States decided likewise. However, a great inflation took place from about 1952 to 1956.

Another aspect is worthy of consideration. Prior to, I think it was, November 20, 1950, public servants were compelled to take their long service leave before they retired from the service and became eligible for superannuation pensions. In 1950—I think the Act came into operation on November 20, 1950—we amended that to provide that they could take their long service leave in a lump sum payment and thereby become eligible for superannuation immediately. Thus, there were a number of public servants who, by the law of the land, were compelled to take their long service leave after they had reached 65 years of age, and in some cases it brought them close to 66 before they could become entitled to the pensions for which they had been contributing for years and to which they thought they were entitled on reaching the age of 65. Those people have been completely excluded from this Bill and from any amelioration, and that is a shame.

I am precluded from moving my amendment and I accept your ruling, Sir, but again I throw myself on the mercy of the Premier, because in 1954 an amendment to the Superannuation Act came before this House. At that time it was provided that the benefits should be paid for by an increase in contributions by the present

contributors. The benefits were retrospective, applying to all pensioners. At that time I suggested to the Treasurer that he might at least be a little magnanimous and date the increased pensions from January 1 although it was not possible to collect increased contributions until February of that year. I could not move the amendment, but the Treasurer agreed that it would be moved, and it was moved. Therfore I suggest to the Treasurer that, notwithstanding his magnanimous suggestion about referring it to some authority for action in the future, he might take some immediate action, as was done in 1954. I am prepared to compromise and say that, if he is not prepared to give the full amount, at least full and sympathetic consideration should be given to an amendment, either here or in another place, on the lines of the principles accepted by the Treasure and Parliament in 1954, at least to extend the term under which these people will become entitled to the benefit provided by the Act for a further period beyond January 1, 1949.

The Hon. Sir THOMAS PLAYFORD (Treasurer)—There are two or three things that the Leader has raised upon which he wants some information, which I am happy to try to supply. In the first place, he was anxious to know whether there was an appropriation involved in this matter. If he looks at section 31 of the Act, he will see that there is a direct appropriation involved in this. That section says:—

> Payments by the Government to the Fund for the purposes of this Act shall be made from the General Revenue of the State, which is hereby appropriated accordingly. The payments shall be made in such manner and at such periods as are prescribed.

Therefore, there is a direct appropriation and this matter is not one that again comes before Parliament for any vote because the appropriation is made in the Act itself and it is paid each year without any further appropriation by Parliament.

The second point made by the honourable member was whether the fund itself could stand additional benefits without any further contributions from the Government or the present contributors to the fund. The honourable member has said "Here is a fund of approximately £10,000,000 that had a profit last year of nearly £1,000,000. On the face of it, there is no need for the Government to pay 80 per cent of the pensions that are being paid each year; the Government need pay only 60 per cent and the fund can meet additional contributions." On these matters we have to rely on information from qualified persons, and the Public Actuary makes periodical examinations of the fund. He reports that there is no material surplus in the fund. If we examine the matter we see there is £500 available for each contributing member. If the money is spent in other ways some contributors will be deprived of benefits.

Mr O'Halloran—What an argument!

The Hon. Sir THOMAS PLAYFORD—The Public Actuary says that there is no substantial surplus in the fund.

Mr. O'Halloran—Did he say that there is only £500 available for each contributor?

The Hon. Sir THOMAS PLAYFORD—It is a matter of simple arithmetic. All we have to do is divide the £10,000,000 by 20,000, the number of beneficiaries under the fund. The Public Actuary is a public servant and he would be anxious to get all the benefits he could from the fund. The Government now provides 80 per cent of the money paid out, owing to the fact that there have been increases in the benefits.

Mr. O'Halloran—That applies only to the tall poppies.

The Hon. Sir THOMAS PLAYFORD—No, to those who had available to them additional units under the 1949 legislation. The Government would not pay out 80 per cent of the money unless there was a certificate from the Public Actuary that it was necessary. The Government has considered this matter closely in connection with the investigations made by the Grants Commission every year. The amounts contributed by the Government per head of population in the various States on account of superannuation are New South Wales 42s. 4d., Victoria 26s. 6d. and Queensland 8s. 9d. The average for these non-claimant States is 25s. 10d. The figures for the claimant States were South Australia 20s. 3d., Western Australia 26s. 3d. and Tasmania 16s. 5d. They show that there is a tremendous discrepancy between the 42s. 4d. in New South Wales and the 8s. 9d. in Queensland, and that on average South Australia was slightly down, and that is why the Bill has been introduced. I cannot see the implication in Mr. O'Halloran's final remarks. If on examination I find that it is a reasonable proposition I will have something done in the Council. I feel that it would be a grave hardship to many pensioners if the legislation were held up. In the morning I will get my officers to examine the suggestion and I will inform

the honourable member about it as soon as possible tomorrow.

Clause passed.

Title passed.

Clause 7—"Pension to widow and children of pensioner"—reconsidered.

The Hon. Sir THOMAS PLAYFORD—I move to add the following new paragraph:—

(*d*) by adding at the end thereof the following subsection:—

(5) The amount of the pension of the widow of a pensioner who retired or attained the age of retirement before the first day of January, 1949, shall be four-sevenths of the rate of the pension of that pensioner in force on the 15th December, 1958.

This is purely a drafting amendment to ensure that the benefits provided under two sections are not duplicated.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

ADJOURNMENT.

At 10.51 the House adjourned until Wednesday, November 19 at 2 p.m.