HOUSE OF ASSEMBLY.

Tuesday, November 10, 1959.

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

QUESTIONS.

MEAT DELIVERIES.

Mr. O'HALLORAN—In this morning's *Advertiser* appeared the following remarks alleged to have been made last night by Mr. T. G. Barnett, the chairman of the Meat and Allied Trades Federation:—

After a meeting of the federation's board, Mr. Barnett said the serious position in which housewives had been placed last week was attributable entirely to the delay of the Government-controlled Abattoirs Board in providing adequate loading and delivery facilities. The meeting had received protests from practically every butcher in the metropolitan area about the delay in deliveries. Butchers had lost thousands of pounds through lost time and many had had to destroy meat which was unfit for human consumption when received. Despite increased killing facilities, the Abattoirs was using three loading bays fewer than before World War II.

Will the Minister of Agriculture say whether the statement attributed to Mr. Barnett is a correct statement of the position and, if so, will he take up this matter with the Abattoirs Board with a view to removing the difficulty and ensuring that we do not have a debacle in meat deliveries during the Christmas holiday period?

The Hon. D. N. BROOKMAN—As the Leader knows, what is described as the Government-controlled abattoirs is the abattoirs set up by Act of Parliament, which lays down the constitution of the board. I have asked the board to study the comments made by Mr. Barnett and when I receive its report I shall be able to answer the Leader's question exactly. In any case, a meeting is being arranged to discuss any difficulties in deliveries with the idea of sorting out any problems. At this stage, I point out that it is by no means a one-sided issue.

ABATTOIRS FEES.

Mr. HARDING—My question arises from a different paragraph of the article mentioned by the Leader. As I am a producer and represent producers I am concerned with the portion of the article which states:—

It was believed that South Australian butchers now paid the highest fees in Australia for killing and delivering.

I have asked this question before regarding costs at Port Lincoln. Will the Minister of Agriculture obtain a report on this statement, which I feel should be challenged, because it is well known that most of the stock sold in the South-East is killed in another State, and this report, if unchallenged, would lead to even more stock being slaughtered in other States?

The Hon. D. N. BROOKMAN—I shall be pleased to report on that matter also.

BREAD DELIVERIES.

Mrs. STEELE—Soon after my election to this House and on other occasions since then I have made representations to the Prices Commissioner with a view to having removed the impost of a penny on a two-pound loaf and a halfpenny on a one-pound loaf on bread delivered in the Burnside and adjacent districts. This area, which is defined in Prices Order No. 683 as area No. 2, includes Beaumont, St. Georges, Linden Park, Stonyfell, Burnside, Erindale, Burnalta, and Wattle Park. The surcharge was originally imposed when homes were scattered and the extra delivery charge was justified, but this has ceased to be the position with the big increase in building all over the area. The Prices Commissioner has announced that bakers supplying this area have been advised that in view of all the circumstances this impost will be lifted and, according to the press, one baker has accepted the position, but the other has said he will cease delivery if the order is enforced. I understand that a meeting between the bakers and the Prices Commissioner was to have been held yesterday. Can the Premier say what is the latest position? If, as has been suggested, one baker proceeds with his intentions to cease delivery, what action will be taken to ensure that residents in this area are supplied with bread?

The Hon. Sir THOMAS PLAYFORD—It was pointed out some time ago to the Commissioner that, owing to the scarcity of population in that area and the cost of delivery being more than normal in the metropolitan area, a special charge should be imposed for delivery in that area. This was examined, and the Prices Commissioner then considered that the additional amount could be justified, and made an order accordingly. A more recent survey has shown that for a large portion of the area the additional charge is no longer justified, and the Commissioner is at present negotiating with the two firms concerned to bring about a reduction so as to bring the price of bread delivered in those areas down

to the normal price charged in the metropolitan area. I do not know this, but I feel that the issue is not really confined to the honourable member's district; I believe the question of bread deliveries in the Elizabeth district is behind this matter, as one of these firms operates at Elizabeth, and I gather that the objection made in the honourable member's district might anticipate some action by the Prices Commissioner in another area. The Commissioner has submitted figures to me which, on the face of them, entirely justify the action he intends to take, but he has arranged a conference with the two persons concerned, and is holding up action pending that conference.

WINE INDUSTRY PETITIONS.

Mr. STOTT—The Minister of Agriculture will remember that several petitions have been presented to the House relating to the wine industry and wine prices, and several other petitions, although not in the proper form to send to Parliament, have been sent to the Minister and his department has acknowledged them. Has the Minister considered the requests made in these petitions, and does he intend to take the matter any further by holding a conference, calling for a report, or making a full inquiry into the matters referred to in these petitions?

The Hon. D. N. BROOKMAN—In the petitions were statements that require careful consideration. In fact, it is extraordinarily difficult in some respects to consider them, but this is being done and in order to see that it is done closely and accurately I have asked a very experienced officer in the department to take charge of the matter. I hope to have a reply to the petitions soon.

TEXTBOOKS IN SCHOOLS.

Mr. CLARK—An instruction regarding textbooks issued in the South Australian *Education Gazette* of October 15, at page 308, is as follows:—

> Heads of primary schools are instructed that they are to make no change next year in the textbooks used in the various grades at their schools from those used in 1959.

I have no real quarrel with that instruction, at least, from a utilitarian angle, but I should like to know whether this instruction was a recommendation of the Curriculum Board. I also draw the Minister's attention to a book review on page 332 of the same *Gazette*. I do not know how authoritative these reviews are, but the book in question is titled *Social Studies Through Activities*, Book 4, South Australian Edition, and the authors' names are given. The review states:—

> This book of 130 pages forms one of a series suited to South Australian courses in history and geography.

It further states:—

> The new book on South Australia covers the Grade IV course in history and geography. It was examined in detail during its preparation by a committee of the Head Masters' Association of the S.A.I.T. Their suggested alterations and additions to the original draft were readily accepted.

The review goes on to speak very highly indeed of this book, and states:—

> Several features make this book particularly suitable for South Australian schools. The language is within the understanding of the children who will use it.

I have seen this book and find it very good. I am told that, if used, it would replace two books that are considered unsatisfactory, one for history and one for geography, which have been used in Grade IV, and that it would cost about the same price as those two books. Obviously, private schools would not be debarred from using this book, but it appears as though departmental schools might be. I have heard that many teachers would like to use the book, and that it would be appreciably better than the two books now being used. Can the Minister of Education say whether it would be possible to amend the instruction which appears on page 308 of the October *Gazette* to allow this book to be used, if teachers desire to use it, in place of the two books at present being used for this grade?

The Hon. B. PATTINSON—Regarding the first part of the question, the direction to which the honourable member referred was made on the recommendation of the Director of Education and arose from the fact that the various curriculum boards had been asked to make recommendations regarding the books to be used in future. As the honourable member will appreciate, that is a long and difficult job, and it has not been completed. The Director considered—rightly in my opinion—no changes should be made while this very extensive consideration was being given to the books to be used in future.

Regarding the second part of the question, it would be possible to amend the direction, but I would much prefer to have a discussion on the particular book, of which I heard something last week. I am sure the Director would be amenable to having discussions on the matter, and I should be likewise. I would rather do that and be properly informed as to

the merits of the new book, and whether it would be in the best interests to make any exception to the general direction, than to give a decision now. I should be only too pleased to sympathetically consider any representations made to me. I think representatives of the Teachers' Institute are very interested in the matter also.

JERVOIS ROAD.

Mr. JENKINS—I understand the Minister of Works has a reply to my recent question regarding the sealing of the Jervois Road.

The Hon. G. G. PEARSON—My colleague, the Minister of Roads, advises that it is proposed to seal the lower road.

SAN JOSE SCALE.

Mr. BYWATERS—On October 27 I referred to the San Jose scale at Mypolonga and drew attention to the fact that many people were concerned over the spraying of dormant oil. I was at Mypolonga again on Saturday night and was told by many fruitgrowers in that area that this is getting to worse dimensions than were at first anticipated. Many growers are concerned, as clingstone peach trees are dying through what they term the spraying of dormant oil. The Minister of Agriculture promised to obtain a report on the matter. In view of the increasing alarm at the spraying of dormant oil, can the Minister say what the department's attitude is, whether the department has studied the matter fully, and whether there is a report on the matter?

The Hon. D. N. BROOKMAN—I remember the question being raised, I think in the debate on the Estimates. I have not a report, but I will find out what has happened to it and bring it down tomorrow if it is available.

ORIENTAL PEACH MOTH.

Mr. KING—I presume the Minister of Agriculture is aware of the outbreak of oriental peach moth in the Renmark area. Does the Minister consider the outbreak sufficiently serious for Cabinet to take action similar to that taken in connection with the outbreak of San Jose scale in another district recently?

The Hon. D. N. BROOKMAN—I am aware of that outbreak. Oriental peach moth is a pest of a completely different character from a scale insect, and measures taken at Mypolonga, both in relation to control measures and the orchardists affected, would be rather different from those in dealing with oriental peach moth. I will get a report for the honourable member.

PORT PIRIE HARBOUR REHABILITATION.

Mr. McKEE—Can the Chairman of the Public Works Standing Committee indicate what stage negotiations have reached regarding rehabilitation of the Port Pirie wharves, and whether plans have been altered?

Mr. SHANNON (Chairman, Public Works Standing Committee)—The investigation into the reconstruction of the inner harbour at Port Pirie is still a matter for negotiation between the Broken Hill Associated Smelters, the Consolidated Zinc and the Electrolytic Zinc companies and the Harbors Board regarding these companies' requirements in the harbour proper. Another problem that has arisen is that my committee has had referred to it a proposal for bulk handling of grain at Port Pirie. We must also determine how three different railway gauges can be operated, if and when the Commonwealth does alter the Port Pirie to Broken Hill 3ft. 6in. gauge to 4ft. 8½in. That will create a further problem in respect of the harbour. At present we are anxiously awaiting the return from overseas of the General Manager of the Harbors Board. I am confident that when he returns we shall be able to consider how the companies' proposal can be applied without interference to other port users. I think the committee will be able then to proceed with the inquiry without much further delay.

KINGSTON WATER SUPPLY.

Mr. CORCORAN—I have been informed by the District Clerk of Kingston that the work on the Kingston water supply is not proceeding expeditiously and that there is some hold-up due to the lack of a geologist's services. Can the Minister of Works say whether there is any truth in that rumour and when the work will proceed?

The Hon. G. G. PEARSON—I sought information from the department and I have a report which does, to some extent, confirm the honourable member's statement that there have been difficulties in getting on with the job. The Engineer-in-Chief reports as follows:—

The rising main from No. 1 bore and the township reticulation mains have been laid, this work having just been completed using pipes which were delivered at the end of the last financial year. The Mines Department has sunk two additional bores but difficulty is being experienced with regard to the salinity of the upper layer of water in the No. 3 bore. Tests are in hand to determine whether this can be overcome. Difficulties have also been experienced in regard to the foundations of

the stand for the elevated tank. The above matters combined have delayed the completion of the scheme and I am unable to say at this stage when the project will be completed.

The work did proceed with reasonable speed early but, as the honourable member knows, an elevated tank creates heavy stresses on the ground formations underneath and until we are able to overcome the problem of foundations for that tank and to decide, among other things, whether a better location can be obtained, it is not possible to make much progress. We are actively working on the problem and will progress with the work as soon as possible.

BEETALOO VALLEY WATER SUPPLY.

Mr. RICHES—During the Premier's visit to Beetaloo Valley on Friday, among other things the possibility of obtaining underground supplies of water was discussed. Can the Premier say whether the services of a geologist, if sought, will be made available to that district to assist in the search for underground water supplies?

The Hon. Sir THOMAS PLAYFORD—I have discussed this matter since Friday with the Minister of Mines, Sir Lyell McEwin, who is prepared to direct a geologist to make a general survey of the area and advise whether underground waters appear a possibility there.

JAPANESE CULTURE PEARL INDUSTRY.

Mr. SHANNON—Certain well-informed persons have been concerned since reading a press announcement that a group of Japanese are growing culture pearls on Australian soil. This has not been greatly publicized, but if it is a matter of public property I would like the Premier to ascertain whether these Japanese, who have apparently settled on Australian soil, are immigrants to this country or, if not, under what conditions they occupy Australian territory?

The Hon. Sir THOMAS PLAYFORD—I have no knowledge whatever of this matter. I point out that the activity is conducted in another State and that, in any case, the question of immigration is under Commonwealth control. I saw a report in the press last week that Mr. Calwell had said that an Asian migrant was allowed to stay in Australia provided he could do business here to the extent of £10,000 a year. I had no previous knowledge of that fact, nor have I of this particular firm's activities.

SEATON RAIL CROSSING.

Mr. FRED WALSH—In August last I asked the Minister a question about the adequacy of warning devices at the Tapley's Hill Road rail crossing at Seaton where a fatal accident between a train and a bus had occurred. A week later the Railways Commissioner replied that the warnings were totally adequate and that road users had some responsibility, and quoted the Road Traffic Act to back his opinion. The Woodville Council has considered this matter and has communicated with the member for Semaphore and me—this crossing being on the boundary of our electoral districts—informing us of correspondence between the council and the Commissioner. Will the Minister of Works ask the Minister of Railways to request the Railways Commissioner to give special consideration to installing drop-arms at that crossing similar to those in use at the Leader Street crossing at Goodwood?

The Hon. G. G. PEARSON—I will refer the matter to the Minister of Railways.

PENSIONERS' CONCESSION FARES.

Mr. O'HALLORAN—On October 20 I asked the Premier whether consideration would be given to providing concession fares to pensioners travelling on private buses in the metropolitan area in off-peak periods as have been provided for pensioners travelling by public transport. The Premier indicated that it was a matter of policy that would have to receive consideration. Has it been considered and has he anything to report?

The Hon. Sir THOMAS PLAYFORD—No decision has yet been made.

FRUIT FLY.

Mr. KING—Has the Minister of Agriculture a reply to my question about the possibility of the introduction of fruit fly from Queensland through the medium of water melons?

The Hon. D. N. BROOKMAN—Yes. Water melons are not a host for fruit fly and may be imported subject to inspection on arrival. During the 12 months ended June 30, 1959, 51 tons of water melons was imported from Queensland.

MOUNT BURR COMMUNITY HALL.

Mr. CORCORAN—Has the Minister of Agriculture any further information on the building of a new community hall at Mount Burr?

The Hon. D. N. BROOKMAN—Tenders for the hall have been advertised, and close on Wednesday, November 25. Tenders have been

advertised in the South-Eastern papers and also the *Sunday Mail*. Plans and specifications are available at both Adelaide and Mount Gambier, and several inquiries have already been received from prospective tenderers.

MANNUM-PURNONG ROAD.

Mr. BYWATERS—Some time ago I introduced a deputation from the district council of Mannum to the Minister about the sealing of the road between Mannum and Purnong. I rang the Minister's secretary last week to see if he had any information on it and, if so, whether he could let the Minister of Works have it. I do not know whether he has contacted the Minister yet. If not, will the Minister get a reply as soon as possible?

The Hon. G. G. PEARSON—The information sought is not with me today but I will make inquiries about it.

SMOG NUISANCE AT PORT AUGUSTA.

Mr. RICHES—Has the Premier a report for me on the effect on public health of the smog nuisance at Port Augusta?

The Hon. Sir THOMAS PLAYFORD—Yes. A report from the Director-General of Public Health, Dr. Woodruff, reads:—

Samples of dust were taken at Port Augusta and analysed in April, 1959. The results were discussed by a medical officer of this department at the time with the Mayor of Port Augusta and the Officer of Health. The tests showed that the dust contained a proportion of silica particles. Some of these were the small size which can be associated with silicosis. The risk of silicosis depends on the concentration of dust inhaled, the length of time during which it is inhaled, and the proportion of particles below the critical size. Two of the five samples contained sufficient small particles to be a possible source of danger if heavy concentrations of this dust were inhaled continuously for a period of several months. The other samples consisted almost entirely of particles too large to be dangerous, and could be inhaled continuously. The results suggest that there may be points in the immediate vicinity of the power house itself where continuous work could be dangerous unless the dust concentration is reduced. The possibility of a silicosis hazard to people living and working in the town of Port Augusta is considered extremely remote.

KANGAROO MENACE.

Mr. O'HALLORAN—For some time I have been receiving complaints from pastoralists in the northern areas about the ravages of kangaroos, which are becoming more and more serious as the feed position deteriorates owing to the dry season. It has been suggested to me that steps should be taken to assist pastoralists in getting rid of these animals, which have become a serious pest in some stations. One station owner informed me recently that in the past 12 months he had destroyed 4,000 kangaroos and still had more kangaroos than sheep on his property. Can an inquiry be made about the possibility of using the meat of these animals, which, I understand, is very popular in America for the feeding of pets, in order to encourage shooters to destroy them and at the same time turn them to some commercial use? Now, when they are destroyed, no use is made of the carcass, only the skins. Will the Minister of Agriculture have an investigation made? Perhaps the Abattoirs Board could assist in the local packaging and preparation for export. I think the matter is well worthy of consideration.

The Hon. D. N. BROOKMAN—This matter has been raised and is now being examined closely by several authorities, the health authorities as well as the abattoirs. I shall be able to give the honourable member a considered reply shortly.

SUBTERRANEAN WATER BASINS.

Mr. LAUCKE—My attention has been drawn to the recharging or replenishing of subterranean water basins. I understand that in America and France water is diverted from natural waterways in winter time to flood lowlying areas which are punctured with a series of 12in. or 14in. boreholes, which are sunk to the subterranean water basin level. With a system of screens to collect mud and debris, the basins are recharged with pure water, providing a high water table for summer pumpings. Will the Minister of Works state whether experiments have been made locally in this regard; if so, what have been the results; if not, and if no information is at present available, will investigations be made into the practicability of instituting this means of water conservation?

The Hon. G. G. PEARSON—From memory, I think some work has been done in respect of water basins in the western districts in particular, and around the metropolitan area in general. I believe the Engineer-in-Chief has some knowledge and experience of the work done. I understand that it has been found feasible, to some extent, at any rate, to direct surface waters underground, and that bores in some parts have been used as a means of taking water to the basin below, with the result that the water table has been increased considerably. I am not able to say whether that is practicable on all occasions with surface

water. I think it may possibly result in the water table rising unduly in certain areas if excessive water is made available. It may result in turning some sub-artesian bores into flowing bores due to the levels that may be created. I will ask the Engineer-in-Chief if he has any specific information on the matter and whether or not the experience he may have regarding the metropolitan area may apply to other areas in the State. If he has not, with the honourable member's leave I will refer the matter to the Minister of Mines to see whether he has some useful comments.

ELECTRICITY SUPPLIES FOR RAILWAY EMPLOYEES.

Mr. BYWATERS—Railway employees receiving electricity supplies are requested to pay a standing charge for 10 years and in the agreement they sign it is stated that if they vacate the property and it remains idle, or if someone takes over who is not willing to take over the supply, they shall be responsible and the charge can be levied against them. Railway employees are frequently transferred without any desire on their part or they may apply for transfer to another area, which could leave their homes vacant for some time. They are concerned about being charged for electricity when they are not using it. Will the Premier take up this matter with the Electricity Trust and the Railways Commissioner to see whether something cannot be done to overcome this? In the Budget debate I suggested that, instead of the standing charge being levied, perhaps a slight increase in rents would overcome this problem.

The Hon. Sir THOMAS PLAYFORD—I shall be pleased to have this matter examined.

PORT AUGUSTA TRADE TRAINING.

Mr. RICHES (on notice)—What progress has been made in planning for a new building to cater for apprentice training and tuition in trade subjects at Port Augusta?

The Hon. B. PATTINSON—The whole question of the accommodation and facilities required for apprentice training at Port Augusta is being examined by the Director of Education, who will submit his recommendation in due course.

SOLOMONTOWN PRIMARY SCHOOL.

Mr. RICHES (on notice)—

1. Has a contract been let for painting the Solomontown primary school?

2. When is it anticipated that a start will be made with this work?

3. What other work has been approved for this school?

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

1. Not yet.

2. January, 1960.

3. (*a*) Improved toilet and shelter shed accommodation; (*b*) top dressing asphalted area; (*c*) additional lighting; (*d*) development of playing field, Princes Park; (*e*) residence for deputy head master.

PRICES ACT AMENDMENT BILL.

Read a third time and passed.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL.

Read a third time and passed.

HOLIDAYS ACT AMENDMENT BILL.

Read a third time and passed.

THE AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES BILL.

Committee's report adopted.

Bill read a third time and passed.

POLICE PENSIONS ACT AMENDMENT BILL.

Committee's report adopted.

Bill read a third time and passed.

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) introduced a Bill for an Act to amend the Compulsory Acquisition of Land Act, 1955.

Bill read a first time.

ROAD TRAFFIC ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1457.)

Mr. HALL (Gouger)—This Bill, in general, seems sensible as it clarifies the position regarding many traffic matters, and I would think that the law regarding these matters will be much more easily administered after the amendments are passed. I am interested in the amendment defining intersections, and the one that says that the speed limit over

an intersection shall be 25 miles an hour. I believe that has been the law for some time, but I think it is probably the least enforceable law on the Statute Book. Although I fully agree with that speed limit, and believe it is a very valuable provision, I am at a loss to know how it can be enforced more in future.

Clause 12 clears up any doubts people may have had on the value of the amber light in traffic light control. There is a prevalent practice in Adelaide streets for cars making a right hand turn, where many may be waiting in the centre of the road to turn to the right. That is worrying. Some of those drivers intend to turn right, even though they are back behind the stop line, but when the lights change many of those drivers still seem to think they have the right to go forward past that line, in contravention of the light signals, and turn right, simply because they had that intention. I should like to see that practice policed a little more, because it can be very dangerous to pedestrians. I believe clause 14 will legalize "Safety Sallies" outside schools, which is a very good provision indeed.

I greatly admire the people who make and frame our laws, but I admire even more those that exist under them, and I strongly object to clause 6 of this Bill, which was spoken of by the Member for Light (Mr. Hambour) who I believe also objects to this provision. This clause would enable the courts, if they so wished, to deprive a person of his licence as a penalty for overloading a commercial vehicle. I have no brief for a man who deliberately sets out to contravene the law and overload a vehicle, but often this inadvertently happens, and I think this penalty has not been given sufficient thought. In fact, it puts the wrong of overloading on the same plane as drunken driving, and I cannot see any moral equality there.

The member for Light pointed out some instances where overloading could occur in unknown ways, for instance, through a load shifting from the front axle to the back. A very good example of how a person can be caught in this way was recently pointed out to me. A country carrier who employs drivers to man his trucks is in the habit of sending them to the city to pick up timber. The trucks can carry a certain number of super feet of timber for a required tonnage, but if the timber—as they found one day to their cost—is green, it altogether alters the gross weight of the truck. This is just another way in which the very best of intentions can lead to the breaking of this law. In too many instances the law can be broken by people who have no thought of offending, and it strikes very heavily at the employees of any carrying company, because they are the ones that would lose their licences if this provision were enforced. I support the member for Light in opposing clause 6.

Mr. LOVEDAY (Whyalla)—Briefly, I support the main parts of the Bill. Clause 4 relates to the question of interfering with motor vehicles and using a vehicle without consent. In common with the Leader, it appears to me that this clause, whereby a complaint for an offence against it may be laid at any time not later than two years after the commission of the offence, stipulates an unduly lengthy period from the point of view of setting up a proper defence to the charge, and, as people's memories get rather blunted after two years, I feel that 12 months would be sufficient to meet the situation.

Like two previous speakers, I strongly oppose clause 6 under which a driver may lose his licence for 12 months as a penalty for overloading. This will undoubtedly impose far too harsh a penalty upon many employed drivers, who are told by their employers what they shall or shall not load on a vehicle, and I consider that the penalty should be upon the employer, not the employee. The employer is the person who should be penalized so that it is quite unprofitable for him to overload his vehicle. The monetary penalty should be stepped up so that it is no longer profitable for employers to overload vehicles as they are doing today. We know that much overloading is going on, and in fact the overloading regulations are being evaded, in many instances to the grave detriment of our roads. The employed drivers themselves are in no position to refuse the instructions of their employers, and in any case to deprive an employed driver of his licence for 12 months means in effect that we are virtually depriving him of his ordinary living for 12 months, a penalty far too harsh to meet those circumstances. With those two reservations, I support the Bill.

Mr. COUMBE (Torrens)—I feel that this amending Bill will be welcomed by many people, because certain of its clauses have been eagerly awaited for some time to clarify a rather doubtful position that existed in the public's mind regarding many facets of this legislation. It is a Bill that I certainly

welcome, because I have often spoken in this Chamber on the need to clarify many sections of the Road Traffic Act.

In reading through the amendments I realize that much thought has gone into preparing this Bill, and I pay a tribute to the work of the State Traffic Committee which represents the major organizations concerned, both from the motorist's point of view and the pedestrian's point of view, the police, local government, and others concerned with road traffic use. I pay a tribute to the manner in which these clauses have been framed and I congratulate the Chairman of the State Traffic Committee, Mr. Millhouse.

In recent months much interest has been taken in pedestrian crossings where fatalities and near fatalities have occurred. Doubts have arisen as to whether these crossings are legal. This Bill not only regulates the manner in which lights can be installed at intersections and junctions, but enables their installation at points between intersections and junctions. In the main, pedestrian crossings are used by school children and are adjacent to schools. Recently fatalities have occurred on the South Road at St. Marys simply because motorists have not observed the red light showing on these pedestrian crossings. The amendment clears up any doubts as to their legality. Section 130e (5) of the principal Act, which relates to pedestrian crossings, states:—

Where a vehicle or animal approaching a pedestrian crossing would, if it continued without changing speed, collide or run the risk of colliding with any pedestrian on such crossing the driver or rider of the vehicle or animal shall decrease the speed of his vehicle or animal to such an extent or stop his vehicle for such time as is necessary to allow the pedestrian to pass in front thereof.

By "pedestrian crossing" I refer to the type of crossings already installed at Grote Street; Black Forest; and on the Main North Road, Prospect. Such crossings may only be installed by councils with the approval of the Commissioner of Highways. When approval is given the councils must undertake certain provisions that are referred to in the regulations consolidated on July 9. They must mark the crossing with two wide white lines across the road; provide advance warning signs on each side of the road leading to the crossing not less than 120ft. and not more than 250ft. before the crossing; provide additional signs at the crossing and also flashing lights which must be lit from half an hour before sunset until half an hour after sunrise and flash continuously.

I believe that to ensure the utmost safety at these crossings the road immediately before them must be kept clear of parked vehicles. The regulations provide that a car may not park within a specified distance of these signs, but this provision must be policed more effectively. In order to secure the utmost co-operation from the motoring public this provision must be adequately publicized. Many members have travelled interstate and have seen how effective these crossings can be. In Victoria, if a motorist crosses when he should not cross he is immediately apprehended by the police. When these crossings are recognized and motorists observe them, pedestrians have a greater sense of security, but unless we get co-operation these crossings can be a death-trap. I am pleased that the Bill prohibits overtaking at these crossings. Fatalities have occurred when motorists on the extreme left of a road stop and observe the law at a crossing, but reckless drivers overtake, pass on the right and collide with pedestrians who cannot see them. If this prohibition is publicized and strictly observed it will be of immense value. The Police Force must rigidly police these crossings especially when they are introduced because if a few motorists are convicted for contravening the provision the public will soon realize the importance of the crossings. I believe that the provision of school crossings with mechanically actuated and pedestrian-operated lights is a step in the right direction. This Bill legalizes their installation and makes the position clear.

Another advance in our traffic control has been the provision of diamond turns at some city intersections and at some suburban intersections where traffic lights are installed. They enable the freer flow of traffic in busy areas at peak hours. We have observed how effective these diamond turns have been and I would have thought that some provision would be incorporated in the Act to legalize them.

At the moment the Adelaide City Council is concerned about the cost of painting these turns. I do not suggest that they should not be painted, but if their provision were legalized, the position would be much clearer. Unless arrows are painted at these crossings motorists do not know whether they have to make a diamond turn or the normal right hand turn. The position should be clarified.

Whilst I was a member of a council I repeatedly drew attention to the danger of

vehicles parking near street corners. I was successful in having the matter brought to the attention of the Municipal Association which, I understand, raised it with the State Traffic Committee. It is now proposed that vehicles shall not stand within 15ft. of a street corner. I have seen accidents happen and others narrowly avoided because a motorist's view to his right has been obscured by a parked vehicle—sometimes a commercial vehicle that is being unloaded. On the Main North Road, which is not over wide and which is about the third busiest road in the State, motorists desiring to cross it or turn into the stream of traffic from a side street must ease at least 10 to 12 feet into the road before they have a clear vision of traffic approaching on the right. That is extremely hazardous, and I have not only seen accidents happen through it, but have narrowly avoided accidents myself. The Adelaide City Council has a by-law covering this position at present, but to make it effective the council must mark every street corner. Some suburban councils have a similar by-law—and possibly some country councils—but they must paint each corner.

Mr. Lawn—Whose side are you on in this fight? The Adelaide City Council's?

Mr. COUMBE—I am supporting this Bill. If the honourable members contains himself and reads it he will see that it applies to the whole State.

Mr. Lawn—Do you support the Adelaide City Council against Mr. Heaslip?

Mr. COUMBE—I am waiting to hear what the honourable member has to say about that matter. Councils would be faced with the expense of marking every street corner, even if a model by-law were introduced, but by the introduction of this provision into the Bill it will automatically apply throughout all council areas. Here again I plead that adequate publicity through the press and other agencies be given to this matter so that the public will be aware of these conditions. Just publishing it in the *Government Gazette* or including it in the Bill is not sufficient publicity, either on this particular question or on traffic lights generally, because few people take the trouble to read the *Gazette*.

I support the second reading and welcome the Bill. It is long overdue, and will be greatly appreciated by the general public. Clause 14 contains these words:—

While a flag or sign bearing the word "stop" is exhibited by a person on a pedestrian crossing, the driver or rider of a vehicle or animal shall not permit any part of the vehicle or animal to enter the crossing.

That is quite safe and adequate. It means that on a zebra crossing (as it is commonly called), while the lights are flashing, a motorist must slow down or stop to avoid a collision but when a flag or sign bearing the word "stop" is specifically exhibited by a person he must stop; he cannot just drift over the crossing. I am pleased with the way the clause is worded because it gets over the old problem of a flag being stuck on a post and left there all night, as happens outside some schools—where, also, the lights are left on till all hours, the result being that motorists become cynical and just speed past them. In these provisions, under which only certain persons are authorized to exhibit these stop signs, we have a safeguard. They are meant specifically for school crossings.

It is suggested that the students themselves, perhaps monitors, should hold these flags. Of course, they would be authorized by the headmaster or staff to do so. I am pleased with some of the powers that the Government has to make regulations under clause 14. Considering those powers and the consolidated regulations I have already referred to, this type of crossing is well protected. As the local government body is the logical body to undertake the control and installation of this kind of crossing, it will welcome the tightening up of this sort of regulation. A great deal of ambiguity and doubt has prevailed in the past about its powers under this section of the Act. This clause will now smarten up the section considerably and give a lead to local government, which will be the only authority able to install and operate these lights. It will be important to see that pedestrian crossings and traffic lights are not installed willy nilly upon every application made. If that were done driving on the roads would be chaotic. One would only be able to go a hundred yards or so on a suburban road before being pulled up. Therefore, it is a wise precaution to have it written into the Act that no pedestrian crossing or traffic light control system shall operate unless the Minister authorizes the local governing body to install it.

Mr. FRED WALSH (West Torrens)—I support the second reading, but with some reservations because, but for the Premier's assurance that another Bill would be brought down this year consolidating the Road Traffic Act,

I should have been inclined to oppose the second reading of even this Bill because it is about time we considered these matters in more detail and more minutely than hitherto. Some sections of the Act are intelligible to only a very few people. I should like first to touch on a matter raised in the Adelaide City Council meeting yesterday when reference was made to the criticism levelled at the City Council by the member for Rocky River (Mr. Heaslip). The Premier was mentioned also. I wholeheartedly support the views of the member for Rocky River about North Terrace.

Mr. Shannon—That goes for many of us.

Mr. FRED WALSH—I think so, too. I drive along North Terrace practically every working day and have some experience of the establishment of parking places in the centre of the street. The Commissioner of Highways should never have permitted it in the first place. The principal City Council critic of the member for Rocky River, Councillor Nicholls, said there was no problem on North Terrace, that the carriageways were wide and that the establishment of the centre parking made motorists more cautious.

Mr. Shannon—Brother Grundy was on his back, too.

Mr. FRED WALSH—I was coming to brother Grundy. When the tramlines were taken up, North Terrace then afforded ample roadway for traffic, which had more freedom of movement. The volume of traffic increased as a result of the road being more usable than previously, when there was a deep fall on the northern side where cars were sometimes parked half on the footpath and half on the roadway. That defect was eliminated, but the result of central parking is that we are now in a worse position than previously. I do not subscribe to the view that, because the member for Rocky River has certain business interests on North Terrace, he has no right to express his view here, any more than Councillor Grundy, who, I believe, has business interests in Rundle Street, has no right to express himself in the Adelaide City Council meetings, and that goes for nearly every member of the City Council who has business interests. One has only to watch and read of their actions and doings from time to time to get some idea of the influence that these big business interests wield in regard to the Adelaide City Council. I could refer to one-way traffic in Rundle Street and Hindley Street. Bringing bus traffic down Pirie Street and Waymouth Street would correct existing congestion in Rundle Street, but that would not suit the big business interests in Rundle Street, who want their customers to come into places of business rather than take their places of business to where the customers are. The time is fast approaching when most shoppers in the metropolitan area will be doing their shopping in their own suburban areas because bigger and better shops will be constructed there to cater for their needs, so they will not have to come to the city and face the problem of parking and congestion.

Mr. Quirke—That is happening now.

Mr. FRED WALSH—It is, and the position will get worse with the passage of time. I want to say a few words also about the expense that the council went to in regard to the pedestrian crossings across North Terrace. For many years there has been an agitation for a subway under North Terrace. If one had been installed, particularly now that Bank Street has been widened, it would have solved the problem for many years to come: but the putting of pedestrian crossings there, with lights, has not solved the problem. While I subscribe to the view that pedestrians must be protected at all times, we are only creating another traffic snarl by this, particularly on the eastern side of the crossings, with T.A.A. buses coming out of their terminals and swinging out into North Terrace and vehicles going along North Terrace being held up at the crossings.

In addition, there is the turn to the right across to the railway station, and the position will soon become almost impossible from the point of view of freeing traffic. After all, our aim is to make the traffic flow as freely as possible and avoid congestion. Apart from the time lost by private people, there is also the time lost by business interests. This morning I noticed two young fellows on a motor cycle coming out on to North Terrace from the roadway running alongside the railway station. They were held up by a local city inspector who went to great pains to tell them that one-way traffic operated there and that the entrance was from North Terrace. They were new Australians and obviously did not understand that they were doing something wrong. The inspector started to get cross and did not address them as I think he should have. At that junction the only notice "One Way Traffic" is on the eastern side, at the corner by the old Legislative Council building. There is no notice on the other side to indicate to a motorist that

there is only one-way traffic, travelling north. A person travelling north would not notice that sign because he is concerned about the traffic, and there is nothing in his path as he turns to indicate to him that it one way traffic. There is ambiguity and uncertainty in these signs, both in the city of Adelaide and the suburban area.

I agree with the member for Torrens (Mr. Coumbe) that pedestrian crossings are necessary, but we should have the right type of crossing and the right type of signal. Ever since this matter was first introduced years ago I have advocated flashing lights in cycles. I can well remember that the then Chairman of the State Traffic Committee ridiculed my statement, and I think his ridicule was endorsed by the Premier, but they are gradually coming around to my way of thinking. Until these lights operate in cycles they will not have the same value or give the same protection. At the pedestrian crossing in Grote Street the motorist often takes advantage of the fact that people have not actually stepped off the roadway and goes on irrespective of the age of the pedestrians or whether they are carrying a child or pushing a pusher. If there were flashing lights in a cycle at this crossing motorists would know they could not cross when flashing but that they would have the right of way when not flashing. This is the only way proper protection can be given to both road user and pedestrian, and it would give the pedestrian a feeling of safety that does not exist today. Pedestrians now step gingerly on to the roadway not knowing whether they have right of way or not and most drivers want to pass before pedestrians can cross, or there is a bank-up of traffic. All day Friday, and at peak periods during the week, a policeman should be on duty at the Grote Street crossing, allowing time for pedestrians to cross and then holding them up to allow motorists to pass. Until this is done, zebra crossings will be of little value.

Another matter that should be considered by the State Traffic Committee is the installation of a new type of light to replace the type used here. Admittedly the type used in Adelaide is used in most cities, but Melbourne is gradually coming around to using the overhead type, which is used overseas and which I have advocated for many years. This requires only the one set of lights suspended in the centre of the roadway showing in all directions. Even if five roads converge these lights can be made to show in five different directions according to the cycle. Motorists can see these lights even half a mile away in the city or three-quarters or a mile away on such roads as the Anzac Highway.

Mr. Millhouse—I think they would be in order under this provision. I do not think there would be any need to change the law.

Mr. FRED WALSH—Maybe not. It may be the right of local governing bodies to do this, but they should be directed by law to provide this type of light. So long as one council is permitted to put in one type of light and another council another type, there will be no uniformity and motorists and pedestrians will not know where they are. I suggest that this aspect should be considered next year, because anyone who has observed these lights overseas knows how efficient they are.

Mr. Loveday—Have you considered the clock type signal?

Mr. FRED WALSH—No, but they have been tried in Melbourne and found to be unsatisfactory. Suspended lights use lights similar to those in King William Street but, instead of being on each corner, they are suspended over the middle of the road.

Mr. O'Halloran—There are overhead lights in North Adelaide but lights are also on the side of the road for pedestrians.

Mr. FRED WALSH—I do not think they are needed, because suspended lights are not so high that pedestrians cannot see them as well as motorists. They can be seen by everyone, even by strangers. I urge the Government and the State Traffic Committee when dealing with stop signs in the new Bill to consider providing that after stopping at a stop sign a motorist shall not be permitted to enter a roadway until it is clear on both sides. Motorists stopping at the stop sign at the corner of North Terrace and West Terrace can start again immediately and claim the right of way over traffic on their right. The person on the right is confused because he does not know what the traffic coming up from the Port Road will do. He is left there like Mahomet's coffin. Stop signs should be erected only where absolutely warranted and after a motorist has stopped he should not have the right to encroach on the intersection or to turn left or right until the roadway on either side is clear. If this were the position, every motorist would know what was required of him, and I

believe our laws should be made as clear and easy to understand as possible. If my suggestion were agreed to, I feel that the number of accidents would be reduced.

Under clause 12 a stop line is defined as a line marked with studs, paint, or otherwise near a traffic controlled signal so as to indicate a stopping place for traffic approaching that signal. The clause also provides that if no such line is marked it is to be an imaginary line running transversely at right angles across the road and passing through the centre of the pedestal of the signal. What does this mean to the ordinary motorist? In the first place, he would not know it was there, and in the second place he would not be able to tell whether it passed through the centre of the pedestal or not unless he had a theodolite. These things should not be in the Act, as the onus is thrown on a motorist to prove that he was not disobeying the Act. How many members have not disobeyed the provision in this clause at some time or other, and how many will continue to disobey it because they will not give thought to it? The Act is almost as bad as the Local Government Act in its ambiguity, yet the ordinary person is asked to apply it and he could be guilty of an offence almost every hour of the day when driving a motor car. This should be avoided. It may be all right for the member for Norwood, the member for Mitcham and others of their profession but I cannot see that it has any value. Our concern should be to protect all sections of the public, and we can only do this by making Acts of Parliament clear so that everyone can understand them.

Mr. Dunstan—I do not profess to understand all sections.

Mr. FRED WALSH—That is refreshing in a sense, and possibly many others of the honourable member's profession could say the same. Different constructions are placed on these things. A person can get advice from one lawyer and then get different advice from another because the Act is not as simple as it could be. I agree that the best crossings at schools are those with press button operated lights. However, these lights should not be used indiscriminately but should be worked by a senior pupil, who is well trained in controlling them, during the time it is necessary to hold up traffic. As I said in relation to zebra crossings, I feel that the traffic should be allowed to flow as freely as possible until there is a build-up of children, when the traffic should be stopped to allow children to cross free of danger. All children tend to take risks, and they may run across when the lights are about to change. That should be prevented if possible, and it can only be done if a senior pupil or a teacher, or someone else with authority in that district, is prepared to accept that responsibility. We could then say we had solved the problem of children crossing roadways from schools at given times.

I am rather critical of the provision relating to the speed limit at intersections. I should like members to appreciate, if every motorist gave effect to that provision, the congestion that would build up on almost every road, certainly in the metropolitan area. Motorists are passing intersections almost every moment. It would be comparable to what people refer to as a regulation strike in a Government department which can happen when a Government lays down regulations as to how certain duties shall be performed and what shall be done regarding the carrying out of those duties. If there were a regulation strike on the part of the employees, whether in the post offices or the Railways Department, we need only use our imagination a little to realize the serious position that would be created. We have seen what has happened, both in the post offices and in State departments, particularly the Railways Department, when there has been any attempt to apply what is known as a regulation strike. Let every motorist apply himself to this clause, and not one drive at a greater speed than 25 miles an hour over every intersection! I do not think I need say any more, for I can see the smiles on members' faces. Practically nobody, not even the Premier, I suggest, crosses over other than busy intersections at 25 miles an hour or less, or expects his driver to do so.

Immediately some officious policeman takes it upon himself to look for people creating breaches of the Road Traffic Act, he only has to stand on a street corner for a few moments and he can pull up any number of people and lay this particular charge against them. My mind goes back about 20 years to the days of a gentleman who was most efficient and officious in every sense of the word. That man built up a record for stopping people crossing over intersections at a greater speed than 25 miles an hour, and he was forever taking motorists to court. I do not know whether or not there is any significance in this fact, but he was posted to a country town. I will not mention the person's name because he is not alive today. That could happen again, and it

should not be permitted to happen. If 25 miles an hour is the right speed, then everybody should abide by it, myself included, but I suggest that if it is not going to be given effect to in the real sense of the term it should not be there, and that the limit should be somewhere between 35 miles per hour and the proposed limit of 25 miles per hour. I suggest the limit should be 30 miles per hour.

A particular case brought to my notice the other day concerned the prosecution of a driver who opened the driver's side door of a motor vehicle. I recall that I criticized this provision in the Act at the time is was introduced. The person concerned was a woman who is known to me, a very careful driver who has been driving for many years. She got out of her car on the Port Road, thinking that the roadway was clear. A boy on a bicycle who had been parked behind her on the kerb mounted his bike and came on to the road just as she opened the door. The boy banged into the door and was full of apologies because he had marked it. A policeman then took that woman's name and address, and she was prosecuted and fined £15. She had no knowledge that she was committing an offence. She thought she would be covered by insurance for the damage to the car, but she was not covered because there was a breach of this Act. I ask honourable members: do they get out on the driver's side? My point is that these provisions should not be in an Act just for the purpose of getting money from people. It may be said that they should make it their business to see that the road is clear. I do that myself, and possibly every member of this House does. Possibly most motorists do that, but it is not every motorist who knows that that action constitutes an offence, and therefore I believe that when the consolidated Bill is brought down next year it should provide for a small charge to be added to the licence fee of every driver and for every driver to be issued with a copy of the Road Traffic Act. At least drivers could then make themselves familiar with the contents of the Act and their responsibilities as drivers. By doing that I think we would add to greater safety on our roads. I support the second reading.

Mr. HEASLIP (Rocky River)—In the main I support the Bill, although I have one or two objections to it. In my opinion, it does not go far enough. I should be inclined to ask the Premier if the control of city traffic could not be taken out of the hands of the City Council and put in the hands of the police, who control city traffic in many cities, and in my opinion are in a far better position to know how to control it than the City Council. Two members of the council saw fit to attack me in the press for certain criticism which I made in this House and which I thought was well merited. One member suggested that I was not eligible to make those criticisms in this place. I am elected here by the taxpayers in my electorate, and while I am here as their representative, irrespective of whom it hurts or offends, I will say what I think is right, and I have said it on this occasion regarding middle-of-the-road parking on North Terrace. The Government has provided money for what I think is one of the finest boulevards in Australia, and along comes another authority and clutters it up.

Mr. Hutchens—Turning it into a death trap.

Mr. HEASLIP—It is put there merely for commercial purposes, and to raise money by parking these cars. The purpose of these roads is to take traffic, not to hold it up. The road is wide enough to provide safe travelling, but by parking in the middle of these streets we are creating bottlenecks and death traps for the people who drive along them. I do not expect the Premier to listen to my plea regarding handing over this control to the police, but in my opinion the police are far more capable of dealing with the problem.

Mr. Hutchens—Why shouldn't he listen?

Mr. HEASLIP—If he will do so, I shall be pleased to support him. These two city councillors I have mentioned evidently cannot take what I call fair and constructive criticism—suggestions from the people. Alderman Grundy said that he was disappointed with the remarks and "Mr. Heaslip's trenchant criticism." I did not think it was that; I thought it was constructive. He went on to say:—

He should make himself acquainted with the facts of the case before criticizing the council as he did.

I do not know who would be in a better position to be acquainted with the facts. Councillor Nicholls said that I had rendered myself ineligible to comment because I was a director of the Grosvenor Hotel. I have never mentioned that I was a director of the hotel, but I am, and frankly, as such, knowing the volume of people that come and go from that place and the traffic that comes from the car park, and the number of tourist buses that pull up there to unload and pick up passengers, I think I am far better able than Councillor

Nicholls to say whether a danger is created there.

Mr. Lawn—Is the honourable member apologizing for what he said the other day?

Mr. HEASLIP—I am not apologizing for anything. I am saying what I think is right, and I hope I will always do that. I think I am in a position to make these constructive criticisms. I am disappointed that this Bill does not vest control of traffic in the police. I recall the occasion on which the speed limit was fixed at 35 miles an hour. On that occasion the State Traffic Committee, for the sake of uniformity with the eastern States, sought to reduce the speed limit to 30 miles an hour, but Parliament provided for a 35 miles an hour limit, which was one of the best provisions ever introduced because it has done more than anything else to keep traffic moving and has not proved dangerous. Policemen on point duty always urge motorists to travel faster to clear busy intersections and any provision that slows down traffic only adds to congestion on our roads. It is far more important to get uniformity in our own laws than uniformity with the laws of other States.

This Bill does bring about some uniformity, but it does not go far enough. To fully appreciate the confusion that exists one need only remember the various methods of turning at intersections. We have diamond turns, short right hand turns, traffic lights with arrows indicating when motorists can turn and lights that give no indication. Visiting motorists would not know whether they are doing right or wrong. I get confused myself. I doubt whether diamond turns are legal: I believe that every time a motorist makes a diamond turn he is breaking the law. The mere fact that the Adelaide City Council paints an arrow on the road does not make such a turn legal. When the short right-hand turn was introduced the Act was amended legalizing such turns. It is true that when the diamond turns were introduced the police in King William Street instructed motorists to make them.

Mr. Lawn—The police have the right to direct traffic.

Mr. HEASLIP—Yes, but when there is no police direction I believe motorists break the law in making diamond turns even though arrows are painted on the road.

Mr. Lawn—If we did not follow the arrows on the road we might be charged with careless driving.

Mr. HEASLIP—The Act provides that when a motorist turns to the right he must draw as near as practicable to the middle of the road before turning. It does not say that he must cut diagonally across the intersection. The diamond turn is illegal in my opinion and the Bill does not legalize it.

Mr. Shannon—What would happen if you made a diamond turn where there was no arrow painted?

Mr. HEASLIP—I do not think a motorist would be any more liable than he is where an arrow is painted. He would be driving in contravention of the law on both occasions. There is no uniformity at present regarding crossings. I believe the zebra crossing is the only legal crossing and I understand there is some doubt even about its legality. There are a multiplicity of signs for school crossings. In some instances a sign with "school" written on it is erected and motorists must look up; in other places the word "school" is written on the road and the motorist must look down; in other areas flashing lights are used and elsewhere red flags. Motorists must be confused: they do not know where to look or whether to look up or down. If all school flashing lights were operated in the prescribed periods there would be no confusion, but I have seen these lights operating at 6 o'clock in the morning and right throughout the night. Motorists are confused and tend to ignore them and they lose their effectiveness.

Clause 6 provides that in addition to imposing a fine for overloading a vehicle the court may disqualify a person from holding a driver's licence. I do not mind how much an offender is fined because if he damages the road he should pay for it, but it is not right to take away his means of livelihood. It is true he has committed an offence, but he has not acted criminally and his offence cannot be compared with the offence of stealing a motor car. I do not think it is necessary to take away a man's licence. Clause 11, which provides for the control of the erection of traffic signs, is a good move and motorists will realize that all traffic lights are similar. I have spoken about the provision of flags at school crossings. If a child is holding out a flag on a windy day motorists will not know whether they are obliged to stop or to slow down because the word "stop" will not be visible. I think we should be able to make better provision than that. Clause 19 provides that vehicles must not stand within 15ft. of intersections. I

wholeheartedly approve of this provision. Indeed, it would not be a bad idea to make the distance 30ft. When buses stop at intersections to pick up and discharge passengers it creates a hazard to motorists who pull out to pass. There is no need for vehicles to stop so close to intersections. By compelling them to stop further back from an intersection we will overcome the conglomeration of traffic at the intersection. Generally speaking, I support the Bill with the exception of clause 6, but regret that it does not go far enough in respect of the Adelaide City Council's powers.

Mr. LAWN (Adelaide)—In general I support the Bill but in Committee I will oppose clause 6. Whilst clause 4 represents an improvement on the present legislation I have some doubts about its application. In the past there has been some confusion in the courts about whether a person is "using" or "driving" a car illegally. The Bill makes it clear that if a person uses, drives, or interferes with a car he is committing an offence. At present if a person interferes with a motor car and any damage results he is responsible. I have no quarrel with that, but if this clause is accepted a person who moves a car that is blocking his drive-way will be liable for any damage caused to the offending vehicle and will be guilty of an offence in trying to rectify the earlier offence of parking a vehicle in front of a driveway.

Mr. Dunstan—I do not think any change in the law is involved. Section 55 of the Act states:—

> Any person who interferes with or tampers with a motor vehicle or any part thereof, without first obtaining the consent of the owner thereof, shall be guilty of an offence.

Mr. Shannon—We are dealing with that and putting it all into one section.

Mr. Dunstan—But it does not alter the present situation.

Mr. LAWN—I appreciate the remarks of the member for Norwood, but my information was obtained from a senior police officer. Almost every day vehicles are parked across my driveway and I can neither get in nor get out with my vehicle. On one occasion on a Saturday morning when I had 15 minutes to get to an Australia Day function in my district a vehicle was parked across my drive. I rang the Police Department and said I could not find the owner of the vehicle because there were hundreds of people in the street and in the shops and I did not know the owner. I was informed how long it would take a patrol car to get to the scene and it was suggested that I move the offending vehicle. I did not want to move it because the road was under repair and as it was a big car I was not strong enough to push it. I said that I did not think I could interfere with the vehicle and was told that if any damage resulted to the car I would be liable, but that otherwise it would be all right.

Mr. Dunstan—The protection is that he is committing an offence by having it there anyway, so he would not complain if it were moved for fear that he would be charged.

Mr. LAWN—Another point that comes to my mind is that many people in the city when they park a car are not concerned about whether other people parked behind can get out. Often drivers wanting to get their own cars out have to open the door of another car, release the brake and push the car forward to enable them to get out. I should appreciate some clarification of that position. Perhaps the State Traffic Committee could consider this matter and make some recommendation about drivers parking in front of driveways. At present the onus is on the person who wants to either enter or leave the premises by the driveway to get the police to catch the car parked in that position. I urge the Traffic Committee to consider the position. Perhaps if the car number were reported to the Police Department some action could be taken. For a first offence the offender might be taken away for a couple of nights to attend police lectures. That might teach him. If it did not, then further proceedings might be taken.

I oppose clause 6. Its intention is good and in principle I would support it, but I draw a distinction between a driver and an owner. It is my experience that firms employ drivers to carry out their driving and they are under instructions to load the vehicles. The honourable member for Light (Mr. Hambour) mentioned this. I think the owner should be responsible. I agree that it should be an offence to overload a vehicle, but who is responsible for the offence—the person who merely carries out his employer's orders or the employer? Under the clause the employee may not only be fined but, as the member for Light and the member for Rocky River have said, have his livelihood taken away.

Mr. Hutchens—And if he does not carry out his orders he is sacked for disobeying orders.

Mr. LAWN—Yes. His livelihood is lost whichever way it goes. The Arbitration Court award under which a man works lays it down that he must carry out the instructions of his employer. The Arbitration Court movement has decided time and time again that, even when an employee objects to some instructions of his employer, he is bound to carry out those instructions. If he refuses he is, or can be, sacked and there is no appeal to the Arbitration Court. We have proved that. On the other hand, if he carries out the instructions of his employer and overloads a vehicle, he can under this clause lose his licence, which, of course, means losing his livelihood.

Mr. Jenkins—But surely, if he can prove the circumstances to the magistrate, he will not?

Mr. LAWN—Clause 6 reads:—

Where an offence committed against section 86, 87, 88 or 89 of this Act consists of driving a vehicle in contravention of one of those sections, the court may, in addition to imposing a monetary penalty, order that the defendant be disqualified from holding and obtaining a driver's licence for a period not exceeding 12 months.

Mr. Jenkins—It says "may."

Mr. Millhouse—The court would take into account the relevant circumstances.

Mr. LAWN—Yes, but there is nothing to indicate that the court would accept the employee's plea.

Mr. Dunstan—It is no excuse that he is being ordered to do a thing.

Mr. LAWN—I think the member for Norwood is quite correct. There is no excuse if the person knows it is wrong; on the other hand there is a saying that ignorance of the law is no defence. The member for Norwood goes further: if a person knows it is an offence—

Mr. Dunstan—And he is ordered to do it.

Mr. LAWN—If he is doing it under orders he is not only committing an offence—

Mr. Millhouse—Do you think the court would disqualify in such a case?

Mr. LAWN—I know of cases where an employee has been instructed by his employer to put faulty parts in a car left in a garage for repair, he has refused and he has been sacked for it. No court would reinstate him because no court would find that that man was wrongfully sacked. I have been associated with the industry and I know there are instances where a man under instruction has practically refused to put in parts because he has known they are faulty, and the partners in the firm have clashed on that issue. If the particular partner controlling that section insists that that part has to go in the other partners have no say: the employee has to put them in or get the sack.

Mr. Hambour—I gave an illustration of an offender being convicted twice through no fault of his own. What would a magistrate do on the occasion of his next conviction? He would have to take his licence away.

Mr. LAWN—That thought came to my mind when the member for Mitcham interjected. He might have said, "If a man does it a second time he should be dealt with." If a man is doing it on the instructions of his employer the employer should be liable. In Committee we should amend clause 6. The member for Rocky River said that, whoever loses the driver's licence, the employer or the employee, the offence is different from a criminal offence. It may involve only a couple of hundredweight of overloading. It is a problem whether or not a severe fine may not meet the case there. In any case, I stress the fact that the owner, and not the driver, is responsible.

I agree with clause 11, which lays down that the control of traffic signals shall be under the Highways Commissioner. I wonder whether at least centre of the road parking could not be similarly dealt with. There has been recent controversy between the member for Rocky River and the Adelaide City Council. I am not supporting whatever remarks were made the other day because I did not hear them, but I have not heard one member in this House speak in support of centre of the road parking in North Terrace. I disagree with that, and also with the present parking arrangements in Grote Street. Whilst I am merely a member of Parliament—and someone may say that I am no expert on parking—I note that the Police Department, which should be expert in these matters, also opposes both the Grote Street and North Terrace centre of the road parking. It is no use belittling a member of Parliament for criticising this parking when the experts in our Police Department strongly oppose it. In Grote Street there is parking on the kerbs, and big buses, apart from other vehicles, which may be interstate transport vehicles, are using the street which has double parking in the centre. I pass along North Terrace practically every day. I do not have much difficulty coming from West Terrace to Parliament House in the morning, but when going home I find that centre of the road parking is most

dangerous. The parking in North Terrace is not as good as that in Grote Street, where it is diagonal. In North Terrace it is at right angles. If a car is moving out, it either backs out completely at right angles to oncoming traffic or moves forward directly at right angles to oncoming traffic. In Grote Street, however, cars move in and out at an angle. It looks as though at some time we shall have to make a similar provision in regard to centre of the road parking to what we have for traffic signals. If the authority is to be the Highways Commissioner, let it be the Highways Commissioner. I point out that he is not the be all and end all in this matter. Should a council make a proposal that is rejected by the Highways Commissioner, it can appeal to the Minister, who shall, in the final analysis, decide the issue.

I support wholeheartedly clause 16, which continues the 25 miles an hour speed limit at intersections. I did not have an opportunity to speak on the Bill introduced by the Government last year before it was withdrawn. That Bill to raise the speed limit in the country meant the withdrawal of the special 25 miles an hour limit through country townships. For that reason I would have opposed it, for 25 miles an hour across intersections is quite fast enough. I shall at all times support the retention of that clause.

I commend the clause for legalizing the lights recently installed by three councils—Unley, Marion and Adelaide—and operated by a press button. I understand that at present such lights are not legal. To have some degree of uniformity, it also provides that in the future, before a council puts in these signalling arrangements, it has to get approval from the Highways Commissioner.

Generally speaking, the Bill improves our traffic code and I have no hesitation in supporting the second reading. I trust that honourable members will look at clause 6 and amend it in Committee.

Mr. LAUCKE (Barossa)—Broadly, I support this Bill. It is based on recommendations made by the State Traffic Committee, with most of which I am in accord, but I do not agree with clause 6, which provides for suspension of the driving licence of a person who overloads a vehicle. In my opinion, this is far too drastic. I presume there are many occasions when the driver would not know what weight he had on his vehicle. For instance, sand has a different moisture content on different days, so that what would not be an overloading on one day would be the next day. Under this clause, any overloading under the present schedule would or might result in a man losing his licence, which I feel is too severe. Overloading is not a criminal action, but there should be adequate deterrents. The incidence of the punishment would fall completely on the driver and this would affect him, not only in his livelihood, but also in his general life away from work. It is, indeed, a very heavy penalty for such a breach of the law, and I will not support this clause in its present form. I feel that, instead, a heavier monetary penalty could be imposed.

I should like to refer especially to two matters that do not appear in the Bill, and I should like their inclusion to be considered. The first is the provision of run-offs for the parking of heavy transports on highways. The danger to the travelling public generally through heavy transports parking on highways is very great indeed and there are many instances where, in the rerouteing of highways, the old road runs for part of the way alongside the new highway. These old roadways could supply run-offs. My other point relates to the danger of parking transports and heavy vehicles just over the brow of a hill. This creates a grave danger in country areas.

Mr. O'Halloran—Isn't it an offence under the Act.

Mr. LAUCKE—Not to my knowledge but, if it is, I retract my suggestion. I was under the impression that there was no law on the location of a vehicle near the brow of a hill. I happily support clause 19, which enacts new section 136a. This new section provides that vehicles shall not park or rank within 15 feet of any junction or intersection. This is a good provision, because often one's vision is restricted at intersections and junctions through the parking of vehicles almost right on the crossing. This provision will remove a disability that has caused concern to country residents particularly.

I should like to say a few words about the parking of cars in the centre of roads in the metropolitan area. The member for Rocky River (Mr. Heaslip) was assailed because he objected to this practice, which appears to be growing rapidly. I believe that the most desirable aspect of road construction nowadays is the provision of greater widths of pavements in the interests of safe motoring and the avoidance of congestion. I acclaim the removal of tramlines for the same reason; one

does not feel hemmed in when driving along streets where tramlines have been removed.

Mr. Shannon—If cars are allowed to park in the centre of the road it is a waste of time removing the rails.

Mr. LAUCKE—Exactly. Although we are pleased about the removal of the tramlines, the benefit has been taken away by creating a parking space in the centre of roadways. In my opinion, this is a retrograde step, and I oppose using the centre of our main thoroughfares for parking.

Mr. DUNSTAN (Norwood)—I support the second reading of this Bill, and at this stage wish to say only one or two things. There seems to be some drafting difficulty in clause 19, which proposes to enact new section 136a of the principal Act. There is already a section 136a of the principal Act, under which it is an offence for anyone to open or leave open a door of a vehicle on any road or to alight from a vehicle on to the carriageway of any road so as to cause danger to other persons using the road or so as to impede the passage of traffic on the road. It seems as though various consequential amendments will be necessary later. I am dissatisfied with the proposed new section because one is within a junction if one parks on the opposite side of the road to a road adjoining the road in which one is parked. As I read the Act, if there is a junction on the north side of the Port Road and a person parks a car on the southern roadway of the Port Road opposite that junction an offence would be committed.

Mr. Millhouse—There is one thing I forgot there. Is there always a crossover opposite?

Mr. DUNSTAN—So far as I can remember, there always is. Perhaps the member for Hindmarsh (Mr. Hutchens) may remember, but I do not know of a case where there is not a crossover opposite a junction.

Mr. Millhouse—If there were no crossing the difficulty you envisage would not apply.

Mr. DUNSTAN—If there is no crossover it would apply and in drafting a regulation like this a general rule is made for roads that are wide where it is not necessary and for roads that are narrow where it would be wise. The provision is too wide as it stands and it would be preferable, in cases of junctions, if councils were to make prohibited areas rather than to provide in the case of a junction that nobody could park in the roadway that adjoins the main road.

There is another new section to which I am very much opposed—new section 167A, particularly subsections (3) and (4). I agree that it is wise to have a provision that nobody is to park on a bridge or culvert except in certain circumstances, but subsection (3) provides:—

If it is proved that a vehicle was stationary on a bridge or culvert the onus of proving that it was there in prescribed circumstances shall lie on the defendant.

The prescribed circumstances are circumstances that would give you a reason for parking there, but I think this is quite contrary to the principles of our criminal law. True, certain enactments prohibit certain acts and the excuse for those acts must lie peculiarly within the knowledge of the defendant and he must therefore be required to prove the excuse, but these offences are rare and it is not true that the circumstances set forth in subsection (2), which give this man an excuse, are matters peculiarly within the knowledge of the defendant. They are not: they are things that must be obvious to any observer and in these circumstances they should be something for the prosecution to prove. The prosecution should not merely have to prove that the vehicle was parked on the bridge or culvert but should have to prove the circumstances under which it was so parked and then it would be, if the circumstances did not appear to give rise to any reasonable excuse by the defendant within the prescribed circumstances, on the defendant to say he had a defence, but I cannot subscribe to the view that we must continue to place an onus upon the defendant where the things to be proved are not things peculiarly within his knowledge. The general principles of the criminal law should obtain: that the onus of proof lies on the prosecution and the defendant is not called upon to discharge the onus until the prosecution has discharged the normal onus that lies upon it.

Subsection (4) is even more objectionable for it provides:—

If a vehicle is stationary on a bridge or culvert and is not removed from the bridge or culvert without unnecessary delay, the driver and the owner shall be severally guilty of an offence.

The owner may not be there. He may not know anything whatever about the fact that this vehicle is on the bridge or culvert or has not been removed without unnecessary delay, yet this proposed new subsection will make him guilty of an offence. In these circumstances we are going much too far. True, in certain

cases, the owner must be held to have committed an offence because he has permitted certain things to have taken place and he must have known he was permitting them to take place, but here he cannot know anything about it and to make him guilty under these circumstances is to go to lengths which this House has not gone to before and I hope it will not on this occasion.

With these criticisms and with a feeling that some criticisms that have been made of the proposals in this Bill are valid I support the second reading and will have more to say in Committee.

Mr. RYAN (Port Adelaide)—I agree with the comments of most speakers on this Bill, but strongly and bitterly oppose clause 6, which places the onus for overloading on the driver. As other speakers have pointed out, that provision could cause the driver to lose his livelihood. I object to the clause as framed because recently I and other members close to Port Adelaide have received volumes of correspondence from people who are the owners of timber transports, gerlingers and spiders. These vehicles are used solely to transport timber, and the weight of the vehicles is about eight tons. As they are two-axle vehicles they would then come into the category of a 16-ton load or, in other words, they would have a pay load of eight tons and they would come within the maximum load laid down in the Act. The onus of proof of overloading will catch innocent people. Although the Act reads that the court may disqualify that person from holding a driver's licence, I bring before the notice of the House cases where one driver could be caught, under clause 6 of the Bill, 20 to 30 times a week. What would be the attitude of any court regarding such a driver?

I object to this clause because gerlingers are used for one purpose and when it is realized that these vehicles carry timber—especially oregon that may be 60ft. long and 12in. x 12in. square—who is going to place the onus for proof of the weight on the driver? This timber is unloaded from ships from overseas and there is not the slightest indication of the weight disclosed on the timber. I would defy any person—expert or otherwise—to arrive at an exact estimate of the weight of timber. Timber, for those people who understand it, varies according to the type of timber, whether it is kiln dried or naturally dried, and on the condition under which it was stacked, how it was loaded, as to whether it is dry or wet; even experts cannot, within hundredweights, estimate the weight of this type of cargo that would be carried in these vehicles. Certain large employers of labour would be out of business if certain amendments were carried. Apparently those responsible have not considered it wise to alter the amendment in accordance with the protests made by those people. The onus of proof as to the weight has been placed on the driver. The member for Adelaide rightly stated that there are various awards under which, if an individual refuses to accept a lawful direction of his employer, he may be dismissed. No court would reinstate that person if he refused to accept the lawful command of his employer. That person would have no knowledge of the load he was asked to carry, but if it proved to be outside the law, as provided by this amendment, he would be liable.

Under the Act the onus of proof was on the owner, who was liable to the penalty, but this amending legislation shifts the onus to the driver. I cannot accept that provision unless the Government considers amending it to provide for the exclusion of a certain class of vehicle. I think it is an unfair provision as it stands, and more so when the driver has no knowledge of the weight of his load. Flitches of oregon measure up to 60ft. in length, and with that type of cargo an individual would have no way of knowing what the weight of the load might be. I agree with other members on this point, and I will oppose the provision unless the Government is prepared to amend it in the way I have suggested.

I also disagree with clause 19, which amends section 136 of the principal Act. It has been said that there may be crossovers on the Port Road that would come within this provision, and as a result owners of vehicles would be committing a breach if they parked within 15ft. of a junction or crossover. On the Port Road there are many places where crossovers are right in front of properties, and it would be an offence for people living in those properties, or people visiting them, to park their vehicles in front of those properties. I do not think that was ever intended; I believe it is something that was included in the Act and, now that it has been pointed out how it could react against people who I believe should have the right and privilege to park in those places, the Government should further consider the section.

Mr. Coumbe—Are they regarded as junctions in the ordinary sense?

Mr. RYAN—They are crossovers, and the amendment specifically mentions crossovers joining roads.

Mr. Dunstan—The amendment defines "junctions."

Mr. RYAN—Yes, it refers to a crossover or a junction on the Port Road that joins one track to the other. I will also vigorously oppose this section if the Government persists with the amendment, which I believe is unjust to some people. In the Committee stage I will oppose clause 6 and clause 19 which enacts new section 136a.

Mr. HUTCHENS (Hindmarsh)—I support the Bill, but I am concerned about one or two clauses, particularly clause 6 which has been referred to by almost every member who has spoken. I feel it is unfair to an employee to be subjected to the penalty of losing his driver's licence and his livelihood if he is compelled by his employer to load his vehicle beyond a prescribed weight. If that employee does not do what he is told he risks losing his livelihood in any event by being dismissed for refusing to carry out his employer's command. I hope the Government will accept an amendment to this clause.

Much has been said about the speed limit at intersections. I subscribe to such a speed limit, but I feel that the time is long overdue when on main roads, such as the Port Road in particular, an intersection should be defined by some marking. On that road it is very difficult to know what is an intersection and what is a crossover, and it leads to much confusion. However, I feel that a reduction of speed at an intersection is most desirable.

I subscribe to the clause legalizing the operation of traffic lights, but I feel that we are getting into a very sad state of affairs with our many different types and designs of lights. We see all types of lights, and many people do not seem to know what they mean. Uniformity of lights is very desirable, and we should also have some uniformity with signs, so that when a motorist sees a sign he knows that it has a certain meaning. I believe we have far too many signs on our roads today, particularly stop signs at intersections, many of which lead to confusion. I believe that the principle of giving way to the man on the right is sound policy, and that many stop signs are unnecessary and could be taken away. What does a stop sign really mean in law?

Mr. O'Halloran—It says it means "stop."

Mr. HUTCHENS—I have argued that point with police officers who are trained in the Road Traffic Act, and to whom I pay a compliment for their knowledge of the Act in general terms. The police argue that a person who has stopped at a stop sign, made an observation and then moved off, has the right of way immediately. I submit that is a wrong interpretation, and not the intention of the Act. My interpretation is that a person who stops at a stop sign must be sure that the road is clear and the intersection free before he moves across.

Mr. Coumbe—He still has to give way to the right.

Mr. HUTCHENS—But at what stage does he give way to the right? That is where the argument comes in. I rose chiefly to join with those who have spoken fairly strongly about centre of the road parking in the square mile of Adelaide, particularly on North Terrace. I know that certain councillors have criticized members of this House for their remarks regarding parking in North Terrace, but I believe it is a disgrace to the City of Adelaide to think that that road is being used for a purpose other than that for which it was intended. I join with the member for Rocky River (Mr. Heaslip) in his protest against centre of the road parking in North Terrace. North Terrace was not constructed as a parking area and members of the City Council should be frank and admit that they are providing centre of the road parking because they are not prepared to go to the expense of establishing proper parking areas. They want to bring traffic to Adelaide to the detriment of suburban traders. Yesterday, because of this abuse of North Terrace, a traffic jam occurred through vehicles turning in the narrow spaces between the parked vehicles and joining the traffic stream. This, with the traffic lights at the Adelaide railway station, caused unnecessary congestion. North Terrace, which is a beautiful scenic attraction, is being made ugly and turned into a traffic hazard, if not a death trap. The Government should take strong action to ensure that roads are used for the purpose for which they were constructed. I support the second reading.

Mr. KING (Chaffey)—I support the second reading, but I draw attention to clause 6 which may have a bad effect on the activities of primary producers in my area if sentences of disqualification from holding driver's licences are imposed for overloading vehicles. Grape trucks are loaded in the vineyards by casual

employees who are inexperienced in estimating weights and volumes, and who are frequently obliged to load trucks whose capacities vary according to make. The only way a driver or an owner can ascertain the weight is to drive to the nearest weighbridge, which may be several miles away. If he is apprehended while making that journey and his vehicle is overloaded the quite innocent driver is faced with the possibility of disqualification. It was not intended that the provision should operate in that manner and it holds great potential for injustice. The same situation can apply to carriers who transport fruit from our area over 100 miles to wineries in the Barossa district. We could find ourselves without drivers for the trucks and I ask the Government to examine the provision closely with a view to imposing a less harsh penalty.

Various clauses provide for disqualifications and I should like to know the position regarding an interstate driver who is driving in South Australia on an interstate licence and who is disqualified from holding a licence for, say, two months. If he is a Victorian I understand that the disqualification only applies in South Australia and, if he is a casual visitor who immediately returns to Victoria, his movements in Victoria are not restricted. Has the Government an arrangement with any other State whereby when a disqualification is imposed in this State it applies in another State? If it has not, South Australians will be in a worse position than a casual visitor who may commit a much greater offence. The same can apply to an interstate transport driver. If he commits an offence in South Australia and he is disqualified, by merely keeping out of this State during the term of disqualification, he can drive freely elsewhere. This matter should be investigated.

I commend the Government for acting promptly in enabling ferrymen to take action to ensure that ferries are not overloaded. I understand that apart from the disqualification from holding a licence for life there is no provision whereby the term of suspension can be varied once the court has announced its decision. I suggest that there are cases where it would be wise if the Government enabled the courts to temporarily lift the suspension or to apply conditions under which it could be lifted. I am rather inclined to think that under the present circumstances undue hardship is caused in some cases, particularly with a long suspension. A person may be enduring far greater hardship than the magistrate who imposed the sentence considered necessary. There is no means by which such a suspension can be varied and the Government should consider enabling applications to be made to the court whereby the court could, if the circumstances warranted it, vary the term of suspension to enable a person to carry on his business, hold his job, or take a fresh job if it could be shown that the retribution that followed the conviction was out of proportion to the offence and far more severe than the magistrate intended it to be.

In some cases where the person is sent to prison for a period of over three months, good conduct can be used to get the sentence reduced. That is taken into account in long-term sentences. Where a person is fined, the fine is paid and the penalty is irrevocable, but in the case of a prison sentence, good conduct can earn remission. I suggest that the same principle be applied in disqualifications from driving where the infliction of undue hardship can be shown in certain instances. On application to the appropriate authority, I suggest that that part of the sentence may be reviewed and possibly the suspension itself suspended during the pleasure of the court or in any other circumstances that the court may, in its wisdom, consider appropriate to the case. I support the second reading.

Mr. MILLHOUSE (Mitcham)—This is what one may term a Committee Bill. I do not propose to say anything upon the clauses or the comments made upon them by various honourable members in the debate, but I wish to thank those honourable members who have been kind enough to refer to myself. I can assure all members of the House that those references are much appreciated. However, as this is the first Road Traffic Bill to be introduced since I became chairman of the State Traffic Committee, I thought it would be churlish of me not to say something, to express the pleasure I felt upon my appointment and to say how much I enjoy this particular work.

The State Traffic Committee consists of 13 members, each one of whom has been appointed because of his specialized experience or position, each one of whom makes a valuable contribution to the problems we have to consider. I am gratified that hardly any (if any at all) of the criticisms voiced in the House today on the provisions of this Bill refer to the particular provisions recommended to the Government by the State Traffic Committee. That may in itself justify the work that members of the committee have put in upon the matters placed before them this year.

There is only one other matter I should like to mention at this point. It was, in a way, an unfortunate coincidence that, at the same time as I was appointed chairman of the State Traffic Committee by the State Government, there was also appointed a new secretary to that committee. However, I am happy to be able to say that owing to the ability and diligence of Mr. Bruce Hunter, who is the secretary of the committee, he has been able to avoid any of the mistakes likely to occur in the circumstances of our both being new appointments. I should like to add here and now publicly what an able secretary he is to the State Traffic Committee, and to thank him for the work that he is doing. I support the second reading of the Bill.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Penalty for overloading."

Mr. HAMBOUR—I move—

To strike out all words after "by" and insert "(*a*) inserting therein before the word 'carried' the words 'up to twenty hundredweight' and (*b*) inserting at the end thereof the words 'and at the rate of five pounds for each hundredweight or part of a hundredweight in excess of twenty hundredweight'."

I oppose, in the main, the last part of the clause, which deals with disqualification from holding and obtaining a driver's licence for a period not exceeding 12 months. This penalty would be broken from day to day by casual carriers who had no way of determining their load. During my second reading speech I cited certain instances of fines for overloading, and the member for Chaffey (Mr. King) mentioned the overloading of grapes on trucks proceeding to the wineries.

The effect of my suggested penalties for overloading is to be found in the following schedule:—

Overload—

Cwt.	Minimum. £ s. d.	Maximum. £ s. d.
11	2 15 0	22 0 0
15	3 15 0	30 0 0
20	5 0 0	40 0 0

Penalty: 5s. minimum; £2 maximum; up to 20cwt.

Excess of 20cwt. at £5 hundredweight:—

Cwt.	Minimum. £ s. d.	Maximum. £ s. d.
21	10 0 0	45 0 0
40	105 0 0	140 0 0
60	205 0 0	240 0 0
80	305 0 0	340 0 0
100	405 0 0	440 0 0
120	505 0 0	540 0 0
140	605 0 0	640 0 0
160	705 0 0	740 0 0
180	805 0 0	840 0 0
200 (10 tons)	905 0 0	940 0 0

A minimum fine of £905 and a maximum fine of £940 may appear excessive, but it must be appreciated that any smaller fine than those would still make it profitable to carry such an excessive load. It would be wrong to have a maximum fine of only about £200 or £300. I oppose taking away the driving licence of the man in charge of the vehicle, because he is rarely the party responsible for overloading. I believe that the owner of the transport, whether it is a company or a private individual, should carry the full responsibility of any penalty provided. If the Government is not prepared to accept my amendemnt, I ask it to delay consideration of the clause until a proposition acceptable to the Committee is submitted.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—A number of members have commented upon the penalty provided in the clause. The Government has found that the present penalties provided are completely inadequate and are laughed at by interstate hauliers. An interstate haulier has to be successful in bringing over only one load without being apprehended, and if he is caught on a subsequent trip, he is not seriously affected by a fine. Undoubtedly, the present penalties are not effective. Some honourable members have mentioned that primary producers sometimes are unknowingly offenders. This again wants looking into. Primary producers are registered at half rates on the ground that they do not use the main highways, and yet some are grossly overloading their vehicles, and are most indignant when the police tell them that they must off-load the surplus before proceeding. Overloading should not be permitted for it has a bad effect on the roads. Often it is conveniently forgotten that an offence completely voids the insurance policy operative on the vehicle. There could be serious results.

Mr. O'Halloran—Would it void third party insurance?

The Hon. Sir THOMAS PLAYFORD—I do not think so, but it could shift the third party obligation. A case was mentioned by an honourable member opposite of an insurance company which refused to pay on the ground that the vehicle was not being driven in accordance with the Act. According to the correspondence given to me by the honourable member, the person concerned would have to attack the insurance company in court, instead of having the claim expedited as a matter of

right. Overloading today has most serious consequences upon road maintenance. Most insurance policies have provisions which enable the company at least to argue before they pay on the ground that the policy has been voided because the vehicle was not being driven in accordance with the provisions of the Act. We had the case of a couple of vehicles being driven on to a ferry, which was sunk through sheer overloading. A ferry designed to carry about 48 tons was, according to the magistrate's calculations, probably carrying more than 80 tons. It was extremely lucky that there was not a serious loss of life on that occasion.

Mr. Hutchens—Is it difficult to prosecute interstate carriers?

The Hon. Sir THOMAS PLAYFORD—If the owner is an interstate carrier it is almost impossible to catch up with him, should the driver be guilty of an offence. The owner can take his choice whether he pays the fine and keeps the driver, or sacrifices the driver and does not pay the fine. We have no way of catching up with the owner because he does not under our law commit an offence here; but if he is an owner-driver we can catch up with him. The clause provides that a magistrate may suspend a licence, but it does not make it obligatory for it to be suspended. There is a discretion. If he believes that the case warrants it, he may suspend the licence. A magistrate would look at each case and decide whether the circumstances warranted a suspension. Mr. Hambour wants to take away from the magistrate power to suspend a licence and provide for a fine which could not be altered by the court—a fine based upon the extent of overloading.

Mr. O'Halloran—That could be more unjust than the suspension of the licence.

The Hon. Sir THOMAS PLAYFORD—It could be very unjust to the driver. Two amendments have been suggested, one by Mr. Millhouse and the other by Mr. Hambour. The latter suggests that we delete the power of the magistrate to suspend the driver's licence and provide for an automatic fine which, if the overloading was excessive, would total a large amount. I suggest that if a fine of, say, £600 were levied against the driver, an interstate transport firm would leave him to pay it.

Mr. Lawn—Doesn't the amendment of the member for Light mean that the owner shall be liable, not the driver?

The Hon. Sir THOMAS PLAYFORD—The owner is not guilty of any offence if he is not the driver; it is the driver who is guilty. At present the owners pay the fine quite willingly because they need only to send the vehicle to South Australia once successfully to have sufficient to cover a fine if they are caught in future. The owners will pay a small fine but, if it becomes really heavy, as suggested by the member for Light, it is logical to expect that the driver will be left to pay it. An automatic, fixed penalty could be more unjust than the present provision, which gives a magistrate a discretion to say whether the offence warrants a heavy penalty or not. The member for Mitcham (Mr. Millhouse) has suggested that we accept the clause as it stands but add a proviso that the court shall not order that the defendant be so disqualified if it is satisfied that the defendant did not know and could not reasonably have been expected to know that he was committing an offence. In other words, it is suggested that we take away the power to disqualify where the overloading is only by a few hundredweight and is caused perhaps by carrying a different sort of gravel or a load such as machinery, the weight of which the driver could not know, but that we should leave the disqualification in cases where a magistrate is satisfied that the offence was grave and that the driver undertook to carry the load knowing that he was committing a grave offence. Of the two proposals, I think the amendment of the member for Mitcham is the more reasonable, because it does not provide an automatic fine, which I believe would cause some interstate drivers to be forced to shoulder the responsibility.

It should be remembered that an overloaded vehicle is dangerous to the public, particularly in the Adelaide hills, and that a great number of accidents have been caused by such vehicles. In other States some insurance policies are affected if a vehicle is overloaded. Although I do not know the specific provisions, generally the companies provide an escape clause if an accident occurs when a vehicle is being driven contrary to the laws of a State. Third party insurance is tied up more securely because, if a company seriously challenges its obligations, the Treasurer can refuse to renew the registration of that company for third party risk.

Mr. Hambour—What has third party insurance to do with this amendment? It is not connected, is it?

The Hon. Sir THOMAS PLAYFORD—It is to the extent that a policy can be voided for driving unlawfully.

Mr. Hambour—But that condition will remain.

The Hon. Sir THOMAS PLAYFORD—All I am saying is that it is a serious offence to drive an overloaded vehicle, it is dangerous to the driver and to the public and, in some instances, it voids an insurance policy. I believe that the amendment of the member for Mitcham is the fairer, because it enables a magistrate to sum up the facts and expressly forbids him to suspend the driver's licence if he did not know he was flouting the law. I am in a dilemma about this matter, as I would be sorry if the Committee saw fit to remove a penalty under this provision. The present penalty of £50 has proved in the last two years to be grossly inadequate. If it came to an issue of accepting the amendment of the member for Light or have no penalty, I would say the Government would willingly accept the amendment.

Mr. Hambour—But the present penalty is up to £2 a cwt. for excess weight.

The Hon. Sir THOMAS PLAYFORD—Yes, but under ordinary circumstances it is not a sufficient penalty. It has been grossly inadequate. The amendment of the member for Mitcham clearly indicates to the magistrate that Parliament does not intend the driver to be unduly penalized if he breaks the law.

Mr. O'HALLORAN—Mr. Chairman—

The CHAIRMAN—I should like the Leader to know we are not dealing with the amendment of the member for Mitcham, which has not reached the Committee.

Mr. O'HALLORAN—I notice that the Premier dealt with it rather fully, so surely I am entitled to the same concessions as you granted him.

The CHAIRMAN—I will allow it to you, Mr. Leader, but to no-one else until it is presented.

Mr. O'HALLORAN—I thank you for extending to me the same concession as you granted the Premier. I am sure I am a more worthy recipient. This is rather a contentious clause. I do not think the present penalties are sufficient when applied to interstate traffic. I have definite views on interstate hauliers that I cannot express here. This Committee should protect our roads and a clause with more teeth in it than the present road traffic clause is necessary to provide the required protection. I agree with the Premier that if this Committee follows the advice of the member for Light and raises the penalties we will find ourselves with a penalty, in certain cases, of over £900.

Mr. Hambour—That is for 10 tons over the amount allowed.

Mr. O'HALLORAN—I am not concerned with that. I consider that it is utterly impracticable to deal with the over-the-border owner of the vehicle if he is found to have a 10 ton overweight rendering him liable to a £900 penalty. Does the honourable member think that the owner who may be in Victoria, New South Wales or Queensland is going to pay that fine?

Mr. Hambour—The excess load has to be off-loaded.

Mr. O'HALLORAN—That is provided under the present law but the point I am making—and I bow to the objection of the honourable member for Norwood—is that I cannot see why they cannot be made to do it. This is a South Australian law imposing penalties on people who break it and I do not know how we can make it stick for a person living in Victoria, Queensland or New South Wales.

Mr. Dunstan—It states: "any person who drives or causes or permits to drive."

Mr. O'HALLORAN—It is still a South Australian law and I suggest that we will have difficulty in making it stick unless the owner is caught driving the vehicle. The owner may not even know that the driver has an overload on. The owner will have to be chased to another State.

The Hon. Sir Thomas Playford—The Crown Law authorities have advised me that we have the greatest difficulty in getting convictions.

Mr. O'HALLORAN—That is my point. The difficulty in getting a conviction is caused largely through the difficulty of finding satisfactory evidence to prove the owner knew that a driver had an overload. I agree with the suggestion made by the member for Port Adelaide. I think he has something and the suggested amendment of the member for Mitcham will afford sufficient protection to the person in South Australia who innocently contravenes the law. On the third point, whether we can deal with these people who register their vehicles in South Australia and grossly overload them by carting various things on the public highway (mainly wool), I think the present clause would be a very salutary one. If an owner-driver knew that he were to incur this penalty for carrying excessive loads that would have a very salutary effect on him. I support the clause and oppose the amendment of the member for Light, with the idea of

supporting the amendment that will remove the real difficulties.

Mr. MILLHOUSE—I oppose the amendment moved by the member for Light and I adopt the remarks made by the Premier and the Leader of the Opposition. The penalty suggested by the member for Light is harsh and, as the Premier said, in many cases where the penalty is going to run into hundreds of pounds an interstate owner will probably leave the driver to sink or swim on his own. Let us carry that further and remember that when a fine is imposed in our courts for an offence or an offence under the Road Traffic Act there is a provision for imprisonment in default of payment of the fine and that term of imprisonment is in proportion to the amount of the fine. In minor cases the term of imprisonment ordered in default of payment may be one day in lieu of a fine of £1. I am not suggesting that if the fine were £500 the default would be 500 days, but it would be a very heavy penalty in itself. A fine of some hundreds of pounds would be quite impossible for an ordinary driver to find and he would find himself not able to pay it and probably if he came back to South Australia he would find himself in gaol for some time which would be a greater penalty than disqualification.

Mr. RYAN—I oppose the amendment of the member for Light. Under the new subsection the court may take away a driver's licence, and such a penalty will deprive a person of his livelihood. Under the original Act the onus was on the owner of a vehicle to suffer the penalty. I know that certain amendments have been suggested, but these amendments do not relieve the employee of the obligation that has been imposed by this amending Bill.

The Premier was not in the House when I raised my objection to this clause during the debate. It has been said that certain people that would be hard to catch under the existing law would be caught under this amendment, but I point out that some vehicles are especially made for the cartage of certain types of cargo, and the Bill does not provide for any exemptions. The maximum weight the timber gerlingers or loaders are allowed to carry as a two-axled vehicle is 16 tons; the tare of those vehicles is eight tons, therefore the allowable pay load is only eight tons. The person to be penalized under this provision would in most cases have no way of knowing the weight of the load he is being ordered to carry. One of the main cargoes these gerlingers carry is oregon, which is often 60ft. in length and 12in. x 12in. in size, and I defy any expert to estimate the weight of that type of cargo. A driver may be ordered to carry that cargo, and he suffers the penalty of dismissal by his employer if he does not carry out a lawful command.

Mr. Dunstan—Or even an unlawful command!

Mr. RYAN—The driver would not be in a position to know whether he was breaking the law or not, because he would have no way of proving it one way or the other. If he were dismissed he would have no way of having the load weighed to prove that he was right and the employer was wrong. In those circumstances, what would be his industrial right of proving that the employer was wrong?

Mr. Lawn—He cannot refuse the employer's instructions.

Mr. RYAN—It is all right for the Premier to get up here and try to convince members that because he wants to catch some people we should catch all people.

Mr. Lawn—He wants to catch the workmen.

Mr. RYAN—I do not agree with it. The worker in this case is going to be the one to suffer the penalty. I do not mind a fine if an individual is wrong, but, representing workers as I do, I will not vote for a Bill under which an employee will lose his livelihood through having no way of proving that his employer is wrong. If there were exemptions under this clause, some Opposition members might see fit to vote for it, but not when the penalty is disqualification. The Premier says the court may—and he emphasized the word "may"—disqualify, but I can quote instances where an individual could be caught 20 or 30 times a week. Is the Premier going to stand up and say the court will not carry out the vicious terms of clause 6 where it is proved that one individual breaks the law 20 or 30 times in one week? Any court would certainly disqualify in those circumstances. The employee would have no legal right of proving that the employer should have incurred the penalty. I strongly oppose the clause as it now stands.

The Hon. Sir THOMAS PLAYFORD—I listened to the honourable member with much interest until he said that a driver could quite easily be caught breaking the law 20 or 30 times a week. I suggest that that remark completely destroys his argument, for it shows that the law is just a scrap of paper in the industry that he is trying to protect. I can

understand his argument in other respects and I accept it; in fact, I have already indicated that I will accept an amendment to completely cover it. If a person were asked to carry a load of timber, the weight of which he could not possibly have known, he would be dealt with and completely exonerated under the member for Mitcham's amendment. However, having been pulled up once he would then begin to realize that there was something odd about the weight of these loads. I have been driving a vehicle for many years, and I can tell by the feel of the vehicle I am used to driving whether it is overloaded; I do not need any weighbridge to know whether the vehicle is fully loaded or not.

Mr. Lawn—What experience have you had of driving vehicles carrying heavy timber?

The Hon. Sir THOMAS PLAYFORD—None at all. I suggest that if this industry is breaking the law 20 or 30 times a week, as suggested by the honourable member, it is about time we paid some attention to it.

Mr. Lawn—You are after the driver, not the owner.

The Hon. Sir THOMAS PLAYFORD—If that is the argument the member for Port Adelaide brings forward to justify his objection to this clause, I point out that it is the very argument we could use to retain the clause.

Mr. Lawn—You are wrong; you are after the driver, not the employer. We will support you if you go the employer.

The Hon. Sir THOMAS PLAYFORD—Does any honourable member suggest for one moment that if a driver had been ordered by his employer to lift a load, under penalty of dismissal, a magistrate would disqualify him? That is ridiculous. The member for Norwood has had experience of magistrates, and knows that the moment a driver said to the court, "I did not desire to take this load; I thought the weight was too heavy and I questioned it, but I was ordered to take it," no magistrate would disqualify that driver.

Mr. Lawn—Supposing you are right, you are still not preventing the offence being committed.

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

The Hon. Sir THOMAS PLAYFORD—I cannot imagine a worse argument in support of the member for Port Adelaide's suggestion than his claim that the law is being flouted by one vehicle 30 to 40 times a week. Our laws should surely be upheld, otherwise why pass them? I do not care whether it is the employer or the employee who flouts it, but it is the function of Parliament to look after the public safety and to uphold the law. I believe that the honourable member, in trying to advance his argument, probably completely overstated the case. On another occasion when he tried to prove an argument he overstated his case and I think that is the position now. There is not the slightest doubt that overloaded vehicles are dangerous to the public and that they do break up our roads. I believe, moreover, that men who would have a right to be protected under our laws by insurance are probably not adequately protected. I oppose the amendment because an automatic penalty would be a severe impost on a driver of a vehicle and I do not believe that we could make it stick on the owner.

Mr. Dunstan—You could not make it stick on the owner. It is not applicable unless it is an owner-driver.

The Hon. Sir THOMAS PLAYFORD—I doubt whether it could be made to stick on the owner, particularly if he were in another State. I am prepared to accept Mr. Millhouse's amendment that the provisions of this clause shall not apply unless a driver has knowledge that he is breaking the law. I have some knowledge of an amendment to be moved by Mr. Shannon, which I am also prepared to accept. It provides that in any event the clause will not apply for a first offence.

Mr. HAMBOUR—Mr. Acting Chairman, on a point of order! Are you going to allow the debate to continue on the foreshadowed amendment of the member for Mitcham.

The ACTING CHAIRMAN—No.

Mr. HAMBOUR—Then I suggest that you be consistent.

Mr. DUNSTAN—I oppose the amendment although I entirely agree with what Mr. Hambour is trying to do. This amendment will not achieve his object. The clause states:—

> Where an offence committed against section 86, 87, 88 or 89 of this Act consists of driving a vehicle in contravention of one of those sections . . .

The clause only applies to the driver of a vehicle and not to the person who causes or permits the vehicle to be driven in contravention of the Act. The Premier has rightly pointed out that those who are most to blame for offences against these sections are those interstate owners and a few intrastate owners who deliberately flout the law for profit and it is not in many cases the employee who is at

fault. The proposed amendment will only impose an enormous penalty on the driver. If Mr. Hambour's object is to be met, some amendment will have to be made at a later stage whereby those who permit or cause vehicles to be driven in contravention of the section shall be penalized. There should be some markedly increased penalty in relation to them. I agree that some additional penalty has to be provided against some drivers and I think, with the foreshadowed safeguards that I cannot discuss now, the clause is reasonable.

Mr. LOVEDAY—It has been said that the penalties the member for Light proposes are extremely harsh, but I consider that a far harsher penalty is the disqualification of a driver's licence for 12 months. We cannot be sure of making a fine stick on the owner of an overloaded vehicle, and that is the crux of the matter. I do not think we should provide a heavy penalty on the driver, because that is only an expedient as we cannot get at the owner who is responsible. The Premier said that when he was driving a vehicle he could tell when it was overloaded. I have driven heavy vehicles and I always knew when they were overloaded. I am sure magistrates would not believe that many experienced drivers were innocent of the fact that their vehicles were overloaded. I am satisfied that where a driver has been instructed to overload he will virtually have no defence. When he comes before the court, if the employer denies instructing him to overload, the court will be more inclined to believe the owner than the driver.

Mr. Harding—You are not giving the court much credit for common-sense.

Mr. LOVEDAY—I have had experience of overloading and know how drivers have been treated by employers. It would be a severe penalty to disqualify a driver for 12 months, or even for a short period, because that is his means of livelihood, whereas a fine of £1,000 or £2,000 on the owner of a transport system would mean little because on one interstate trip he can make sufficient profit to enable him to do several other trips.

Mr. Hambour—Not under my penalties!

Mr. LOVEDAY—No, but your penalties cannot be made to stick. I oppose this clause entirely unless we can make the penalties stick on the person basically responsible.

Mr. HEASLIP—So far we have heard of an amendment by the member for Light (Mr. Hambour). Until just now I had heard of no further amendment. Then I heard that the member for Mitcham (Mr. Millhouse) had an amendment. Are we not out of order talking about something about which we have no information? What should we now be discussing?

The ACTING CHAIRMAN—The amendment of the member for Light.

Mr. SHANNON—I agree with the member for Light (Mr. Hambour) on policy, but not on method. The member for Mitcham (Mr. Millhouse) has framed an amendment that achieves the objective sought by the member for Light. During the adjournment I discussed this contentious clause with the Premier, who indicated when he returned that he proposed to accept an amendment that I have now tabled dealing with the power of the court to de-license, although not for a first offence. This problem is involving the State in much money on maintenance of roads. I support the amendment of the member for Mitcham. The member for Light's amendment goes too far.

Mr. HAMBOUR—Most honourable members have said that my penalties are too high and that the Government would not be able to collect them. If it cannot collect the penalties I suggest, how does it collect the present ones? Only because they are so small that the offenders do not worry, but pay them. Surely this Committee in its wisdom and knowledge can set a penalty that can be collected and is commensurate with the offence? I will not support any amendment to this clause that takes away a driver's licence. Insurance has nothing to do with this matter. Under the present law the maximum penalty is £2 per cwt, which is completely insufficient. I suggested £5 but nobody has suggested intermediate amounts of, say, £3 or £4. Would it not be possible under our present law for the State to take a lien on such excessive load until the fine was paid?

Mr. Millhouse—Absolutely impracticable.

Mr. HAMBOUR—The Premier went on to say that he believed the Crown Law authority had given a certain opinion, but are we to take that as a fact? It has been said that the Government cannot collect the fines now imposed. Is that true? What is the use of Parliament imposing penalties if they cannot be collected? If the Government can collect a fine of £2 a cwt., it could collect £3 or £4; I have suggested £5. I ask leave to withdraw

my amendment, but I will not support any other amendment that deprives a driver of his licence.

Leave granted; amendment withdrawn.

Mr. SHANNON—I move—

After "may" to insert "for a second or subsequent offence."

A case came to my notice of a man being caught when he was unaware that he was offending. I was told of another instance where a man was carrying a certain type of rock that weighed about one-third heavier than ordinary rock, and this was not discovered until the load was put on a weighbridge. He did not intend to break the law. The same thing can and does happen with shellgrit. Deposits vary in water content. If a man is caught offending and then commits the same offence again, he should suffer the penalty laid down.

The Hon. Sir THOMAS PLAYFORD—I am prepared to accept the amendment.

Amendment carried.

Mr. RICHES—Some members are having difficulty in following the effects of all the amendments foreshadowed. Would the Premier report progress and give them an opportunity to study these amendments so that they may know what they are voting on?

The Hon. Sir THOMAS PLAYFORD—The other amendments referred to will be coming before the Committee and an explanation will then be given.

Mr. MILLHOUSE—I move to add the following proviso at the end of the clause:—

Provided that the court shall not order that the defendant be so disqualified if the court is satisfied that the defendant did not know and could not reasonably have been expected to know that he was committing the offence.

I believe that this amendment will cover the case of a driver who does not know and could not be expected to know that the load he was carrying was greater than that permitted. In other words, it allows suspension to be inflicted at the discretion of the magistrate when he is satisfied that there has been a deliberate breach of one of the sections mentioned, but it does not allow him to use his discretion to inflict that penalty unless satisfied that the defendant knew or should have known that the load was an overload. This is a simple matter and I hope the Committee accepts it.

The Hon. Sir THOMAS PLAYFORD—This amendment is acceptable to the Government. It provides for the case of a driver, but not for the case of an owner, and I think it will be necessary later to consider an amendment foreshadowed by Mr. Dunstan to deal with the owner. The Government will also be prepared to accept the further amendment dealing with the owner.

Mr. QUIRKE—I hope the Committee will not entertain this amendment. Some members have been looking to protect the driver under certain circumstances, but he must make a decision either to refuse to overload, in which case he would be sacked, or to take the load out, in which case he would lose his licence. The employer could pay the fine, but could not protect the driver against loss of his licence.

Mr. LOVEDAY—I agree with the member for Burra; I regard this as a weak protection. If satisfied that there was not a deliberate overloading, the magistrate would not disqualify, but to be satisfied that it was deliberate there would have to be a big overloading. I think for the court to be satisfied there was deliberate overloading there would have to be clear evidence of it, so it would be obvious to the driver that the vehicle was overloaded. What magistrate would accept that the driver was innocent if the truck was overloaded in those circumstances?

Mr. HAMBOUR—I am not suggesting that the driver does not know his vehicle is overloaded. All the amendment does is permit him to show to the magistrate that he did not know the vehicle was overloaded. I do not think the fact that he was instructed to carry an excessive load has anything to do with the matter.

Mr. HEASLIP—There may be some owner-drivers who are apprehended for overloading by one or two hundredweight, but who did not know they were overloading. If a driver refused to drive a vehicle because it was overloaded, the owner would have a job to get some other driver to take over because he also would know the vehicle was overloaded. I support the amendment.

Mr. DUNSTAN—I move—

After "offence" in Mr. Millhouse's amendment, to insert "or was acting under an order of his employer."

The objections raised to this clause are to the effect that a man who is acting under the orders of his employer is placed in the position where he jeopardizes either his job or his licence, and in those circumstances he is faced with an intolerable situation. I agree with that point of view. The amendment as it stands is good, but that does not cover that further situation in which some employees will

find themselves if the amendment is passed. If, of course, an employee is clearly acting in collusion with his employer, then he has no defence. I do not intend to condone the offence of the employer, and I have a further amendment to catch the employer "good and proper" if he is really at fault. My amendment means that, if it is not really the driver who is at fault, then he is not the man who is going to be penalized; if the driver is at fault and he has been deliberately taking part in an offence in collusion with his employer, he is up for the penalty, but if he is being put in this unpleasant position by his employer who has stood over him, he ought not to be in the position of losing his licence. In those circumstances, with that slight amendment to the member for Mitcham's proposal, we can cope with the situation, and the amendment I intend to move subsequently will catch the employer.

Mr. MILLHOUSE—I am prepared to accept that amendment to my amendment. If I may say so to the member for Norwood, I think it rather neatly gets over the difficulty which has been mentioned by members on both sides of the House.

Mr. HAMBOUR—If this clause is diluted much more it will be pure. If the court is satisfied that the defendant did not know, and could not reasonably have been expected to know that he was committing the offence, or that he was acting under the orders of his employer, then I am afraid there is something wrong with the driver if he cannot get out of the charge.

Mr. LAUCKE—The very fact that these two amendments provide coverage for the interest of the driver appeals to me strongly. Looking for a workable arrangement, I must emphasize the interests of the driver because it is not he, but the employer, who is the guilty party in overloading. What interest has an employee in carrying loads that are beyond the permitted limit? We must protect the interests of the driver. The member for Mitcham's amendment provides that the court shall not order a defendant to be so disqualified if the court is satisfied that the defendant did not know and could not reasonably have been expected to know that he was committing the offence. That appeals to me as a fair outlet to the employee, having in mind that his livelihood depends on the retention of his licence, and that he himself has no reason to overload other than by a direction from his employer. That is covered by the member for Norwood's further amendment, and both these amendments appeal to me as being fair and realistic.

I am delighted that we are not this evening discussing any alteration to allowable pay loads on trucks. I was rather fearful that perhaps we would be looking at decreased pay loads in this Bill, and the employers whose goods are being transported in this State can, I think, be very content that we are not considering a reduction of pay loads, which I understand was envisaged some time ago. I support both amendments.

Mr. Dunstan's amendment carried; Mr. Millhouse's amendment as so amended carried.

Mr. DUNSTAN—I move—

Before "Where" to insert "(*a*)"; and to add the following subclause:—

(*b*) Where an offence committed against sections 86, 87, 88 or 89 of this Act consists of causing or permitting a vehicle to be driven in contravention of one of those sections—

(i) proof that the vehicle was driven in contravention of the section shall be *prima facie* proof of the offence, and the onus shall be on the defendant to satisfy the court that he did not cause or permit the vehicle to be so driven.

(ii) in addition to any other penalty provided by this Part the court may impose a fine not exceeding £500 or imprisonment for a term not exceeding one year.

The aim of this proposal is that we should get at the owner or contractor. These people are the people who are covered in sections 87 to 89 and who cause or permit to be driven the vehicles in the way prescribed by those sections. These are the people, for instance, who are the interstate owners of vehicles that come to this State grossly overloaded. Up to the present we have not been able to catch these people, mainly because we have not been able to prove that they permitted or caused to be driven these vehicles in contravention of the sections. Indeed, the Premier earlier this evening made it clear that the Crown Law Department has advised that it was very difficult to get sufficient evidence, and honourable members can see why. In order to prove that the employer had permitted or caused a vehicle to be driven in contravention of these sections we would have to call the employee to give evidence against the employer and put his job in jeopardy. We could never get the evidence. The excuse that the employer would reasonably have in some circumstances, that he did not

know or that he did not permit or cause his vehicle to be driven in contravention of the sections, is in that special class of offence to which I adverted earlier this evening, and that is an excuse peculiarly within his own knowledge. He alone can show to the court whether it is true or not that he knew what was going on. In these circumstances I think the onus should be on him to prove that he did not know. If that is done then we are not in the position that we have been in of proving these offences against these people.

We can provide that, if the vehicle were driven in contravention of the sections, it is an offence unless the owner can show that he had no part in it and that, of course, is something which is peculiarly within his own knowledge and which we cannot get evidence of. In these circumstances I think we ought to be able to catch the interstate hauliers—the people who are making a profit out of the depredations that are wreaked upon our roads. In an earlier amendment it was proposed that we should, in effect, increase the penalties in section 91, but Mr. Hambour will realize that his amendment would not actually do that. I propose that in addition to the existing penalties in section 91 the court be empowered to impose a fine of up to £500 and to be able to imprison.

Mr. Hambour—The owner?

Mr. DUNSTAN—Yes, the person who causes or permits. Not the driver, who does not come into this.

Mr. Shannon—You catch the owner-driver.

Mr. DUNSTAN—Yes, but we also catch the person responsible for the vehicle being driven in contravention of the sections. There are difficulties over imprisonment when companies are concerned, but there is still the £500 penalty plus the other penalty. Under this proposal we will catch the people we are after and this will do what the Committee aims to do.

Mr. MILLHOUSE—I appreciate the aim the honourable member has in view—catching the owner who may be causing these offences to be committed—but I point out that he is putting the onus of proof on the defendant and by so doing he is obliging a person who may be 1,000 miles away to come to South Australia to prove his innocence. That, in itself, is a burden which we would bear in mind, especially when the individual will know that he can only get out of the charge by coming here—because the onus is on him—and that if he fails he runs the risk of being imprisoned. That will be a severe discouragement to people to come here to prove their innocence.

Mr. Dunstan—If they do not come willingly they may have to come forcibly.

Mr. MILLHOUSE—We will come to that soon. We should be careful before we switch the onus of proof. The honourable member mentioned how severe the penalty will be. I do not know of a severer fine in the whole of our law than £500. The only other instance I can recall is in certain sections of the Industrial Code where a fine of £500 can be imposed on an organization or association. The honourable member proposes going a long way in laying down a fine of £500 plus the other penalties under the four sections. There is no provision in the amendment for a sliding scale of penalty and it will be entirely at the magistrate's discretion whether he imposes a penalty of £100 or the maximum of £500. I do not know whether constitutionally we have the power to legislate extra-territorially. We cannot punish somebody who has never been to South Australia for something we make an offence here. I do not know whether that would be valid constitutionally, and I am open to correction by the member for Norwood. Finally, we would have difficulty in collecting a fine. I do not know how far the State goes about collecting a fine of, say, £400 from somebody who lives in Queensland.

Mr. Dunstan—There are the default sections, of course.

Mr. MILLHOUSE—Perhaps the honourable member will explain them because I am at a loss to understand how we can collect a fine unless at some future time a defendant happens to be in South Australia and is apprehended by the police.

Mr. O'Halloran—If he sends a truck here we may collect the truck.

Mr. MILLHOUSE—I do not know what power we have to seize goods to satisfy a fine. I do not think that that could be done. The only way we could enforce a monetary penalty or any penalty of imprisonment would be when a defendant came to South Australia. These things—the onus, the severity of the fine, the doubt as to whether we can legislate extra-territorially and the difficulty we will have of exacting the penalty which may be inflicted—should cause us to examine this amendment carefully. If we accept it we lay ourselves open to ridicule by proposing a severe penalty that we have no hope of collecting.

The Hon. Sir THOMAS PLAYFORD—The member for Mitcham's four points indicate the complexity of this amendment. We must remember that the overriding factor in our considerations is section 92 of the Constitution. We must be careful not to provide a law that would be regarded as an infringement of the freedom of interstate trade. It is true that this is a matter of great complexity and that we are in this instance placing the onus of proof upon the defendant, contrary to the usual practice. As the honourable member has just said, it is true that up till now we have never been able to get the owner of a vehicle living outside the State to come over to defend himself, because we have not been able to establish an offence against him. I suggest that there is great merit in this amendment, notwithstanding those objections.

I do not believe that a driver, an employee, derives any normal advantage from overloading his vehicle, nor would he normally do so. On the contrary, he would prefer to drive his vehicle when reasonably loaded. So the fact that some vehicles come to this State almost continuously infringing our law would indicate that, while our fines are light and there is a chance of evading our law, it will not be respected. I should be prepared at this stage to report progress to enable this amendment to be further examined, but I personally do not believe that the onus of proof that we place upon the defendant in this instance is unreasonable. What is the onus of proof we are placing upon him? It is that he did not cause or permit the vehicle to be overloaded. Those are two things that he can clearly establish if he was not responsible. He can easily establish that he instructed his employees to pick up, say, 20 tons of cement.

Mr. O'Halloran—And it is something that only he could establish.

The Hon. Sir THOMAS PLAYFORD—Yes, indeed. I do not think it is unreasonable for him to have to establish the fact that he instructed his employee to pick up 20 tons of cement and that he did not instruct him to pick up 52 tons of cement, because that is the sort of thing that is happening today. In this instance I am prepared to accept the amendment, which I believe is placing the onus upon the persons who are really instigating the overloading. Up to the present we have not had any real control over this matter and this provision will give a real control over it. On the other hand, dealing with onus of proof, I do not believe it will be unduly difficult for the employer to establish his innocence in this matter.

Mr. Hutchens—That is, if he is innocent.

The Hon. Sir THOMAS PLAYFORD—That is so, but I have a suggestion for the honourable member in connection with his amendment which I think the Committee might look at. We have established a penalty of £500, which is very high.

Mr. O'Halloran—That is the maximum.

The Hon. Sir THOMAS PLAYFORD—Yes, a maximum, but I understand the court looks at the penalty; that is the rule of the court in considering the seriousness that Parliament places upon the offence. I suggest that, instead of providing a £500 penalty outright, which would mean that a magistrate would in every instance impose a very substantial penalty, we consider making a first offence penalty and a second offence penalty, having a much more nominal penalty for a first offence and a heavy penalty for a second offence.

Mr. Quirke—If the imprisonment penalty is to remain, that should be for subsequent offences, not the first.

The Hon. Sir THOMAS PLAYFORD—Exactly. In order that honourable members may consider this, I ask that progress be reported.

Progress reported; Committee to sit again.

BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

VERMIN ACT AMENDMENT BILL.

The Hon. C. S. HINCKS (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Vermin Act, 1931-1957. Bill read a first time.

MOTOR VEHICLES BILL.

Second reading.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

This is a consolidating and amending Bill dealing with the administrative parts of the law relating to road traffic. By "administrative parts" I mean the registration of motor vehicles, licensing of drivers, and third party insurance—the matters which are administered in the department of the Registrar. The main object of the Bill is to improve the form, arrangement and clarity of the law, but some amendments are also proposed. The Bill was

drafted by Sir Edgar Bean and in drafting it he worked in close consultation with the Registrar of Motor Vehicles, Mr. Kay, and some of his capable and experienced senior officers:—Mr. Prince, the Deputy Registrar, Mr. Newman, Chief Clerk, and Mr. Pittman, the Supervisor of Registration, all of whom are experts in the branches of the law dealt with in the Bill. The Bill is the first major instalment of the general revision of the traffic laws which the Government has decided to proceed with. Shortly after the work of revision began, the Registrar of Motor Vehicles pointed out the advantages of having a separate Act setting out the provisions administered by his department. A Bill for an Act of this kind, it was thought, could be prepared in time for introduction this year and would enable him to make more rapid progress with the improvement and simplification of the procedures in his office, and also to prepare a badly-needed new code of regulations. The Government agreed to the Registrar's suggestion and this Bill is the result. Besides consolidating the law, it contains some amendments of principle which the Government desires to submit for the approval of Parliament.

I will deal with the main features of the Bill in the order of the clauses in which they occur. The first matter is in clause 3, which deals with repeals. It is proposed to repeal all the sections of the Road Traffic Act which are reproduced in this Bill and, in addition, to repeal the whole of part III which provides for the licensing of horse-drawn vehicles. The Government has decided to discontinue this licensing system. The net revenue derived from horse-drawn vehicles, after allowing for administrative expenses, is now so small that financially the system is no longer justified. Every year the number of horse-drawn vehicles decreases, and it is not to be expected that the licence fees would again produce any appreciable contribution towards the upkeep of roads. As a factor in road safety, the licensing of horse-drawn vehicles has no value. Horse-drawn vehicles, will, of course, continue to be subject to the general rules of the road and this is all that is required in the interests of road safety.

Clause 5 contains the definitions. In connection with this clause I would draw attention to the definitions of "primary producer" which is of importance because of the special rates of registration fees applicable to certain classes of primary producers' vehicles. This definition sets out the existing interpretation of "primary producer" a little more fully than is done in the existing Act and makes it clear that primary producers are those who carry on primary production as a business and as principals, and also includes share-farmers who work under written share-farming agreements otherwise than as servants. Another important matter in the interpretation section is a declaration in subclause (4) of clause 5 that the Bill applies to vehicles engaged in interstate trade so far as the Constitution permits. A subsequent clause provides that vehicles engaged solely in interstate trade will be entitled to registration at an annual fee of £1. The High Court has held that we cannot charge these vehicles the normal registration fees imposed on other vehicles. But the court has not held that we cannot require them to carry number plates and registration labels. Nor has it been held that the States cannot require the drivers of vehicles engaged in interstate trade to obey reasonable rules for the regulation of traffic on roads. It is proposed, therefore, to declare that interstate vehicles will be subject to this Bill. If they are duly registered in other States they will be permitted under proposed regulations to enter South Australia as visiting motorists by virtue of such registration. If, however, an interstate trade vehicle is not registered in another State it will be required to register in this State. The Government has no reason to believe that provisions for registration of this kind proposed in this Bill are unconstitutional and it is obvious that such provisions are well justified. It is a most unsatisfactory state of affairs if a vehicle can lawfully be driven on a road without bearing any means of identifying the owner. If vehicles are not readily identifiable it is difficult to enforce against them the laws as to overloading or speed limits. The officers concerned with the administration of these laws have, in fact, been considerably embarrassed by the fact that some vehicles carry no names or number plates at all.

The next Part of the Bill deals with the registration of vehicles. The general duty to register will remain as at present but some alterations are proposed in the provisions as to exemptions and permits. By clause 11 it is provided that motor vehicles may be driven without registration in the course of training members of fire fighting organisations and transporting such members to or from training, and also for the purpose of taking measures for preventing, controlling or extinguishing fires. At present it is permissible to use

unregistered vehicles for actual fire fighting, but not for training fire fighters, or preparing fire-breaks. The concessions provided for in clause 11 have been asked for by representatives of voluntary fire-fighting organisations. It will be noted that no exemption from insurance is proposed.

Another new concessional provision is included in clause 12 which, among other things, enables farmers' unregistered tractors to be used on roads within 25 miles of the farm for drawing farm implements. Up to the present time trailer bins constructed for attachment to harvesters for the collection of grain in bulk have not been included in the definition of farm implements. It is proposed that in future trailer bins will be included in this definition.

A small alteration of fees is made by clause 17, which relates to special permits granted by the Registrar for journeys by unregistered vehicles not normally used on roads. At present a fee of 5s. is charged for these permits; but in some cases the duration of the permit and the length of the journey and the size of the vehicle are such that the permit-holder obtains an exemption from registration fees amounting to a substantial sum. It is proposed that the 5s. fee will, in future, be the minimum, and that the Registrar shall be empowered to charge for these permits fees up to a maximum of one-twelth of the annual registration fee. It is intended that the actual fee in each case will depend upon the period of the permit, the length of the journey, and the nature of the vehicle.

The next topic is the scale of registration fees. No substantial alteration is proposed in this scale of fees, but there are one or two minor changes. Under the present law the horsepower of a vehicle driven by an internal combustion engine depends, among other things, upon the number of cylinders in the engine. However, some vehicles have two pistons in one cylinder so that one cylinder does the work of two and, as a result, the number of cylinders does not give a true measure of the horsepower. It is proposed in the Bill that in future the horsepower will depend on the number of pistons, and not on the number of cylinders.

Another small alteration proposed in the registration fees is in connection with motor tricycles and motor trivans. These vehicles, under the present law, are in a class by themselves, and however large or powerful such a vehicle may be, the registration fee never exceeds £5. It is proposed that in future these vehicles will be subject to the general scales of fees for commercial and non-commercial vehicles. This will not make any appreciable difference to three-wheeled vehicles under 25 power-weight, but those in excess of 25 power-weight will pay the same fees as four-wheeled vehicles of the same power-weight, and this will involve an increase.

In clause 31, which deals with the vehicles entitled to registration without fee, one change is proposed. In future, motor ambulances operated by a municipal or district council, or by a non-profit making body will be automatically granted free registration without a special application being made to the Treasury in each case.

Clause 35 extends the permissible uses of primary producers' tractors registered on payment of one-quarter of the normal registration fees. Under the present law these vehicles can be used for taking produce from the producer's holding to a port or railway station, or to a town not more than 12 miles from the primary producer's holding. It is proposed to extend the 12 mile limit to 15 miles and, in addition, to permit the tractors to be used for taking produce to any depot for packing, processing or delivery to a carrier, whether such depot is at a port, railway station or town or not.

Clause 39 sets out the rules for concessional registration fees for incapacitated ex-servicemen. Under the present law these registrations are not transferable. It is proposed to make them transferable from one incapacitated ex-serviceman to another. It is also proposed that upon the death of an incapacitated ex-serviceman the registration will not become void, as at present, but may continue in force for the benefit of the members of his family or other persons, subject to payment of the balance of the registration fee.

Clauses 49 to 54 deal with what are now called registration discs, stickers or cards. In future these articles will be known as registration labels, which is a standard term used in other States to describe them, and is appropriate to describe both windscreen stickers and cards.

A new clause is proposed enabling the Registrar to issue permits for vehicles to be driven before the issue of registration labels when it is necessary to obtain further information in order to calculate the proper registration fee. Another new clause enables members

of the police force to issue permits to drive without registration labels where the labels are lost or destroyed or not delivered after being issued.

The rules as to cancellations and transfers of registration are set out in clauses 55 to 62. Some amendments of the law are proposed in these clauses. At present there is no general right for a registered owner to surrender the registration of his vehicle at any time and obtain a refund. However, there is no reason why people should not be allowed to surrender registrations freely so long as proper precautions are taken to destroy the registration label which is the ordinary indication to police that a vehicle is registered. It is proposed in clause 55 to give motorists a general right to have registrations cancelled whenever they so desire.

It is also proposed to simplify the procedure on transfers. By the present law the onus of notifying the Registrar of the transfer of a vehicle and of having the registration transferred or cancelled is placed on the transferor. This has not been satisfactory in practice because usually it is the transferee who is really interested in getting the transfer registered. Often the transferor gives incorrect particulars of the name and description of the transferee. The Bill will place a duty on the transferee. If an application for cancellation of the registration is not made within 14 days after the transfer the transferee will be required to make an application to the Registrar for the transfer of the registration to himself. The duty of the transferor will be modified. At present he must give a notice of transfer in all cases. It is proposed in the Bill that where an application for cancellation of the registration is made that no other notice of transfer need be given by the transferor.

The next group of clauses, 63 to 72, deals with traders' plates, and provides for some additional concessions. In the first place it is proposed that when general traders' plates are issued to a company, any director, manager or authorized employee of the company may drive a motor car or utility bearing such plates for any purpose at all except carrying goods or passengers for hire. At present individual traders and their partners have a general right of using traders' plates on cars and utilities but no similar right is given to companies. The Bill will remedy this disparity.

Another new provision respecting traders' plates is that it will be permissible for a person who buys a motor vehicle at a time when the Registrar's office is closed to use general traders' plates on the vehicle until the close of the first day of business after the sale. Representatives of the automotive industry have informed the Government that persons who buy vehicles on Saturday mornings often desire to take delivery immediately and use the vehicles during the week-end, and that it would facilitate trade if dealers could legally make their general traders' plates available for this purpose. This matter has been fully investigated and recommended by the Registrar.

Part III consolidates the law as to drivers' licences, with some small changes. The Bill removes the present doubt as to whether a licence to drive a motor cycle authorises a person to ride or drive a three-wheeled vehicle. The better opinion appears to be that the holder of a motor cycle licence is only entitled to drive motor bicycles with or without sidecars, and it is proposed to state this expressly in the Bill.

Another provision (clause 82 (2)) widens the power of the Registrar to dispense with written examinations of applicants for licences. It is proposed that, in any case where special circumstances make it unreasonable to require an applicant for a licence to pass a written examination, the Registrar may dispense with the examination and issue a restricted driving licence to the applicant. Such a licence would provide that the holder would only be entitled to drive vehicles within a defined part of the State. In the pastoral areas of South Australia there are numerous employees who are competent drivers but who are not able to pass written examinations. A lot of them very seldom come into closely settled areas, but they can be safely trusted to drive vehicles in the outer areas and it would be an unnecessary hardship to deny them this right through illiteracy or the inconvenience of examining them.

Clauses 88 to 99 contain the law as to the disqualification of drivers and the suspension of licences so far as that law is administered by the Commissioner of Police and the Registrar. The provisions as to disqualification and suspension of licences which are administered by the courts are not included in this Bill as they are tied up with the general law of road traffic and will be dealt with in the Bill on that subject.

Part IV is almost entirely a consolidation of the provisions relating to third party insurance. The complex sections of the principal

Act have been broken up, arranged in more logical order and, in some cases, re-drafted for the sake of greater clarity. There is only one new clause, namely, clause 120. This prevents third party insurers from cancelling policies without the approval of the Registrar. If a third party insurance policy is cancelled and no policy is substituted the registration of the vehicle becomes void and, of course, the public loses the protection afforded by the policy. It is therefore essential that some control should be exercised over cancellations of insurance. In providing for this, clause 120 gives effect to a voluntary arrangement which is already being carried out by insurers.

Part IV also contains an amendment of the law which exempts the Crown and the Municipal Tramways Trust from the obligation to take out third party insurance policies, but requires them to give cover to drivers of their vehicles and pay damages to injured persons to the same extent as an insurer under a third party policy. The present provisions have worked satisfactorily, except in one respect. If a joy rider or a thief or any other unauthorised person unlawfully uses a vehicle owned by the Crown or Tramways Trust and injures anyone, he gets the benefit of the free insurance provided by these authorities. It is not unreasonable that when a publicly owned vehicle is unlawfully used the injured person should be able to make a claim against the public authority, which is in the position of an insurer; but it is not reasonable that the person who unlawfully uses the vehicle should altogether escape liability. It is therefore proposed in clause 101 to insert a new provision to the effect that if the Crown or the Tramways Trust pays out money in respect of a claim for death or bodily injury caused by a person unlawfully using a vehicle, the Crown or the trust shall have a right to recover the amount paid from such person. This amendment, of course, will not affect employees of the Crown or trust lawfully using the vehicles of their employer. They will continue to be protected.

Part V of the Bill contains supplementary provisions relating to such matters as legal procedure, regulations and offences. It is desirable that I should draw the attention of members to clause 141 which lays down a general rule that a person who causes or permits another person to drive a motor vehicle in contravention of the Bill will be guilty of an offence. The principle of this clause is embodied in a number of separate sections of the present Act, but there is a lack of uniformity in the language used and some inconsistency in the application of the principle. In the interests of consistency as well as justice it is desirable that there should be a general rule such as is embodied in clause 141. The clause only penalises those who are in some way blameworthy.

In the preparation of a Bill of this kind a number of verbal alterations are necessarily made in the course of re-arranging and clarifying the provisions. It would not be possible to explain every one of these changes without wearying members with interminable detail, which would add little to an understanding of the substance of the Bill. If, however, any member has any question or doubt about the effect of any alteration in language or otherwise I would be very pleased to obtain a full report on it for him.

One other matter will arise out of the Bill although it is not covered in the clauses of the Bill. It is proposed, when the new Bill becomes law, to alter the procedure that has applied for many years in connection with the registration of primary producers' vehicles. Members, particularly country members, know that at present, a primary producer gets a rebate under the Act on a commercial vehicle used in the course of his business, but he has to make a declaration to the Registrar and also has to get a police certification each time to that declaration. This has meant that the primary producer, who may live some distance from a police station, has had to travel long distances. Many thousands of these certifications are made each year and, as far as I can see, the Registrar accepts that, as far as can be determined, they play no particular part in the validity of the declaration in any case.

Mr. O'Halloran—Their only purpose is to prove that he is a primary producer.

The Hon. Sir THOMAS PLAYFORD—He could be a primary producer and still not be entitled to use his vehicle on the road. If he is carrying goods for hire he is not eligible for the primary producer's rebate in any case. When the Bill is passed it is proposed to slightly alter the declaration that will be made by the primary producer, but not to require him to get police certification every time he registers his vehicle.

Mr. Bywaters—I think the police will be very pleased.

Mr. Heaslip—So will the primary producers.

The Hon. Sir THOMAS PLAYFORD—The police have had scores of thousands of these

certificates each year and it has given them considerable work and, quite apart from that, it has involved primary producers in many thousands of miles of travel during the course of the year to get the registration effected. That is not involved in any clause of the Bill but the new Bill will enable it to be put into effect and I believe it will be generally approved by members.

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

VINE, FRUIT, AND VEGETABLE PROTECTION ACT AMENDMENT BILL.

Second reading

The Hon. D. N. BROOKMAN (Minister of Agriculture)—I move—

That this Bill be now read a second time.

The Vine, Fruit, and Vegetable Protection Act, 1885-1936, by section 8 empowers inspectors to enter lands, buildings or vessels and examine and remove any trees or plants for the purpose of ascertaining whether they are injuriously affected by any insect or disease. Other provisions of the Act empower the destruction of affected trees or plants. The power of entry and examination is, however, limited to lands, buildings and vessels.

The object of this Bill is to amend section 8 of the principal Act by extending the power to cover trains, aircraft, vehicles, carriages or conveyances and, at the same time, to make it clear that inspectors may not only examine and remove but also search for plants or trees suspected of being affected.

Honourable members will appreciate the need for the amendment. As the law stands at present although vehicles may be stopped and searched in the absence of objection by the occupants such a search could not be enforced over an objection. All members are aware of the danger to the fruit industry from the scourge of fruit fly.

Up to the present no difficulty has been experienced in the administration of the Act as it stands at present, but it is clear that, should an objection be made, it would be difficult to enforce the provisions that it is intended to enforce in relation to the search for fruit fly. I said recently in this House that the importance of fruit fly road blocks is being more and more recognised. It becomes clearer each year that these road blocks are of greater relative importance in the campaign against fruit fly than they were before. There will be an interstate conference on the question of fruit fly road blocks soon. This conference was convened at my request and it will be held between the States of New South Wales, Victoria, South Australia, Tasmania, Western Australia, and probably Queensland.

The first setp towards this conference was taken some weeks ago when the Directors of Agriculture met in Canberra and formulated a plan for a line of road blocks to protect south-eastern Australia—that is, portion of New South Wales and the States of Victoria and South Australia. Those road blocks would greatly strengthen our hand in the campaign against fruit fly and, whereas at present we depend almost entirely on our own efforts, we should be greatly helped by these road blocks. It seems that having asked for this—and without being able to say that it will definitely come about, at least some progress has been made—I think it is reasonable for Parliament to amend this Act to give the full powers of search required for road blocks.

Mr. CLARK secured the adjournment of the debate.

ADJOURNMENT.

At 9.11 p.m. the House adjourned until Wednesday, November 11, at 2 p.m.