HOUSE OF ASSEMBLY.

Thursday, November 26, 1959.

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

ASSENT TO ACTS.

His Excellency the Governor's Deputy, by message, intimated his assent to the following Acts:—

The Australian Mineral Development Laboratories.

Holidays Act Amendment.

Millicent and Beachport Railway Discontinuance.

Nurses Registration Act Amendment.

Savings Bank of South Australia Act Amendment.

South-Eastern Drainage Act Amendment.

Vine, Fruit, and Vegetable Protection Act Amendment.

Wandilo and Glencoe Railway (Discontinuance).

QUESTIONS.

FIRE DANGER IN SOUTH-EAST.

Mr. HARDING—A report in this morning's *Advertiser* states that the Bush Fire Research Committee will undertake projects at Marble Hill and at Wandilo Forest, near Mount Gambier, to demonstrate economic methods of protecting property from bush fires. The report proceeds:—

The second major project would be undertaken in the South-Eastern pine forests, which in themselves did not present an abnormal fire hazard . . . "A strip of scrub land, three miles long and not less than 20 chains wide, will be cleared along the northern boundary of the Wandilo Government Forests," the Premier said.

The farming community will be pleased to hear this news, because their lives are endangered by the possibility of fires breaking out within the forest area. The Government mill and private mills in the South-East are right in the heart of the forest, and the mill workers' lives would be endangered in the event of an outbreak. Will the Premier draw the attention of the appropriate authorities to the dangerously close proximity of some of the Government and private mills to the pine forests in the South-East?

The Hon. Sir THOMAS PLAYFORD—Yes.

LABELLING OF FOOTWEAR.

Mr. HUTCHENS—The press this week contained an article stating that the secretary of the Bootmakers' Union had stated that the union was joining with the distributors in a request that legislation be brought down to provide for the marking on footwear of its quality, place of manufacture and so on. Has the Government received that request from the manufacturers and the distributors, and if so, has it made any decision in the matter?

The Hon. Sir THOMAS PLAYFORD—I have no knowledge of this matter but I will check on it and inform the honourable member.

VICTOR HARBOUR WATER PRESSURE.

Mr. JENKINS—During the last week or so of hot weather the water pressure on the higher levels of the Victor Harbour water system has been very poor indeed, and the people concerned are very anxious to know when the proposed booster plant at Nangawooka corner to boost the pressure in this area will be in operation?

The Hon. G. G. PEARSON—The Engineer-in-Chief has advised me that a booster plant is now being installed and will be in operation by the end of next week or early the following week.

ASSISTANCE TO INDUSTRY AT ELIZABETH.

Mr. CLARK—Early in October I wrote to the Premier giving details of a small industry which had been established at Elizabeth and which, I believe through no fault of its proprietor, is in difficulties. The following day the Premier replied promising to inquire whether assistance could be given. The gentleman concerned uprooted an established business in England and brought his machinery and equipment to South Australia. From what I have heard he may have been incorrectly advised by the authorities in England as to the suitability of his business for South Australian conditions. I am now told that if some assistance is not available almost immediately he will have to go out of business. Can the Premier tell me the result of his inquiry, and whether there is any possibility of this business being assisted?

The Hon. Sir THOMAS PLAYFORD—I have made investigations in the matter. The case is a difficult one, and I am not yet in a position to say whether I shall be able to arrange any assistance.

HEATHFIELD HIGH SCHOOL.

Mr. SHANNON—The Education Department has been involved in protracted negotiations for a site for a high school in the

Adelaide hills, and Heathfield has been suggested as a possible site. Can the Minister of Eduation say whether finality in these negotiations can soon be expected?

The Hon. B. PATTINSON—Yes. A site on the Heathfield Reserve was approved by me, the Director of Education and the Architect-in-Chief as being suitable and desirable, but legal difficulties arose as to whether I could be supplied with a clear title to the land and there were differences of opinion between the Stirling District Council and the Heathfield community centre. Recently I have had conferences with Mr. Fisher, the solicitor for the council, and Mr. Hargrave, the solicitor for the community centre, and I think most of their difficulties have now been resolved and it is a question of obtaining a survey of the area required for school purposes. With the consent of my colleague, the Minister of Works, the Architect-in-Chief engaged a firm of outside surveyors to complete the work. I have just been informed that the survey has now been completed, but that a small amount of calculatory work has still to be done and it is expected that the surveyors' report and plans will be available within the next two or three days. I am pleased to receive that information as I am just as anxious as the honourable member to proceed with the construction of this much-needed school as soon as possible, and I hope that it can be included in next year's Loan programme.

CONCESSION FARES FOR PENSIONERS.

Mr. HUGHES—Has the Treasurer examined the question I asked recently concerning concession fares to country pensioners travelling by rail within a 25 mile radius in their own districts?

The Hon. Sir THOMAS PLAYFORD—Cabinet has examined the matter generally, because a number of questions have been asked about concession fares, but it has decided that there cannot be any extension of the present concessions, which will cost a considerable sum and are being applied for the first time this year.

Mr. O'HALLORAN—Can the Premier say whether his statement that Cabinet has decided not to grant further concessions for pensioners on public transport is intended to apply to the matter I submitted some time ago, namely, that concessions similar to those granted to pensioners travelling on public transport in the metropolitan area should be granted to pensioners travelling on private buses licensed by the Tramways Trust in those areas where there is no public transport?

The Hon. Sir THOMAS PLAYFORD—Yes.

WHYALLA LEAVING HONOURS CLASS.

Mr. LOVEDAY—Can the Minister of Education give a definite answer to my recent question whether there will be a Leaving Honours class at the Whyalla technical high school next year?

The Hon. B. PATTINSON—Yes. I had proposed to reply to the chairman of the High School Council, who has written to me on the matter, stating that I regret that it will be impossible to supply a Leaving Honours class for next year. The matter is being considered and I have offered that the Director of Education will consult with the chairman of the council if he is in Adelaide or, if necessary, the Director will go to Whyalla for further consultations. We are anxious for such a class to be established as soon as possible but do not think it is possible for the beginning of next year.

TINTINARA WATER SUPPLY.

Mr. NANKIVELL—I believe there has been a delay in the planning of the Tintinara water supply. Will the Minister of Works ascertain what stage has been reached in the planning? Is there now some doubt about the suitability of the South Australian Railways pumping equipment for providing a water supply and, if so, what action will be taken to provide an alternative source of water for this scheme?

The Hon. G. G. PEARSON—I will investigate the matter and reply to the honourable member next week.

TIMBER CLASSROOMS: EMERGENCY EXITS.

Mr. FRED WALSH—Can the Minister of Education say whether any definite arrangements have been made for an inspection of the new type of emergency exits from prefabricated classrooms in primary schools?

The Hon. B. PATTINSON—Yes. As I informed the honourable member last week, on the authority of the Premier earlier this year, a demonstration was made at Thebarton at the request of the honourable member, and since then Mr. Bermingham, Works Manager of the Finsbury Works Division of the Architect-in-Chief's Department, has completed two types of escape exits as an experiment at the Magill primary school and I have seen them.

One of these escape exits is a modification of the one installed and tried out at the Plympton primary school earlier this year. This consists essentially in fitting the hopper window frame on one of the windows in such a way that it can be completely removed easily and quickly and the children can then leave the room through the open window. The other experiment consists of the provision of an escape door under the bottom of a window. The escape door consists of a hinged panel in the side of the classroom and this panel can be kicked out easily from the inside. We have arranged for a demonstration at the Magill primary school tomorrow afternoon at 2.30 and I invite the honourable member and other honourable members interested to attend. I have also invited representatives of the School Committees' Association who were present at the earlier demonstration.

PORT PIRIE HOSPITAL.

Mr. McKEE—Has the Premier a reply to the question I asked yesterday about the Port Pirie hospital?

The Hon. Sir THOMAS PLAYFORD—I have received the following report from the Chief Secretary:—

The soot trouble experienced in the theatre has been corrected this afternoon. Officers of this department are going to Port Pirie on Monday to arrange a trial run of the boiler and associated equipment, including air conditioning for the theatre in the new block. It is likely that the new theatre will be ready for use early in the week, at least for daytime surgery. This department's officers will arrange this matter with the Lay Superintendent whilst at Port Pirie.

In the same report the Architect-in-Chief has forwarded the following information regarding occupancy of the new block:—

Although there are still a number of matters to be attended to by the contractor as a result of the final inspection of the work, this building can be taken over for use by your department as from Monday next, the 30th inst., provided that it is understood that there are minor matters to be attended to. These should not interfere with the general internal routine of the hospital, but are more of the nature of work which is carried out from time to time as maintenance in any hospital. The Port Pirie hospital authorities have already been requested to advise when it is now considered it will be possible to occupy the new building with patients, allowing for the time necessary to clean and prepare the building. It had been previously suggested that it be occupied by December 14, 1959.

Mr. McKEE—I have received many inquiries on why it has taken so long to construct the new wing at the Port Pirie hospital. Will the Minister of Works state whether the Peak Construction Co. Ltd. is contracting for the hospital and whether any subcontractors are holding up the completion of this work? If so, can he say whether the Peak Construction Co. Ltd. has kept up its payments to the subcontractors to enable them to finish their contracts? This building has been under construction for five years and, if this has not caused the delay, can the Minister say why the work has taken so long?

The Hon. G. G. PEARSON—From memory, the position as outlined by the honourable member regarding the contractor is correct. The Peak Construction Company Ltd. is doing this work, and I know some time has been occupied in carrying out the contract. Hospital construction work is difficult and, although I am not certain about what alterations and additions to this contract may have been requested during the tenure of the contract, in many buildings, particularly hospitals, requests are frequently made for alterations which are logical requests and which effect improvements in the overall plan and increase the effectiveness of the work. The Hospitals Department and the Architect-in-Chief's Department endeavour to co-operate fully in implementing these requests. That is only logical and as a result probably a better result is achieved.

As far as relationships between the contractor and subcontractors are concerned, I think the honourable member will appreciate that the Architect-in-Chief deals with the contractor and that the only knowledge he has regarding the relationship between the contractor and subcontractor is that, in tendering, the contractor is usually requested to provide a list of subcontractors in order that their suitability and capacity for the work can be considered by the Architect-in-Chief and Cabinet in considering the various tenders. I have no specific information about the payments to subcontractors, nor could I have without intervening between the contractor and subcontractors, and it is not the province of the department to intervene. The Architect-in-Chief makes to all contractors regular payments based on the work done. These payments are kept up-to-date. The honourable member suggested that payments to subcontractors should be made to enable them to continue their work. Payments are made as the work is done and

the contractor is obliged to pay his sub-contractors to see that the work is done. Complaints have been raised in this House from time to time that have proved in the main not to be substantiated but, as far as we are able to ascertain, there have been no complaints regarding the Peak Construction Company Ltd. in respect of payments to sub-contractors.

SOUTH-EAST BUSH FIRE.

Mr. RALSTON—Following the disastrous fires in the Kongorong, Mount Schank and Caroline districts of the South-East on January 17 last when a man lost his life and thousands of acres of forest and farming lands were burned, officers of the Police Department prepared a voluminous report about the possible origin of the fire and other matters relative thereto. This comprehensive report, consisting of 100 pages of foolscap, was compiled after weeks of intensive investigations and no doubt contains much valuable information. Grave concern has been expressed by the public of the South-East and by the press as to why an inquest, or at least a public inquiry, was not held so that this information could be made available to the public. Can the Premier say why an inquest or an inquiry was not held and, if not, will he get a report?

The Hon. Sir THOMAS PLAYFORD—I ask the honourable member to put his question on the Notice Paper and I will get the information for him.

HILLCREST WATER PRESSURE.

Mr. JENNINGS—Yesterday and last night I received complaints from residents of the Housing Trust suburb of Hillcrest about the weak water pressure in the area during the last few hot days. Will the Minister of Works take up the matter and get a reply for me next week? I point out that this is exclusively a timber-frame area, so that any shortage of water during a fire might prove dangerous.

The Hon. G. G. PEARSON—I shall be happy to investigate the matter and get the information for the honourable member. If he would indicate to me the names of areas or streets concerned it would assist the Engineer-in-Chief in dealing with the problem.

TROTTING TRAINS.

Mr. RYAN—Has the Minister of Works received a report from the Minister of Railways following on my recent question about the discontinuance of the special train service from Outer Harbour to Wayville that catered for trotting patrons?

The Hon. G. G. PEARSON—My colleague the Minister of Railways has informed me that he received a report from the Railways Commissioner to the effect that the rail service to trotting meetings at Wayville Showgrounds was discontinued because of lack of patronage.

WATER DEMANDS OF NEW HOUSES.

Mr. BYWATERS—In the *Advertiser* of this morning, under the heading "£100,000,000 cost of water needs seen," it is reported that last night the Minister of Works said that in the next 10 years the Engineering and Water Supply Department would need £100,000,000 to meet the water demands of new houses. Has the Minister considered the possibility of taking the people to the river areas where water is available rather than providing so much money to bring water to the people?

The Hon. G. G. PEARSON—Much consideration has been given by many people to where they prefer to reside. I am afraid I must inform the honourable member that it is scarcely within my purview to decide these matters for them. The matter I was reported as mentioning last night referred to the general provision of water needs throughout the State and not specifically to housing projects, as was reported. I was referring to all the reticulation systems which we have in view or which we feel will come within our purview within the next 10 years. It would be obviously impossible to bring people from the West Coast to River Murray areas to do their farming and matters of the nature involved in the honourable member's question. I suggest that it is not within my province to speculate on the matter he has raised and that it is not within the bounds of practicability.

ELECTRICITY TRUST SECURITY DEPOSIT.

Mr. CORCORAN—Has the Premier obtained a report from the Electricity Trust regarding the matter of two householders at Tantanoola being asked for a £5 deposit to be paid before electricity is installed in their homes?

The Hon. Sir THOMAS PLAYFORD—I have received the following report from the Electricity Trust:—

The policy of the Electricity Trust is to ask for a security deposit from consumers who do not own their own homes or who have not previously had an account with the trust. This

is an essential precaution because the trust supplies power for three months before rendering a first account. The two consumers mentioned in the letter from Mr. M. J. Peters were the only two where the application form did not indicate that the consumer owned the premises. The trust credits interest at Savings Bank rates to all security deposits and, in addition, will refund the deposit after two years if the consumer's record of payment of accounts is satisfactory. The trust's circular letter did not indicate that interest would be paid and this information will be included in future.

PRICE OF BARLEY.

Mr. RICHES—Has the Minister of Agriculture a reply to the question I asked yesterday about the price of barley?

The Hon. D. N. BROOKMAN—I regret that I have not yet got a reply, but I will have one for the honourable member on Tuesday. If he wants the reply earlier I may be able to get it for him. From memory, I think he commented on the rise in the price of barley of over 1s. a bushel recently announced, and wants to know the reason for it. In short, I should say that it is most likely to be due to the extremely dry season and the reduced harvest. The Barley Board is charged with the duty of selling growers' barley and has set the price moderately considering the state of the season and the crisis we are undergoing.

LOXTON SOLDIER SETTLEMENT.

Mr. STOTT—Has the Minister of Repatriation obtained a reply to the question I asked on November 24 regarding appeals against soldier settlement valuations at Loxton?

The Hon. C. S. HINCKS—The Director of Lands states that 38 applications for reconsideration of valuations have been received from settlers at Loxton. These applications are being examined prior to field inspections being made in cases where this will be necessary. It is not possible to say at this stage when the results of the investigation will be made known to the applicants.

NARACOORTE SEWERAGE.

Mr. HARDING—Has the Minister of Works a reply to the question I asked recently about the connection of public conveniences and hotel conveniences to the sewerage system at Naracoorte?

The Hon. G. G. PEARSON—The Engineer for Sewerage advises that properties may be connected to the sewers immediately the sewers are laid past the premises. For some time sewers have been available for connection to the business part of the town but it was in August that the completed sewers were formally gazetted as being available for use as from September 1. To date, 16 properties have been connected and arrangements are being made by some property owners (hotels, hospital, picture theatre, institute, etc.) to connect their septic tank effluent drains to the sewer temporarily until they re-arrange their plumbing and drainage work in accordance with their proposals for remodelling or additions to their buildings. There has been no delay whatsoever unless it be on the part of the property owners and house owners to connect immediately. Although the treatment works will not be completed for about 9-12 months, temporary arrangements have been made to take any sewage or effluents from connected tenements into lagoons. This temporary method of disposal will be satisfactory and give no offence for a period of 12 months when the treatment works will have been completed and brought into use.

COOBER PEDY WATER SUPPLY.

Mr. LOVEDAY—Does the Minister of Works wish to amend the reply he gave yesterday to my question relating to the Coober Pedy water supply?

The Hon. G. G. PEARSON—Yes, I am grateful to the honourable member for raising the matter again today because yesterday, in an endeavour to supply him with information at short notice, I relied somewhat on memory and I found my memory in respect to certain details was not correct. The correct position is that approval has been given for the necessary expenditure to enclose the catchment area with a man-proof fence and to re-roof the tank that supplies the water. Yesterday I think I said that an engine and pump would be installed at the bore, but that was not correct. The bore is at present equipped with a hand pump which I have ascertained this morning is in working order and will meet any emergency.

RELIEF PAYMENTS.

Mr. NANKIVELL—Has the Premier a reply on a matter that I raised recently about the terms and conditions under which public relief may be granted to people eligible for such relief?

The Hon. Sir THOMAS PLAYFORD—Many members have asked questions about this matter, including Mr. Frank Walsh and Mr. Bywaters, and I have a general report from the Chairman of the Children's Welfare and

Public Relief Board that covers the point raised. The report states:—

The Maintenance Act provides that the Children's Welfare and Public Relief Board may afford relief to such destitute or necessitous persons as the board thinks fit. The Act also provides that the recipient of relief and certain near relatives (as specified) may be required to repay the cost of relief issued at any time within six years.

Following complaints by the Auditor-General that relief was not always issued on a uniform basis and that proper steps to obtain repayment were not always taken, the board reviewed the methods used. The present procedure for issue of relief is that the department has a scale fixing various upper income limits for relief applicants with differing responsibilities. In cases where the family income from all sources (excluding charities) equals or exceeds the appropriate upper limit, no relief is normally issued. In cases where the family income, as known to the department, is less than the appropriate upper limit, relief may be issued, if the circumstances are otherwise appropriate, to make up the difference. In some cases additional amounts may be allowed for rent and, if necessary, on medical grounds, for special diets. The upper income limits for families were not varied when the Commonwealth Government increased its pensions recently, so that the relief payments by this department have decreased in some cases. The individual families have not, however, suffered any decrease in total income.

The legislation dealing with recovery of relief has been in force for many years. It has been the department's practice, over a long period, to seek to recover the cost of relief issued where it was known that the applicant or his near relatives were able to pay. In recent months the department has sought, more assiduously than previously, to recover amounts where it appears that the person concerned should be able to pay. In order to consider whether action for recovery is appropriate, it is necessary to first seek information of the financial circumstances. If the information indicates that a claim for repayment should not be pressed, no further action is taken. If, however, it appears that repayment should be made, the department endeavours by negotiation and, if necessary, by court action, to recover at least some part of the total amount. In some cases applicants for relief are not destitute because they have assets, but their immediate position may be necessitous because they have no cash resources. In these circumstances the department may issue relief on the clear understanding that repayment will be expected later. In all cases involving a deserted wife who is an applicant for relief, the department requires an authority from the wife to take action against the husband for maintenance. In these cases, also, the department issues relief only on the clear understanding that repayment may be required later. The department does not seek to recover the cost of relief from those who are unable to pay. The department feels that it has a responsibility under the legislation to obtain repayment in appropriate cases.

An invalid pensioner with a wife but no family does not qualify for relief from this department. Information from the Commonwealth Department of Social Services discloses that the combined allowance for an invalid pensioner and wife from that department would be a maximum of £6 10s. weekly.

FRUIT CANNING INDUSTRY REPORT.

Mr. BYWATERS—Last Tuesday I asked a question regarding progress made by the committee inquiring into the fruit canning industry, and the Premier in reply stated that he had received an interim report from that committee. Yesterday, in answer to a question by the member for Barossa (Mr. Laucke), the Premier said that he would make that report available to the honourable member. Will the Premier make this report available to all members by tabling it in this House?

The Hon. Sir THOMAS PLAYFORD—I do not mind making the report available for any honourable member for his perusal and to enable him to obtain any necessary information from it, but I do not think it would be wise or proper to table the report in the House, as it contains very detailed information about certain aspects of private people's affairs which I do not think should be made available generally to the public or should be the subject of public controversy. If the report were made available in that way the position of some people could possibly be prejudiced. I hope to have the report with me next week, and I shall be happy to allow any honourable member desirous of acquainting himself with the position to inspect the report on the understanding that, as some of the information contained therein is confidential, it should not be used in a public way.

STIRLING-QUORN ROAD.

Mr. O'HALLORAN—Will the Minister of Works ascertain from his colleague, the Minister of Roads, what progress, if any, has been made in the sealing of the road from Stirling to Quorn, and whether the bridge known as Madman's Bridge has been completed and opened to traffic?

The Hon. G. G. PEARSON—Yes.

PRIVATE MEMBERS BUSINESS.

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

That for the remainder of the session Government business take precedence over all other business except questions.

Motion carried.

SOUTH-WESTERN SUBURBS DRAINAGE BILL.

The Hon. G. G. PEARSON (Minister of Works) moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to authorize the construction and operation of works for the prevention and control of flooding in the south-western suburbs of the metropolitan area, and for other purposes.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. G. G. PEARSON—I move—

That this Bill be now read a second time.

The object of the Bill is two-fold. It will authorize the construction and maintenance of drains and improvements to the River Sturt to control flooding in the south-western suburbs, and will provide for reimbursement by the councils of the areas concerned of half the total capital cost and all maintenance costs. The Bill is based upon the report of the Parliamentary Standing Committee on Public Works dated October 6 of this year. As honourable members know, the Committee investigated the whole question in pursuance of a reference made by Parliament in 1957.

I express my own and the Government's thanks to the Public Works Committee for the work it did in this intricate and difficult matter. In addition, I take it upon myself to express the thanks of the Public Works Committee to the officers of the various departments concerned, particularly the Engineer-in-Chief and his immediate officers, for the very great attention they gave this matter and the assistance they rendered in preparing this scheme.

Part II (clause 6) of the Bill authorizes the Minister of Local Government to construct drains, to construct works for the improvement of the River Sturt and to build a flood control dam on that river, all for the purpose of flood prevention and control. Ancillary powers are conferred by clauses 4 and 5 (acquisition of land and easements), 14 (calling for tenders), 15 (general powers), 18 (delegation of powers), 19 (disposal of surplus land and property), 25 (indemnity against certain claims) and 26 (power to require councils to have the river cleared). Clause 16 provides for compensation for damage done in the exercise of the Minister's powers.

Part III of the Bill concerns the provision of finance by the councils of the area affected. It provides, broadly, that the councils of Marion, Mitcham, West Torrens, Unley, Brighton, Glenelg, Meadows and Stirling and the Garden Suburb Commissioner shall pay one-half of the total cost of the works with interest, the payments to be spread over a period of 53 years commencing after the Government has expended £1,000,000. The percentages payable by the councils are set out in Clause 7 (2). The rate of interest is to be 5¼ per cent until the works are completed, after which interest will be at a rate to be struck by reference to long-term loan money rates during the period of contruction subject, however, to a variation every ten years.

The mode of payment and rates of interest are covered by Clauses 8 to 11 inclusive. They are based upon the Parliamentary committee's report which recommended also the proportions in which councils should contribute to the capital costs. The annual payments by councils will, of course, be adjusted both at the time of completion of works and at the ten-yearly periods which I have mentioned so as to take account not only of the actual total cost when it is known but also of the variations in interest rates, as well as any variation in costs attributable to unknown amounts of compensation (clause 17).

Clauses 12 and 13 deal with maintenance. Each council will be directly responsible for the maintenance of drains in its area, while the Minister of Works will be responsible, but at the expense of the councils, in the same proportions as those relating to capital costs, for the maintenance of works on the River Sturt. With regard to the latter, councils are to pay into a maintenance fund £5,000 during each of the first three years after the completion of the River Sturt works and thereafter an amount to be determined by the Treasurer every three years, having regard to actual maintenance costs from time to time. These provisions are, like the rest of the Bill, based upon the Parliamentary committee's report.

Clauses 20 to 24 inclusive are of a general nature covering a number of ancillary matters. As members know, the Parliamentary committee made a very full enquiry into the question of flood water drainage and recommended the works for which this Bill provides, the proportions in which councils should contribute towards costs, the rates of interest and the mode of payment. I commend the Bill to members.

Mr. FRANK WALSH secured the adjournment of the debate.

SCHOOL OF MINES AND INDUSTRIES ACT AMENDMENT BILL.

The Hon. B. PATTINSON (Minister of Education) obtained leave and introduced a Bill for an Act to amend the School of Mines and Industries Act, 1892-1934. Read a first time.

The Hon. B. PATTINSON—I move—

That this Bill be now read a second time.

Its objects are to alter the title of the institution hitherto known as the "School of Mines and Industries of South Australia" to the "South Australian Institute of Technology," to alter the constitution of the council of that institution and to make the necessary consequential amendments to the School of Mines and Industries Act, 1892-1934. The School of Mines and Industries of South Australia, which was established and incorporated under the principal Act, has for many years pioneered a large number of professional courses ranging from diploma standard to those of apprentices and skilled tradesmen. Now, however, with the co-operation of the Education Department and agreement with the University, the Council of the School of Mines will be able to concentrate on instruction in the higher professional fields while much of its work in the sub-professional fields will be gradually taken over by the Education Department. In the course of its development and by agreement with the University the School of Mines has discontinued its course in mining although the higher professional courses in metallurgy, mineral dressing and chemical technology and other technological courses are still retained.

The Government believes that the institution is especially well fitted to produce the type of professionally trained man that industry needs today and will need in the future in such large numbers, and that the great industrial development that lies ahead of this country will make heavy demands on all our teaching institutions, and the teaching resources of the University and the School of Mines will therefore be taxed to their fullest capacity. The Government accordingly feels that the status and function of the school should be defined so as to correlate its work with that of the University, the latter providing courses culminating with the degree of Bachelor of Engineering used by persons who undertake research work or hold semi-technical and administrative positions while the school provides courses leading up to the degree of Bachelor of Technology, which are useful to departmental managers on the technical side, field engineers and other technical officers and to persons of the technical or experimental officer type who are engaged in field work.

For these reasons it is considered that the alteration of the school's title from "School of Mines and Industries of South Australia" to "South Australian Institute of Technology" would more properly describe its activities and be more in keeping with the present and future functions of the school. The Bill also proposes to alter the constitution of the council by increasing the number of members from 12 to 15 and the quorum of the council from 5 (out of 12) to 6 (out of 15) members. This will enable the council to be more representative. Other modifications of the principal Act are proposed in order to deal more efficiently with the school's status and functions.

Clause 3 postpones its commencement to a day to be fixed by proclamation. This will enable all necessary action to be taken before the new legislation is brought into operation. Clause 4 amends the long title of the principal Act to accord with the objects of this Bill. Clause 5 amends the preamble for the same reason. Clause 6 contains the necessary interpretations for the purposes of the Bill. Clause 7 amends section 4 of the principal Act—(*a*) by a consequential amendment to that section, and (*b*) by reconstituting the council and renaming the school on and after the appointed day. Clause 8 repeals section 5 of the principal Act which is no longer operative.

Paragraph (*a*) and (*b*) of clause 9 make two consequential amendments to section 6 of the principal Act, and paragraph (*c*) adds two new subsections to that section. Paragraphs (*a*) and (*b*) of new subsection (2) require all members of the existing council to vacate their appointments on the appointed day, and provides for the reconstitution of the council on that day with 15 members who are to be appointed and hold office for such period not exceeding three years, in each case, as the Governor specifies when making each appointment. Paragraph (*c*) of the new subsection (2) will ensure that five members of the reconstituted council will retire each year in rotation. Paragraph (*d*) of that subsection provides for the filling of a casual vacancy on the council. The new subsection (3) contains provisions of a consequential nature which arise out of the change of name and constitution of the council.

Clause 10 clarifies section 10 of the principal Act. Paragraphs (*a*), (*b*), (*c*) and (*e*) of clause 11 are consequential amendments; paragraphs (*d*) and (*f*) strike out two obsolete provisions; paragraph (*g*) is consequential upon the repeal of section 5 by clause 8.

Mr. CLARK secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Many cases have come to the notice of the Department of Public Health, local boards of health and district councils where buildings of various types have been erected in areas adjacent to country towns and townships with inadequate or unsuitable provision for drainage and sanitation and local boards have been obliged in such cases to declare such conditions as insanitary and invoke the provisions of Part VI of the Health Act to require their correction. The Government considers that it is desirable and more economical for all concerned if adequate and suitable provision for drainage and sanitation could be ensured at the time of erection of the building rather than later and the object of this Bill is to make provision accordingly.

Section 123 of the Health Act in its present form provides that all houses erected or re-built in municipalities or townships within district council districts shall have such drains and sanitary requirements constructed of such materials and in such manner as the local board may prescribe; and that plans and specifications of the proposed drains and sanitary arrangements are to be submitted to and approved by the board before the erection or re-building is commenced.

It will be seen that the section deals only with houses and not other buildings. While section 8 of the Building Act could be applied to those other buildings for the purpose of requiring approval of plans and the mode of drainage of water from the roof of a building and the mode of disposal of nightsoil and sullage water from a building, the application of that Act is restricted to areas that have been proclaimed under that Act upon petition by councils.

Clause 3 is designed to apply the provisions of section 123 to buildings in areas where neither that section as already enacted nor the Building Act applies. It is considered that by applying the section also to buildings on parcels or allotments of land of not more than five acres in area the necessary control could be achieved where it is most needed and the exclusion from its application of buildings on parcels or allotments of land exceeding five acres in area would exempt isolated dwellings such as farmhouses in the case of which it is felt there is not the same need for such control.

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

MOTOR VEHICLES BILL.

In Committee.

(Continued from November 25. Page 1859.)

Clauses 144 and 145 passed.

New clause 116a.—"Claim against defendant where vehicle uninsured."

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

116a. (1) In this section "uninsured motor vehicle" means a motor vehicle in relation to which no policy of insurance issued under this part is in force.

(2) A person claiming damages in respect of death or bodily injury caused by negligence in the use of an uninsured motor vehicle on a road may within six months after the accident causing that death or bodily injury give notice to the Treasurer of his claim and request the Treasurer to appoint a nominal defendant.

(3) The notice shall state the date of the accident and short particulars of the nature and circumstances thereof.

(4) The Treasurer shall upon receipt of a notice under this section appoint a nominal defendant and notify the claimant of the person appointed.

(5) Thereafter—

(*a*) any claim for damages in respect of the death or bodily injury which could have been made against the driver of the uninsured vehicle or a person liable for the negligence of that driver, shall be made against the nominal defendant; and

(*b*) any action for such damages which could have been brought against the said driver or person shall be brought against the nominal defendant; and

(*c*) the claimant may recover against the nominal defendant the amount of the judgment which in the circumstances he could have recovered against the said driver or person; and

(*d*) no action for such damages against the said driver or person shall be commenced or proceeded with.

(6) The nominal defendant shall not be liable to satisfy a claim or judgment obtained against him under this section but the claim or judgment and the nominal defendant's costs shall be paid out of money contributed by approved insurers pursuant to a scheme under section 117.

(7) A sum properly paid by a nominal defendant to satisfy a claim made or judgment obtained against him under this section and his costs shall be recoverable by the nominal defendant from the driver of the motor vehicle or any person liable for the negligence of that driver:

Provided that it shall be a defence in an action under this subsection if the defendant satisfies the court that at the time of the accident—

(*a*) he was the owner of the motor vehicle or was driving the vehicle with the consent of the owner; and

(*b*) that he had reasonable grounds for believing and did believe that the vehicle was an insured motor vehicle.

(8) The nominal defendant shall pay any amount recovered by him under the section to approved insurers in such amounts or proportions as the Treasurer directs.

This amendment deals with the case of an uninsured man of straw who injures someone through his negligent driving. In the second reading debate I gave two examples of what had happened in this way in the last few years. The first referred to a man who was driving his car along a street when he noticed another vehicle coming towards him. He moved to the left hand side of the road as far as he could, but he saw the approaching vehicle coming straight at him. There was a collision and his arm was taken off. The other driver continued on. He was caught later and it was found that he was not insured and had no money. That put the injured driver in a difficult position because the identity of the other driver was discovered. The first driver had to take action against him, yet he had no money to satisfy a judgment. The other example was a case where the passenger in a car was involved in an accident through the negligence of the driver. The passenger was killed, and later it was found that the driver had no money, so the widow of the passenger was left lamenting. This sort of thing could happen to anybody.

This is a simple amendment and it provides that within six months of an accident where someone is injured and where the motor car involved is uninsured, the claimant may apply to the Treasurer for the appointment of a nominal defendant in the same way as a claimant does now in the case of a hit-and-run accident. Undoubtedly the nominal defendant would be Arthur Gordon Miller, for he is normally the person nominated by the Treasurer as a defendant. Once the nominal defendant is appointed the claimant makes the claim, or sues through the court, against the nominal defendant and not against the uninsured driver. The defendant will be Arthur Gordon Miller, and not John Smith or whatever may be the name of the uninsured driver. Then if the claimant gets a judgment through the court or the claim is settled out of court, the money covered by the judgment is not paid by the nominal defendant but out of the pool which has existed for many years and which is mentioned in clause 117. In other words, the plaintiff has to do exactly the same as if he were suing the actual driver. He has to prove the case and the damages in the normal way. He knows that if he is successful in his case and is awarded damages he will be able to collect the money, as is now the case 999 times out of 1,000.

The amendment also provides that the nominal defendant may take action against the uninsured driver to recover what the nominal defendant has had to pay out in damages and costs to the plaintiff. The principle behind this amendment is that it is better for the general body of motorists to bear the claims through their premiums to insurance companies, who in turn contribute to the pool from which damages are paid, than for a widow or a man who may be incapacitated for life not to get the damages to which the law says he or she is entitled. It is better that the community should bear the damages through insurance companies than that there should be gross injustice and hardship. I take full responsibility for suggesting the amendment, but I think it would not be improper to state that I have relied on the experience of Sir Edgar Bean, who drafted it for me. The whole point at issue is, is Parliament prepared to stand by and see a widow and her children, or a man who loses his arm, left without damages to which they are entitled, or are we prepared to take steps, such as are taken in four out of the other five States, to remedy the situation?

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—This is a most interesting proposal. Other States do not, in every instance, take the same precautions as we take to see that a person does not go on the road without having an insurance policy, so they are in a totally different position regarding the number of uninsured vehicles. The only uninsured motor cars that can be on our roads are those driven unlawfully. The honourable member mentioned as the reason for the amendment two cases in which he claimed injustices were done because people drove vehicles unlawfully on roads. It has often been said that hard luck cases make bad laws; I have never

seen a better example of that than this. Although we have been assured that the drafting has been done so well, it has already had to be amended.

Mr. Millhouse—The alterations are of no consequence. This was drafted in a hurry, but I have given it a good deal of consideration since.

The Hon. Sir THOMAS PLAYFORD—Subclause (1) of the new clause states:—

In this section "uninsured motor vehicle" means a motor vehicle in relation to which no policy of insurance issued under this Part is in force.

That means that this new clause will apply to all vehicles, lawfully on the road, upon which there is no insurance policy.

Mr. Millhouse—It states "under this Part."

The Hon. Sir THOMAS PLAYFORD—That is so, but it is a Part in which we have already applied all sorts of exemptions. The term "motor vehicle" includes every trailer and every mobile machine, and a large number of machines will be allowed uninsured upon the road by a decision made by the Committee last night.

Mr. Millhouse—That is not in this Part.

The Hon. Sir THOMAS PLAYFORD—The Part the honourable member has mentioned provides that all motor vehicles upon the road, with certain exceptions, will be affected. He is saying that if no-one else is available to shoot at we will shoot at Mr. Miller, who has been the target on many occasions. It is all very well to say that this ultimately comes back to the people who insure but that does not alter the fact that this is a bad law, as people who insure are taking the obligation for those who do not. That is not fundamentally sound or proper.

Mr. Millhouse—Would you leave these people without redress?

The Hon. Sir THOMAS PLAYFORD—A law based on a bad luck case is never fundamentally sound.

Mr. Millhouse—It is bad luck for the widow.

The Hon. Sir THOMAS PLAYFORD—I have not had time to check on how the people the honourable member mentioned were on the road uninsured and whether they lost their money. This amendment is wrong in principle as it seeks to place an obligation on people who lawfully should not have it for the benefit of people who do not insure their cars. I hope the Committee will stick to what is, after all, a fundamental principle.

Mr. O'HALLORAN (Leader of the Opposition)—I fancy I have heard before the arguments advanced by the Treasurer in opposition to this amendment. They have a familiar ring. We heard many of those arguments when third party insurance was first discussed.

The Hon. Sir Thomas Playford—My Government was the first Government to bring this in.

Mr. O'HALLORAN—I did not say the Treasurer put up the arguments.

The Hon. Sir Thomas Playford—The honourable member was trying to imply it, though.

Mr. O'HALLORAN—No. If the cap fits, of course, the Treasurer must wear it.

The Hon. Sir Thomas Playford—I was merely taking the credit for our being the first Government to introduce it.

Mr. O'HALLORAN—All I said was that the arguments had a familiar ring. I did not say that the Treasurer used them. He grabbed the cap in both hands and did not give me a chance even to straighten out the peak. I have heard all these suggestions of making someone pay for someone else's misdemeanours. It was said to be unfair to make the main body of people pay insurance because of reckless road hogs, but not .1 per cent of people would permit third party insurance to be taken away now, as they realize its great advantage in protecting people from the consequences of accidents that arise through no fault of their own. I believe the member for Mitcham has a case. He cited two examples, and there could easily be others. In my electorate and in the district of Whyalla there are some motor vehicles used on big station properties that are never insured or registered as they are never taken on roads. They are not liable for registration or insurance because they are used as hacks about the properties. If they are owned by the owner of the property, the person who is injured has no need to worry, but some are owned by employees.

Mr. Millhouse—That is the very point the Treasurer made to me last night.

Mr. O'HALLORAN—Some of these people have not the means to meet damages and, because of the rough terrain over which they travel, they are probably more prone to accident than those on ordinary roads. I am on the side of the unfortunate person who may be injured, and I do not think there is any injustice if this new clause means another 6d. or shilling a year on third party policies. I see no injustice in asking the great body of motorists to provide

a fund to enable compensation to be paid. The other night the Treasurer was not as solicitous for third party insurers as he is now. He issued a mild warning that Treasury officials may recommend a reduction in premiums in the near future. Although I do not seek to place any unfair burden on insurers, they accept these premiums as a result of compulsion by Parliament, and Parliament has an obligation to see that damages awarded in the circumstances mentioned by the member for Mitcham are paid to the victims.

Mr. STOTT—I should like to have one or two points clarified. Firstly, it is quite clear that a fund has to be created under clause 117 to pay out claims for damages where an uninsured vehicle on a road causes injury. The Leader referred to stations on which there are unregistered and uninsured vehicles. This would not apply unless there were an accident on a road, because subclause (2) includes the words "in the use of an uninsured motor vehicle on a road." Of course, there are not many uninsured vehicles on a road, and those are necessarily unregistered vehicles.

The Hon. Sir Thomas Playford—All the farm vehicles are on the road.

Mr. Millhouse—No, you are wrong about that.

Mr. STOTT—And all uninsured.

Mr. Quirke—There have only been two accidents over many years.

Mr. STOTT—Yes, it is going to be very nominal. The member for Mitcham interjected that the Treasurer was wrong in his comment about farm implements. I want to know why that comment is wrong. I agree with the Treasurer's interpretation that all these farm implements that we have excluded from insurance under the other clause would now come under the present amendment. As has been stated, these accidents would be very few and far between, and when such an accident occurred it would involve, probably in nine cases out of 10, a young person who had stolen a car or got hold of an unregistered car. That type of person would not have much money. Of course, the other position could arise, and the person involved could have sufficient money to meet a claim. Under the amendment, that person would not be personally liable.

Mr. Millhouse—Yes, he would be liable, because the nominal defendant could then take action against him.

Mr. STOTT—That is what I want explained. Are these damages going to be paid out of the special fund?

Mr. MILLHOUSE—I think the first point raised by the member for Ridley concerned the fund under section 117. That fund, of course, exists now.

The Hon. Sir Thomas Playford—Is it in existence?

Mr. MILLHOUSE—It is the pool out of which hit-run claims are satisfied now.

The Hon. Sir Thomas Playford—Do you say there is a fund in existence?

Mr. MILLHOUSE—If it is not a fund, it is a scheme. Is the Treasurer saying that hit-run cases are not satisfied?

The Hon Sir Thomas Playford—No, I am asking where the fund is that you have referred to.

Mr. MILLHOUSE—Clause 117 refers to a scheme under which claims in the case of a hit-and-run motorist are to be met. It will be the same scheme that we have had for many years to meet claims where a hit-and-run motorist is involved, so there is no question of setting up a new scheme. The second point raised concerns what happens after the nominal defendant has satisfied a judgment obtained under my proposal, and what he can do about it. Sub-clause (7) gives the nominal defendant the right to sue the uninsured driver for the recovery of everything he has paid out, and if the uninsured driver can satisfy the claim the nominal defendant can recover all the money and pay it to the approved insurers in such amounts or proportions as the Treasurer directs. In other words, the risk is transferred to the nominal defendant, and if the nominal defendant can recover the money from the uninsured driver that is a good thing. He will be able to do that, and I hope that answers the second point raised by the member for Ridley.

The point the Treasurer raised is whether or not it included vehicles which are allowed to be unregistered and uninsured on the road. I would not be particularly worried if it did, because I cannot see any difference in the principle at all. My contention is that the cases I am covering in my amendment are only cases where insurance is required by virtue of part IV of the Act, which starts at clause 100. The clause we are worrying about is clause 12, which is not in part IV of the Act. My amendment only applies to a motor vehicle which should be insured and is not insured.

The Hon. Sir Thomas Playford—It does not mean that.

Mr. MILLHOUSE—With great respect to the Treasurer, it does. I have relied upon the

former Parliamentary Draftsman, in whom we have often heard the Treasurer express the utmost confidence, and rightly so.

The Hon. Sir Thomas Playford—You did not give him good instructions.

Mr. MILLHOUSE—Yes, I did. Subclause (1) refers to a motor vehicle in relation to which no policy of insurance under this part is in force.

The Hon. Sir Thomas Playford—It says, "No policy is issued under this part," so if it is not issued under this part it is included in the honourable member's definition.

Mr. MILLHOUSE—I cannot accept that. My contention is that there is no problem at all, because it is not covered and it would not really matter if it were. I hope that answers the three points.

Mr. DUNSTAN—I am entirely in accord with the principle of this amendment, and I do not think I need add very much to the lucid exposition the honourable member has given. The principle in this matter is surely this: since we provide that people shall compulsorily insure, there is no difference in principle between providing that the insurers shall get together a scheme for people who cannot otherwise get insurance money in relation to hit-and-run drivers, and providing that they shall provide a scheme for people who cannot get money because a driver who is caught up with is uninsured. In both cases we are providing for the compensation of people injured on the road through the negligence or neglect of other people on the road. The principle behind making the nominal defendant liable for these damages is that we are providing for compulsory insurance premiums. The companies get the business compulsorily, and in return they provide for the unfortunate who suffers through the neglect of other people and cannot recover. We are simply providing that the companies pay that price for the benefit of getting compulsory insurance. The Treasurer himself has gone to great lengths to tell the committee that this business is very profitable to insurance companies in South Australia, so I do not think we are placing too great a burden on those companies.

Mr. Loveday—These things hardly ever happen, anyway.

Mr. DUNSTAN—Yes, so what is the Treasurer worrying about? Undoubtedly the member for Mitcham has cited cases where these accidents happen, and if they have happened in the past they can happen again. The Treasurer has protested about the meaning of the honourable member's proposed sub-clause (1) which reads:—

In this section "uninsured motor vehicle" means a motor vehicle in relation to which no policy of insurance issued under this Part is in force.

With great respect to the member for Mitcham, I think that possibly the Treasurer's objection has some force in it. That objection could be met if sub-clause (1) were to read:—

In this section "uninsured motor vehicle" means a motor vehicle in relation to which no policy of insurance required to be issued under this Part is in force.

The Hon. Sir Thomas Playford—That is totally different.

Mr. Millhouse—I am prepared to accept that.

Mr. DUNSTAN—I am sure it is not different from what the member for Mitcham wants.

Mr. Millhouse—Exactly.

Mr. DUNSTAN—If the honourable member is prepared to accept the proposal the Treasurer's objection is completely disposed of and we can get down to the merits of the amendment.

The Hon. SIR THOMAS PLAYFORD—I am glad our legal friends have at last got down to understanding the meaning of the English language. In speaking on this matter, I pointed out that we were putting an obligation on the people to pay for an insurance where we had expressly exempted the requirement of insurance, and I was told that that was not in accordance with the amendment which had been carefully, if somewhat hurriedly, prepared by the member for Mitcham. We are now beginning to get some idea of what the amendment means. With the assistance of the member for Norwood, about 57,000 vehicles have been excluded, and that is a little help. If we exclude 57,000 vehicles by inserting a few simple words we exclude a large contingent liability. It is a wrong principle to include in an insurance provision of this description vehicles that we say should not be insured.

Mr. Millhouse—I am prepared to accept that.

The Hon. Sir THOMAS PLAYFORD—I am glad. If the honourable member will limit his amendment to those vehicles that should be insured then his amendment is not of so much moment and I am prepared to accept it.

Mr. MILLHOUSE—I move to amend my new clause as follows—

In subclause (1) after "insurance" to insert "required to be."

Mr. HAMBOUR—Mr. Chairman, may I speak before any words are inserted?

The CHAIRMAN—No, the honourable member would be out of order.

Mr. HAMBOUR—Can't I speak at this stage?

The CHAIRMAN—After this amendment has been passed you can discuss it.

Mr. HAMBOUR—After it has been passed?

The CHAIRMAN—After the insertion of the words "required to be." The question before the Chair is that the words proposed to be inserted be so inserted.

Mr. STOTT—I am glad that—

Mr. HAMBOUR—On a point of order! How can he speak if I can't?

The CHAIRMAN—The honourable member can only discuss the three words proposed to be inserted.

Mr. STOTT—That is what I intend to do. I had some doubts about this new clause and intended opposing it, but the insertion of the proposed words clarifies the position and I will now support the amendment.

Mr. SHANNON—There have been few comments about the insurance companies having—

Mr. HAMBOUR—What about these three words? On a point of order, Mr. Chairman, I want to talk about insurance companies.

Mr. SHANNON—It is proposed to add the words after the word "insurance." There have been a few remarks about the advantage to insurance companies from compulsory third party insurance. I am taking the opportunity, which I was denied last night, of putting on record just what happens in Australia under third party insurance.

The CHAIRMAN—Order! We are dealing with the words "required to be."

Mr. SHANNON—Yes, required to be insured under this clause.

The CHAIRMAN—Required to be issued. They are the words we are dealing with and I want the honourable member to stick to them.

Mr. SHANNON—With respect, I am dealing with the requirements for compulsory insurance.

Mr. Stott—The honourable member is required to keep in order.

Mr. SHANNON—I am keeping strictly in order. I am dealing only with the requirement for compulsory insurance. It is time members and the public generally realized that a responsibility has been thrust upon insurance companies. The average loss ratio for the whole of the Commonwealth is expressed as 118 to 100—in other words, for every £100 worth of gross premiums there is an outgoing of £118. South Australia is better off than the average.

Mr. HAMBOUR—Mr. Chairman, on a point of order.

The CHAIRMAN—We are dealing with uninsured vehicles, not insured vehicles. We are dealing with uninsured motor vehicles and the words "required to be." The honourable member is out of order.

Mr. SHANNON—Are the facts of the case unpalatable? Doesn't the public want to know?

The CHAIRMAN—The honourable member is out of order.

Mr. SHANNON—I still don't think—

The CHAIRMAN—The honourable member will resume his seat. The question before the Chair is that the words proposed to be inserted be inserted.

Amendment carried.

The CHAIRMAN—The question before the Chair now is that new clause 116a, as amended, be inserted.

Mr. HAMBOUR—I regret that Mr. Millhouse did not include the tractors that he insists on insuring. He proposes to call on a fund that the Treasurer is not sure exists, but the liability will probably be met by the associated insurance companies. As it is unlikely that tractors will be involved in many accidents considerable revenue will accumulate, and I believe that the responsibility for tractors could have been met out of this so-called scheme that is supposed to exist. My constituents are not going to be particularly happy with what the Committee has done and I suggest that if Mr. Millhouse were consistent he would have applied the same principle to the tractors that he recently compelled to be insured.

Mr. Dunstan—You are debating clause 12.

Mr. HAMBOUR—Of course I am. I presume that Mr. Shannon is going to suggest, as is reported in the press, that the insurance companies have lost on third party insurance. I do not believe they have, but I will let Mr. Shannon say what he wants so that the public can judge. I have no objection to the new clause but would have preferred Mr. Millhouse's thoughtfulness to have been evidenced earlier.

Mr. Millhouse—This is a new clause and it had to be discussed now.

Mr. HAMBOUR—The honourable member could have included tractors in the same category, but with the support of Mr. Shannon he proposes to slam another £20,000-odd into the pockets of the insurance companies.

Mr. SHANNON—It was typical of Mr. Hambour to start throwing innuendoes around about our sources of information. What I intend saying is not based on my company's information, but is taken from the *Australian Insurance and Banking Record* of 1957-1958, and the figures are collated by the Commonwealth Statistician. The figures disclose that in New South Wales the companies had a gross ratio of claims to premiums received of 92 per cent. After paying expenses, excluding income tax and fire brigade contributions, the loss ratio was 122 per cent. In Victoria it was 116 per cent, Queensland 108, Western Australia 143, Tasmania 109 and South Australia 104. If anyone thinks insurance companies will get fat on third party insurance I suggest they study the position in New South Wales where that Government opened its own office for this specific purpose but has had to increase the insurance rates on private cars.

Mr. HEASLIP—Mr. Chairman, on a point of order!

Mr. SHANNON—I am going to say it this time. Members will get the lot.

Mr. HEASLIP—I was called to order yesterday for departing from clause 12. It seems now that Mr. Shannon is debating something not contained in the new clause.

Mr. SHANNON—Members don't want it, but they are going to get it.

Mr. HEASLIP—Mr. Chairman, is the honourable member in order?

The CHAIRMAN—Will the honourable member relate his remarks to the new clause?

Mr. SHANNON—That will not be at all troublesome and even the member for Rocky River will be able to understand it, although I know that that will be difficult.

The CHAIRMAN—Order!

Mr. SHANNON—I was saying that the compulsory third party insurance business is not profitable. The New South Wales Government started a branch of its own in this matter and until recently the charge was £7 14s. 6d. for a private car. South Australia's figure is £6 5s. The New South Wales Government has now lifted its premium to £10 13s.

Mr. HEASLIP—On a point of order, what has prosperity or the profits of insurance companies to do with this amendment? It is not linked with it in any shape or form.

The CHAIRMAN—The honourable member will relate his remarks to the new section.

Mr. SHANNON—It is obvious that this amendment must have an impact on the insurance companies. Mr. Heaslip does not believe that. Who finances the scheme? Mr. Millhouse knows who does it. I am 100 per cent in favour of what Mr. Millhouse seeks to do. It is one of the reasons why I promoted the introduction of the matter. I thought an injured party might not be looked after. I do not want any injustice to be done and I do not want people to believe that this third party insurance is profitable and it is there on a plate to be taken. I support the new section but it will lead to a slight increase in the already losing proposition of the insurance companies.

Mr. HEASLIP—I agree that this new section covers only part of what is desired. Why could not farm tractors be dealt with under this amendment? However, the amendment has been accepted and I must accept it.

Mr. HAMBOUR—The press article I mentioned shows how profitable third party insurance is in South Australia. I did not quote my figures before Mr. Shannon spoke, but they show that over a period of five years up to June 30, 1958, the total paid out per vehicle was £18 and the premium received £6 5s. a year.

Mr. MILLHOUSE—On a point of order, can the honourable member link up these remarks with the new section?

Mr. HAMBOUR—I repeat that in that five-year period the total paid out per vehicle was £18 and the premium received £6 5s. Let the honourable member show how profitable is this third party insurance. Mr. Shannon said he is a director of an insurance company. Of course he is, and that is why he has adopted his attitude towards this Bill.

New clause 116a, as amended, inserted.

New clause 116b.—"Interpretation of expression in sections 114 and 116."

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

116b. In sections 114 and 116 the expression "a person who could have obtained judgment in respect of that death or bodily injury" includes a tort-feasor against whom a claim has been made in respect of such death or bodily injury and who is entitled to recover contributions in respect thereof from some other person pursuant to Part III of the Wrongs Act, 1936-1959.

Before Parliament now is a proposal to amend the Wrongs Act which provides for the bringing in of a nominal defendant as a joint tort-feasor in certain circumstances. I pointed out that there was difficulty about such a proposition because under the provision in the Road Traffic Act the nominal defendant is nominated only in a certain manner, and I

said that it would be difficult if we wanted to bring him in as a third party after the claim had been made. It is only possible to get him nominated under the provision we are considering. This new clause is moved after some consultation with a leading member of the legal profession, who proposed the amendments to the Wrongs Act, and with the Parliamentary Draftsman. It has been held by courts in Australia, where some such alteration has been made to the Wrongs Act, that there are difficulties about the appointment of a nominal defendant. While perhaps this section does not meet every difficulty in the way of appointing a nominal defendant it goes as far as we can go. There are other difficulties, but it is obviously desirable to bring in a nominal defendant as a joint tort-feasor as proposed in the Wrongs Act, and this is the best place to make the provision for it to be done. This is a simple amendment and I understand it is approved by the Attorney-General. It was drafted by the Parliamentary Draftsman after consultation with Mr. Hogarth, Q.C., and I do not think members will find anything objectionable in it.

New clause 116b inserted.

First and second schedules passed.

Title passed.

Clause 31—''Registration without fee''—reconsidered.

Mr. SHANNON—In an earlier Committee clause 37 was deleted because of an alteration to clause 31. I now move—

At end of paragraph (*i*) to insert ''in this paragraph 'dam' means excavation in which water is stored or intended to be stored.''

Amendment carried; clause as amended passed.

Clause 103—''Duty to insure against third party risks''—reconsidered.

The Hon. Sir THOMAS PLAYFORD—Members will recall that this clause previously caused much debate about whether tractors should be insured or not. The Committee decided that they should be insured and since then I have examined the position to see why there is such a great difference between the amount of the premiums paid in the metropolitan area section (within 20 miles of the metropolitan area) and the rest of the State. In one instance the premium is £5 10s., and in the other 10s. There is an imaginary line through the hills by which people at Gumeracha pay £5 10s. and those at Birdwood pay 10s., yet the volume of traffic in the two areas would be practically identical. I have found that the tractor rate in the metropolitan area is almost completely dominated by tractors used regularly on the road dragging trailers containing iron and timber. The rate is not applicable to a farm tractor that may be crossing the road or using it only at infrequent intervals. I therefore move:—

After ''vehicle'' second appearing in subclause (1) to insert ''provided that this section shall not apply in respect of a tractor being driven in pursuance of the provisions of subsection (1) of section 12 of this Act until the Governor, by proclamation, declares that section shall so apply. No proclamation shall be made until the Governor is satisfied that the committee appointed under section 127 of this Act has fixed a uniform rate of premium for insurance in relation to farm tractors throughout the State.''

This amendment is to provide that the Premiums Committee must go into the question of fixing an appropriate rate for tractors to enable this provision to come into force. I do not think there can be any objection to the provision, which seeks only to make the rates in accordance with the risk involved.

Mr. SHANNON—I am heartily in accord with the Treasurer. When I moved my amendment to this clause I suggested that, because of the wide disparity between commercial tractors used every day of the week and farm tractors used periodically, the Premiums Committee should consider the risk involved.

Amendment carried.

Mr. SHANNON—I move:

Before ''In'' in subclause (2) to insert ''(i)'', and to insert the following new paragraph:—

(ii) Where the offence consists in driving a motor vehicle of any of the classes specified in section 12 for any of the purposes and under the conditions described in that section, the penalty for a first offence shall be not more than ten pounds, and for subsequent offences, not more than twenty-five pounds.

There was some criticism of the savage penalties provided for breaches of the Act relating to third party insurance. I agree that they were too severe for the purposes of the new clause, therefore I have watered down the penalties by this amendment.

Amendment carried; clause as amended passed.

Clause 116—''Claim against nominal defendant where vehicle not identified''—reconsidered.

Mr. DUNSTAN—I move—

After ''has'' in paragraph (*c*) of subclause (1) to insert ''whether before due inquiry and search has been made or not.''

I apologize because the amendment is not on members' files. The reason is that part of what I intended to do has been better provided in an amendment drawn by the Parliamentary Draftsman after consultation with Mr. Hogarth, which I understand the Treasurer intended to move, but which he has permitted me to move as part of my amendment. During the second reading debate I explained my reason for this amendment. There have been cases where, as soon as the man has realized that he will not be able to find out the identity of the driver or of the vehicle, he has immediately given notice to the Treasurer, who has appointed a nominal defendant. It has now been held in a series of cases that that is too soon, so that, although he has given a notice straight away and the nominal defendant has heard about it at the earliest opportunity, because he has not been to the police or has not put an advertisement in the press asking that the person who hit him should come forward and identify himself, his notice is no good. That is an absurd position. People have been deprived of their course of action because of this dicta of Mr. Justice Reed. The amendment is to ensure that if he gives notice as soon as he can he will not be deprived of his remedy.

Amendment carried.

Mr. DUNSTAN—I move:—

After "ascertain" in paragraph (*c*) of subclause (1) to insert "or within such time as would prevent the possibility of prejudice to the nominal defendant hereinafter mentioned."

This is in lieu of my previously proposed amendment to this clause. These are the words prepared by the Parliamentary Draftsman in consultation with Mr. Hogarth. It has been held that if a claimant does not give notice as soon as possible he is cut out, even though it has not made any difference to the nominal defendant whether he has given notice then or later. This can, and does, act stringently against the interests of people seeking to have a nominal defendant appointed. Let me instance to honourable members some of the circumstances which have arisen. There have been cases where a man has been injured and has gone into hospital; he has been unconscious for a while and then comes out of his coma, and some months after he has regained consciousness he has been released from hospital. He then consults the solicitor and he finds it is too late and that he should have given notice. It may well be that in those circumstances it would not have made the slightest difference to the nominal defendant whether he had received notice a month before or not, but because the man did not realize while he was lying in hospital that he should have done something immediately under this section—and nobody knows about these things until they consult a solicitor—he is cut out of his remedy.

I think it is fair to say that the nominal defendant should not be prejudiced by the lack of a notice being given at the earliest possible opportunity, but where there would not be any possibility of prejudice the fact that the notice has not been given is a mere technicality on which the nominal defendant ought not to get out of paying. I tried another way of dealing with this matter, but I think this is a much better proposal than the one I originally had on the file. I understand this amendment is acceptable to the Government.

Amendment carried.

Mr. MILLHOUSE moved—

In subclause (2) (a) to strike out "the next following" and, after "section," to insert "117."

Amendment carried; clause as amended passed.

Clause 117—"Schemes for payment of liabilities of nominal defendants"—reconsidered.

Mr. MILLHOUSE moved—

In subclause (1) (*a*) after "ascertained" to insert "or where the vehicle is not insured under this part"; and in subclause (1) (*b*) to strike out "the preceding section" and to insert in lieu thereof "this part."

Amendments carried; clause as amended passed.

Clause 122—"Notice of accident or claim"—reconsidered.

Mr. DUNSTAN—I move—

To strike out subclause (4) and to insert the following new subclause (4):—

(4) If an insured person fails to comply with this section the insurer shall have the right of action for damages against the insured person where the insurer proves that he has been prejudiced by that failure.

Subclause (4), in its present form, states:—

If an insured person fails to comply with the requirement of this section the insurer may recover from him all money paid and costs incurred by the insurer in relation to any claim arising out of the accident in respect of which such failure occurred.

The requirement is that notice of the accident and particulars thereof must be reported forthwith. In many cases, the fact that the accident is reported a little after time does not prejudice the insurer. In many cases a

person has both comprehensive and third party insurance, and when reporting his claim to his comprehensive insurance company he thinks he has done all that is necessary in relation to reporting the accident. He finds out a week or so later that he has not notified his third party insurance company.

Mr. Millhouse—It may be two months later.

Mr. DUNSTAN—Yes. Some insurance companies proceed to enforce this clause. They immediately give notice to the effect that if they are caught under the insurance policy and have to pay out for third party injury they will claim back all the money they have paid out for third party injury in damages and the costs incurred, even though they are not prejudiced, even though all the necessary reports of the accident are available, and even though the injured person could not have done any more than was done in the intervening period. Even though all that has happened, the insurance company nevertheless can, and does in some cases, recover from the insured all the money that is paid out under the insurance policy on what is, after all, nothing much more than a technicality in those circumstances because they have not been prejudiced.

I do not think that is fair. I think the position is that the insurance company should be able to recover where it has been prejudiced, because, after all, that is the basis of the claim for the recovery of the moneys. There is a penalty under this section which the insured person would still have to meet, and that is the penalty for not reporting forthwith to his third party insurance company. That person faces some criminal responsibility for that. However, I do not think the insurance company ought to be able to claim back all the money it has paid out unless it can prove that it has been prejudiced thereby and that it has been damaged, in effect, by the neglect of the insured. In those circumstances, I think it fair enough for the insurance company to recover from the insured, and that recovery could be made under a statutory provision that it might claim damages where it can show it has been prejudiced. I think that is a much fairer basis for the recovery of moneys.

Mr. MILLHOUSE—I have grave reservations about what the member for Norwood proposes. He has given an example where it probably would not be just for a company to seek reimbursement after it has settled a claim, but he did not mention the very often serious cases where it goes on for weeks and months. Sometimes a person does not report an accident until he receives a letter and claim from a solicitor, which may be six or 12 months later. That happens, and that is very serious. There is a saying, in which I think there is some element of truth, that the insurance company wants to be on the scene of an accident before the blood is dry on the ground to see just what has happened. The longer period we allow, the less chance a company has of being able to settle a claim or deal with it satisfactorily.

The honourable member said that insurance companies can prove that they have been prejudiced. However, a policy of insurance is a contract between the insurer and the insured, and it is a contract of the utmost good faith. It has always been a principle of the law that a person should obey to the letter all the terms and conditions of such a contract. That is implicit in it. The honourable member says that a company has to prove that it has been prejudiced, but that will be an extremely difficult thing to do, even if it has been prejudiced. Many insurance claims are settled by negotiations between the insurance adjustors or the solicitors, often with give and take backwards and forwards. It is very hard to say when there is prejudice and when there is not, because it may be able to settle a claim for £500 or, in other circumstances, £750. Even though a party may be without evidence, it may be very hard to prove prejudice in the settlement of a claim where there is so much give and take.

The same thing applies in the courts. I feel it would be extremely difficult to be able to succeed in proving prejudice under the subclause. The member for Norwood may be able to explain just how he thinks people would go about proving that they had been prejudiced. I cannot see how it could be done, and in the light of that I think we should look at this matter very carefully indeed. We are undoubtedly striking at the very basis of the relationship between the insured and the insurer, and I think that may have grave repercussions.

The Hon. Sir Thomas Playford—What is being suggested is an alteration of an agreement between insurer and insured.

Mr. MILLHOUSE—Yes. That is most important for insurers. We are going to weaken the obligation on the insured person to report an accident, because the danger that he may have to reimburse the insurance company—which is a pretty severe sanction—will

be taken away in many cases. I think we should look at this matter very carefully indeed.

The Hon. Sir THOMAS PLAYFORD—On balance, I think this clause should be held over for further consideration. It undoubtedly tends to make it less important for a person to report an accident, and that in itself is an important matter for this Committee to consider. Secondly, it undoubtedly cuts across the provisions of the policies now in operation, and I doubt very much whether we can justify that. I suggest we hold this matter over, because I agree with the member for Mitcham when he says that it is very difficult in some instances to prove prejudice.

Mr. Millhouse—It is very difficult to prove a state of mind.

The Hon. Sir THOMAS PLAYFORD—Yes, there are many intangible things. If an accident is reported straight away it can have an important bearing on a settlement. I suggest that the Committee does not go into the amendment at this stage.

Mr. DUNSTAN—Does the Treasurer intend to report progress at this stage?

The Hon. Sir THOMAS PLAYFORD—No, I want to get it through the other House.

Mr. DUNSTAN—I appreciate that the Treasurer sees some difficulties in this, but I feel it would be wise to do something now.

Mr. Millhouse—You are going too far.

Mr. DUNSTAN—I do not agree. Mr. Millhouse claims it will be difficult to prove prejudice, but we have just written in a clause that provides that a man may give notice within such time as would prevent the possibility of prejudice to the nominal defendant hereinafter mentioned. There we are going to ask the court to prove prejudice. That was agreed by the Parliamentary Draftsman, Mr. Hogarth, Q.C., and the Attorney-General as not being difficult for the court to determine. If it can be proved that prejudice would be likely to arise under those circumstances it can be proved that it would be likely to arise in these circumstances. However, I am prepared to water my amendment down by including the word "possibly" before "been" so that it will read "if the insurer proves that he has possibly been prejudiced."

Mr. Millhouse—How do you go about proving it?

Mr. DUNSTAN—I can give a fairly obvious example. In a recent case there was an inquest but it so happened that there was not a report immediately and at the inquest it came out that there had been certain persons at the scene of the accident, whose names were taken, who might have been found had due inquiries been made immediately but who, in the meantime, had disappeared. From the evidence it appeared that those persons had vital evidence to give on one side about this particular accident.

Mr. Millhouse—When was the accident reported?

Mr. DUNSTAN—Some time afterwards. In those circumstances it is fairly obvious that the insurer could prove that he had possibly been prejudiced by what had taken place because he was not in a position to send his assessor to find the witnesses. If the clause is left as it is the insurer will not have to prove anything but will only have to show that the accident was not reported forthwith, and that is not even as soon as possible.

Mr. Millhouse—But, of course, insurance companies usually accept between three days and a week as a fair time for a report.

Mr. DUNSTAN—Usually, but I know one or two companies that take this to the absolute limit and it is unfortunate that people are faced with this sort of business. I have no doubt that these particular companies will start to lose insurance business through their attitude, but nevertheless many people still insure with them and, indeed, some hire-purchase companies see fit to insure with them. We are faced with the fact that people are being unfairly dealt with. I do not want to put anything unfair on the insurance companies, but I think that if we write in the word "possibly," as I have suggested, it will put the standard of proof on the companies below the level of proof on the balance of probability. No-one can suggest that that is a difficulty standard of proof for the companies to meet, nor will it be difficult for them to show that they have some basis of claim against the insured person, and in those circumstances I ask leave to insert the word "possibly" before the word "been" in my proposed subclause. That will meet any objection Mr. Millhouse has as to the burden of proof placed on the insurer.

Mr. MILLHOUSE—I regret that it will not overcome the difficulties I have mentioned. As anyone experienced in these matters knows, it is a matter of negotiation and give and take between the representatives of the parties, either solicitors or insurance assessors. The strength of one's case is known only to its representatives and the other side, of course,

knows the strength of its own case, but that is not disclosed and, therefore, there is a fair bit of bluff in negotiations of this kind. I can see a grave difficulty in overcoming this standard of proof. It is the actual proving of prejudice or the possibility of prejudice.

Mr. Dunstan—The question of the possibility of prejudice will have to be proved.

Mr. MILLHOUSE—There will be a difficulty of proof whatever the standard may be. We are still going to the very root of the contract of insurance between the insurer and the insured and are weakening the obligation on the insured person to report an accident. The conditions laid down about reporting an accident are only commonsense and any person can easily observe them. In my practice I have known cases where breaches have been committed, but I have never known of a breach that was justified. It has always been committed through carelessness, lack of thought or an entire disregard for the consequences of failure to report the accident. If we accept the amendment we are weakening the relationship when there is no reason why we should do so. I cannot support Mr. Dunstan's proposed clause even as he proposes to amend it.

The CHAIRMAN—The question before the Chair is that subclause (4) proposed to be struck out stand part of the Bill.

The Committee divided on the question:

Ayes (14).—Messrs. Bockelberg, Brookman, Coumbe, Hambour, Heaslip, Hincks, Jenkins, King, Millhouse, Pattinson, and Pearson, Sir Thomas Playford (teller), Mr. Shannon and Mrs. Steele.

Noes (14).—Messrs. Clark, Corcoran, Dunstan (teller), Hutchens, Jennings, Loveday, McKee, O'Halloran, Quirke, Ralston, Ryan, Stott, Frank Walsh, and Fred Walsh.

Pairs.—Ayes—Messrs. Nankivell, Laucke, Harding, and Hall. Noes—Messrs. Tapping, Bywaters, Riches, and Hughes.

The CHAIRMAN—There are 14 ayes and 14 noes. I intend to give my casting vote to enable the Bill to stand as it is. I therefore give my vote for the ayes.

Mr. Dunstan's amendment thus negatived.

Bill reported with amendments and Committee's report adopted.

Bill read a third time and passed.

DOG FENCE ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2).

Received from the Legislative Council and read a first time.

Second reading.

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

That this Bill be now read a second time.

It covers six matters of substance and one of form. Perhaps it would be as well if I dealt with the formal drafting matter first. This is covered by clauses 4, 8, 9, 10, 11, 12, 15, 16 and 17.

In 1957 an amendment was made to section 435 of the principal Act, which empowers councils to submit to the Minister schemes for works or undertakings. The amendment removed from subsection (4) of that section the requirement that before the Minister could authorize such a scheme a poll of ratepayers must be held. At the same time, however, section 425 of the Act was amended by requiring a council before borrowing under section 435 to prepare certain plans and estimates. But subsection (6) of section 435, which absolves the Minister from observing the provisions of sections 425 and 426, was not amended. This results in an anomalous position for, while section 435 absolves a council from observing the provisions of sections 425 and 426, section 425 (as amended) requires a council to prepare plans and estimates. But section 426, which requires a council to publish a notice before borrowing, does not apply to a scheme under section 435, and section 427, which empowers ratepayers to demand a poll, depends for its operation on section 426.

The Parliamentary Draftsman has expressed the view that as the Act now stands there is no right in ratepayers to demand a poll, although the matter is not free from doubt. When the amendment was made in 1957 it was made on the understanding that ratepayers should retain the right to demand a poll although there was not an absolute requirement that a poll should be held unless the ratepayers made a demand for one. The amendments proposed by the clauses which I have mentioned are designed to give effect to this intention. The principal one is clause 12, which removes the words "without observing the provisions of sections 425 and 426" from subsection (6) of section 435. This will mean that sections 425 and 426 will apply and section 427, which depends for its operation upon section 426, will also apply, thereby entitling ratepayers to a poll on demand.

The other clauses are in the nature of consequential amendments in various parts of the Local Government Act.

I come now to the matters of substance. The first of these is dealt with in clause 3 which is designed to make it clear that if the area of the Renmark Irrigation Trust and the areas of Cooltong and Chaffey be annexed to the municipality of Renmark the latter shall not lose its status as a municipality. The Local Government Act provides that no district shall be constituted a municipality unless it consists in the main of urban land. Clause 3 of the present Bill is designed to remove any possible doubts that might arise concerning the status of the Municipality of Renmark if any such annexation should take place. As members know, another Bill which has received consideration is designed to remove, on a date to be proclaimed, local government powers and functions from the Renmark Irrigation Trust and the provision in clause 3 of the present Bill is complementary to that Bill.

The next matter is dealt with in clause 5. From time to time representations have been made to the Government for some power to be conferred upon councils respecting the remission of payment of rates in cases of hardship. In particular, pensioners have been mentioned. The Government has considered this matter, which has also been before the Local Government Advisory Committee. The clause now submitted will insert into the Local Government Act a specific power for councils to postpone payment of rates in any case of hardship on the part of an owner-occupier. The power would be only to postpone, the rates remaining a charge on the property and recoverable on any change of ownership or on the death of the owner. The Government believes that this clause will confer a measure of relief in genuine cases.

Clauses 6 (*b*) and 14 provide for a limited type of "owner-onus" in relation to parking offences. The first clause relates to standing in prohibited areas under section 373 of the principal Act. It provides that, in proceedings against an owner, proof that a vehicle was, in fact, in a prohibited area, shall be prima facie evidence that the owner left it there. I stress that the proposed new subsection will go no further than making the proof prima facie evidence, that is to say evidence which can be rebutted by the defence or, indeed, not necessarily accepted as final proof by the court. A defendant who did not appear at all in answer to a charge would, in most cases, be convicted. If he appeared and denied the charge the onus would be on the prosecution to adduce proper evidence that the owner, in fact, committed the offence. A provision along rather similar lines was included in the amending Bill of 1956-57 in relation to parking or standing in metered zones. The present proposed subsection does not go as far as section 475f relating to metered zones, which requires a defendant to satisfy the court to the contrary.

Clause 14 is along similar lines, but relates to offences against by-laws relating to vehicles in streets and covers such matters as exceeding parking times in the City of Adelaide where by-laws provide for various rules relating to stationary vehicles in streets. This clause will also make proof that a vehicle was standing prima facie evidence, not of the offence, but that the owner was the driver at the relevant time.

I mention at this stage the amendment in clause 6 (*a*) relating to the marking of prohibited areas. This clause is designed to enable municipalities and metropolitan districts to mark prohibited areas by signs conforming to any specifications prescribed by regulation. At present it is considered that such signs must bear the word "prohibited." This has meant that, while prohibited areas declared under the provisions of section 373 in municipalities and metropolitan districts have been generally marked by round signs bearing at least the word "prohibited," where prohibited or limited parking areas are marked by district councils another type of sign has been used and there are, I understand, on the South Road different signs on either side. The intention is to prescribe by regulation standard signs along lines similar to those used in the eastern States so that some measure of uniformity, with consequent saving of expense to councils, may result.

Clause 7 amends section 383 of the principal Act, which empowers councils to carry out certain specified permanent works and by adding power to construct and establish parking areas.

Clause 13 will add to the by-law—making powers of all councils the power to regulate and control the use of motor boats, water skis and similar equipment. Such a power appears to the Government to be urgently necessary in the interests of public safety. In view of the provisions in other legislation the power is exercisable subject to the approval of the South Australian Harbors Board. Clause 13

also provides for power to make by-laws for the licensing, regulation, supervision and control of child minding centres kept for gain or reward within municipalities and townships within districts, or of persons in charge of such centres or of both. The Government has considered representations from various bodies interested in children's welfare and recognizes the need and desirability for ensuring that such centres are conducted on suitable lines and in suitable premises. The Government considers that the most efficient and appropriate method of securing the adequate supervision and control of such centres is to confer the necessary power on local authorities to supervise the centres within their own districts.

Clause 18 of the Bill concerns the powers of the City of Adelaide in relation to portion of the west park lands. The area concerned comprises 65 acres and is described in subsection (1) of the proposed new section 855a. The new section will empower the council to do three things in relation to the area concerned, or any part of it. The council will be empowered in the first place to grant leases to any club, organization or association for a term of up to 25 years upon terms and conditions, including the grant of powers to the lessees as set out in subsection (2). These powers would relate to the erection and removal of buildings, the exclusion of animals and vehicles and the prohibition of the admission of persons during any period when any organized sports were in progress, and the charging of fees for admission. Any lease before being executed would require the approval of the Governor or be laid before Parliament. The new section will, in the second place, empower the council itself to exclude animals or prohibit the admission of persons to the area during any period when organized sport is in progress and to charge admission fees. In the third place the council will be empowered to grant permits or licences to clubs, organizations or associations, for periods of up to six months with power to prohibit admission at any time when organized sports are in progress and to charge fees. Thus, the new section will empower the council itself to prohibit admission or charge fees for admission, or to grant a lease or a licence to clubs, organizations or associations with power to control admission and charge fees.

The foregoing sets out the provisions of the proposed new section. The object of the new powers is as follows:—The City Council, in pursuance of its policy to develop the park lands for the purpose of providing public recreation, amusement, health and enjoyment, has resolved to establish a sports ground in the area which has been already described. The proposal, in brief, is that the council would undertake over a period of years, with a predetermined plan, the establishment of a sports ground to be used for soccer, hockey, rugby, lacrosse, basketball and similar sports which do not, as yet, attract the large crowds that patronise Australian rules football. The council would also establish a 440-yard running track in the area. The council is of the opinion that there is a demand for a central sports ground for sports of the kind mentioned and the only land available as a central ground in the city is in the park lands. Moreover, the lack of any central grounds, apart from the Adelaide Oval and other well known playing fields which are occupied with the normal seasonal games, has meant that even international teams have not been able to play at certain times of the year in this State. The proposed sports area would provide such a central area in the city of Adelaide.

As members know, the council has already embarked on some development in a 9½ acre section of the area comprised in the Bill at an estimated cost of £20,000, including the provision of a pump at the Torrens Lake with a rising main for water, and the council will provide dressing rooms and toilet accommodation at the proposed sports area. This development, however, forms only the initial stages of the major sports ground scheme, the eventual cost of which could be in the vicinity of £80,000, embracing further sections of the area covered by the present Bill.

In connection with the proposed undertaking the council authorized the town clerk to confer with various sporting associations, including the South Australian Amateur Athletics Association, with a view to ascertaining methods of financing the project. It has been ascertained that the sporting bodies concerned are not in a position to assist in the establishment of the sporting area. It will be appreciated that the associations concerned generally consist of young men who have not yet reached the stage of being able to contribute more than the provision of their own equipment which, in any case, is quite expensive. Under these circumstances it is clear that the proposed sports ground would have to be created and maintained at the expense of

the council itself. The council already has power under section 454 of the principal Act to enclose the park lands and, under section 458, to establish sporting facilities and charge for their use, but that power is limited to the making of charges to players and does not include any power to charge for or control the admission of members of the public.

The amendments proposed by the Bill would empower the council itself to make charges to the public or to grant licences or permits for short periods or leases for long periods to clubs, organizations or associations with a right to make charges. The council has no desire to depart from the general policy that the park lands should remain set aside for public recreation, amusement, health and enjoyment without charge and the Government shares in this view but, while the council is anxious to develop the park lands, even at a high cost, it would be unfair to charge all maintenance costs to ratepayers while a small section of the community received most of the benefit. The fact is, however, that the clubs themselves are in no position to provide maintenance unless they can make admission charges. Admission charges, whether paid to the council or to an organization, would entitle spectators to view all or any of the games and it is thought that such charges would be willingly paid by people interested in sporting activities. As many as three different games might be in progress at the one time and in some instances more than one game would be held on the same ground on the same morning or afternoon. Organized sport has become an important form of amusement for which, it is believed, the public is prepared to pay admission as it does for other forms of entertainment such as motion pictures. Any admission charges received by the council would be devoted, I understand, to park lands development, while any fees received by the clubs or organizations concerned would enable them to pay the council a reasonable fee based either on gate receipts or at a flat rate for the use of a properly appointed ground.

In effect, therefore, the proposal is that the council, while retaining complete control of the area with a right to charge admission fees itself or permit others to charge such fees on days when sports are in progress, would be creating a sporting centre. Even with the additional powers it is more than likely that the cost of maintenance will exceed the amount of any charges received by the council either directly as gate money or from any lessee or licensed organization.

The Government has given serious consideration to the proposals of the Adelaide City Council and while, as I have said, it is the Government's policy that the park lands should be retained for the purpose for which they were originally dedicated, it feels that the policy of development which the council proposes to undertake is deserving of support. It should result in the development, not only of the area of park lands concerned, but also of the City of Adelaide and, indirectly, generally benefit the State.

Mr. LOVEDAY secured the adjournment of the debate.

ADJOURNMENT.

At 5.19 p.m. the House adjourned until Tuesday, December 1, at 2 p.m.