HOUSE OF ASSEMBLY.

Tuesday, November 1, 1960.

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

QUESTIONS.

FLINDERS STREET PRACTISING SCHOOL.

Mr. FRANK WALSH—Has the Minister of Education a reply to a question I asked last week about the future of the Flinders Street practising school?

The Hon. B. PATTINSON—The Director of the Public Buildings Department has advised that it will be necessary to begin the removal of the timber lecture rooms and gymnasium from Kintore Avenue before the commencement of the construction of the new building next June. The Director of Education has advised that it will be necessary to drastically reduce the number of students to be accommodated in the remaining buildings and that after considering all possibilities he is convinced that the only really satisfactory solution is to accommodate them in the adjoining building which houses a number of departmental trade schools. The Printers Trade School could be adequately housed in the present Flinders Street practising school provided that some modifications are made to the building there. The Radio and Electrical Trade School could be transferred to a new site on Torrens Road, Challa Gardens. The Director further states that, after examining available accommodation at Gilles Street and Rose Park schools and after considering the home addresses of the children enrolled at Flinders Street, all the children now enrolled at Flinders Street could be satisfactorily accommodated at Gilles Street and Rose Park. Those who live north of Angas Street could be enrolled at Rose Park and those who live south of Angas Street could be enrolled at Gilles Street. To enable the necessary alterations and the transfer of the Printers Trade School to Flinders Street to be made, the Director recommends:—

(*a*) That the Flinders Street practising school should be closed as a school as from the beginning of 1961 and that the children who now attend the school should be enrolled at Rose Park or Gilles Street as already outlined and that arrangements be made for the transfer and re-appointment of the Master of Method and the present staff at Flinders Street.

(*b*) That necessary alterations be carried out at the present Flinders Street school so that it may accommodate the Printers Trade School and that the Printers Trade School should be transferred to Flinders Street as soon as these alterations permit.

(*c*) That the Radio and Electrical Trade School should be transferred to the new premises at Torrens Road, Challa Gardens, as soon as practicable.

I propose to approve of the Director's recommendations.

Mr. FRANK WALSH—Under the Minister's proposal students living in the city will have to travel by bus to the Rose Park school. Will the Minister obtain a report from the Director on how many children will be affected by this? Could the proposed zoning be reviewed?

The Hon. B. PATTINSON—I shall obtain a more detailed report for the honourable member but I am advised by the Director and also by some superintendents who have investigated the problem in great detail that no hardship will be entailed and that the students concerned will not have to travel any further than many other school children who travel by buses in the metropolitan area where transport is available. The proposals will not take effect until the beginning of next year but I gave the honourable member the fullest possible information so that any queries could be raised in ample time.

SURVEY CHARGES.

Mr. BYWATERS—Yesterday a constituent living at Mannum expressed concern over the high charges for surveying. He bought a block of land for £35 and had to pay £46 13s. 6d. to have it surveyed. On inquiry it was found that several others in Mannum were similarly affected in a recent survey of several blocks. Many surveyors are leaving Government jobs today to take on private practice because of the high remuneration from the charges, which appear to be excessive. Can the Premier say whether there is any control over surveyors' charges?

The Hon. Sir THOMAS PLAYFORD—A board controls the registration of surveyors, but I am not sure whether it fixes fees. The case the honourable member has quoted is not a good one, as the survey of a block might entail a tremendous amount of work if the surveys in that area are not up-to-date or if

they are complicated. In one area of the State a surveyor took a long time to establish even the necessary data on which to survey a small property. I shall inquire and let the honourable member know the position.

CHILDREN IN BEER GARDENS.

Mr. HUGHES—Can the Premier say whether the Government intends to introduce legislation this session to amend the liquor laws in order to prevent children from going into beer gardens?

The Hon. Sir THOMAS PLAYFORD—The Government proposes this session to introduce certain amendments to the Licensing Act. Yesterday I received a deputation, on which I think 10 religious bodies were represented, requesting that children under 16 be prohibited from entering beer gardens. That request, incidentally, is not supported by reports I have had from the Commissioner of Police. If the parents go into a beer garden and are not allowed to take their children with them, what control is there over the children, and what happens to them while the parents are in those premises?

Mr. Riches—What is wrong with the parents staying outside with the children?

The Hon. Sir THOMAS PLAYFORD—There is nothing wrong with the parents staying outside, but we know from experience that, unfortunately, they do not stay outside. Cabinet is considering this matter at present. I should hate to think that any legislation the Government introduced could result in leaving children unattended at home, where a serious fire could break out in the house and serious loss of life could result. I would be very upset if I felt that as a result of some legislation we had subjected children to physical danger. The matter is being examined.

SOFT DRINK TRADE.

Mr. QUIRKE—A number of soft drink establishments throughout the country have for many years provided soft drinks mainly for the country areas: they have not sold in the city at all. I understand that those manufacturers will be seriously endangered by a mass movement from the city to capture that country trade from the country soft drink establishments. I do not know what can be done, but will the Premier investigate the matter? The total employment of these places is considerable; they have been doing a good job in their particular line, and the loss of 50 per cent of their trade to keen competition from Adelaide (which will be carried on, I understand, by road transport), would adversely affect these small country industries.

The Hon. Sir THOMAS PLAYFORD—I have already had some experience of this problem. A further complication in connection with it is causing me some concern. As honourable members know, large syndicated firms are now serving various types of soft drinks and, in one or two instances that have come to my notice, a strong city company, which in some cases is I think an international company, has gone so far as to tell the local people that they would be well advised to sell out to that company fairly quickly, or they would find that the competition would drive them out. I agree with the honourable member and desire to see that these companies do not use unfair trading practices to drive out the small person who is doing a fair job and who is, incidentally, as the honourable member has stated, maintaining industrial activity in the country areas. The matter has already been considered but I will, as soon as I have been able to get full reports upon it, advise the honourable member.

OAKLANDS ESTATE WATER SUPPLY.

Mr. FRANK WALSH—I have received a letter concerning the water supply in Abbeville Terrace, Oaklands Estate, the writer indicating that there is a new main along the Marion Road but that in this section of it there is a shortage of water, particularly in the warmer weather, when, for instance, showers will not work effectively. If I give the Premier this letter, will he take up this matter to see whether the water supply can be improved on that section of the main, south of Oaklands Road and west of Marion Road?

The Hon. Sir THOMAS PLAYFORD—Yes. If the honourable Leader will let me have the letter I will do my best with it.

NOOGOORA BURR.

Mr. NANKIVELL—I believe that further control steps are likely to be taken in the immediate future to prevent the introduction of Noogoora Burr into South Australia. Could the Minister of Agriculture tell the House the latest developments in this matter?

The Hon. D. N. BROOKMAN—Honourable members will recall that this has been the subject of many discussions in the last few weeks. When the danger of Noogoora Burr arose, the regulations were strengthened to give the inspectors power to deal with it. To

my knowledge no report of Noogoora Burr has not been investigated and dealt with by the departmental officers immediately. The House will also recall that many questions have been asked by the honourable members for Rocky River (Mr. Heaslip), Gouger (Mr. Hall), Albert (Mr. Nankivell), and Burra (Mr. Quirke), and by the Leader of the Opposition. I have followed this matter closely during the last few weeks. The drought in Queensland and northern New South Wales has taken a serious turn and at the same time the season in South Australia has almost correspondingly improved, the result being that, instead of fewer sheep coming into this State recently, in fact more sheep have now begun to come in. In spite of the co-operation being sought, some people are not co-operating as they should. Also, the Victorian authorities have not to my knowledge any regulations dealing with this matter: either there are none at all or, if there are any, they are very recent. We are worried about the number of sheep going backwards and forwards over the border and are taking up this matter with the Victorian authorities to see just what can be done. But, in order to make certain that no opportunity is afforded people for hiding sheep infested with Noogoora Burr, I am gazetting a notice under section 28 of the Weeds Act, which will prevent any person from moving sheep infested with Noogoora Burr anywhere in the State except at the express direction of a stock inspector. That will, of course, place much responsibility on the person in charge of sheep; he will be prevented from moving them except at the stock inspector's express direction if they are infested with Noogoora Burr. Of course, we are not discouraging the bringing in of sheep from other States. At the moment, stockowners in the State want to build up their flocks. On the other hand, people from other States are trying to reduce their flocks in certain areas. There will be no discouragement in that direction, but the person in charge of the stock will be responsible for seeing that it is not infested with Noogoora Burr and that, if it is, it shall not be moved except at the direction of an inspector.

EYRE PENINSULA ROADS.

Mr. LOVEDAY—Recently, I asked two questions concerning road work in the Iron Knob area and also on the section of road leading to Iron Baron off the Whyalla-Kimba road. I was informed that no decision could be given on those two points until it had been decided whether the Engineering and Water Supply Department would continue to do the road work there, or whether it would be done by the Highways Department. Has a decision been made as to which department will be doing the road work at those two places?

The Hon. Sir THOMAS PLAYFORD—As far as I know, no decision has been made in that matter. In fact, at present the route of the highway itself has not been finally determined in that district. There are some alternatives, as the honourable member knows, and at the moment they are still being examined by the department. I will get a report for the honourable member and advise him when a decision is reached.

QUORN WATER SUPPLY.

Mr. RICHES—Whilst I was in Quorn last week working in the interests of democracy, an elector requested me to ask the Premier a question about the Quorn water supply. Quorn residents are pleased that the reservoir was filled during the winter but they are perturbed by reports that, because of a worm or some other infestation, the reservoir water has been turned off and the town is now being supplied solely with bore water. I was asked to see if a statement could be made as to how long the town was likely to be supplied with bore water instead of reservoir water and what the future policy of the Engineering and Water Supply Department was likely to be on water treatment.

The Hon. Sir THOMAS PLAYFORD—I was also working in the interests of democracy in Quorn but this matter was not raised while I was in the town and I have not heard of it. I shall obtain a report for the honourable member.

MYPOLONGA WATER SCHEME.

Mr. BYWATERS—Has the Minister of Irrigation a reply to the question I asked on October 12 about a stock and domestic water supply for Mypolonga and district?

The Hon. Sir CECIL HINCKS—I have not yet received a report but shall get the information for the honourable member.

WILPENA POUND.

Mr. RICHES—Has the Minister of Lands a reply to the question I asked on October 20 about the re-siting of the main road from

Blinman to the Wilpena chalet and the provision of additional toilet facilities for tourists at Wilpena Pound?

The Hon. Sir CECIL HINCKS—The Director of the Tourist Bureau reports:—

The three points raised by Mr. Riches, M.P. (namely, re-siting of the road to Wilpena Chalet, replacement of gates by crossovers and toilet blocks for day visitors) are under consideration. I am not yet in a position to furnish a report to the honourable the Premier, but will do so as quickly as possible.

COOBER PEDY WATER SUPPLY.

Mr. LOVEDAY—Has the Premier, in the absence of the Minister of Works, a reply to my question about the Coober Pedy water supply? Is the position regarding Stuart's Range bore satisfactory if the present well runs dry?

The Hon. Sir THOMAS PLAYFORD—The Minister of Works has not yet received a report but I will see that the information is supplied to the honourable member.

HOUSING TRUST PURCHASE HOUSES.

Mr. LOVEDAY—Has the Premier a reply to the question I asked on October 18 concerning the payment of rates on Housing Trust houses whose purchasers were paying rent while awaiting finance?

The Hon. Sir THOMAS PLAYFORD—The chairman of the Housing Trust reports:—

The Housing Trust normally sells its houses for cash. In most cases this is done by the purchaser paying a deposit and arranging a mortgage for the balance from one of the recognized lending authorities. However, it is usual for some time to elapse between the making of an application for a mortgage loan and the actual payment of the loan. In these circumstances, the trust gives possession of the house on the signing of the contract for sale and pending settlement by the lending authority. During this period of time the trust expects the purchaser to reimburse the interest payable by the trust on the balance of the purchase money outstanding up to the day of settlement. This charge is passed on in the form of a weekly payment, termed for legal purposes rent, but it does not include any charges for such as council rates and water rates, although the trust undertakes to pay all rates, taxes, assessments, impositions, and other outgoings in respect of the property for the whole of the financial year in which the contract is entered. Thus, the position is that, pending settlement, the purchaser merely pays to the trust the interest which the trust must pay on the outstanding balance. As the trust does not receive from the purchaser any payments to be applied for rates, etc., the trust cannot accept any further obligation in this regard.

MEDICAL FEES.

Mr. Bywaters for Mr. RALSTON (on notice)—Was the recent 5s. increase in surgery consultation fees in the South-East justified as compared with an increase of 2s. 6d. elsewhere in South Australia, on the grounds of higher living costs in the South-East as claimed by the Secretary of the South-East Medical Association?

The Hon. Sir THOMAS PLAYFORD—The Director-General of Medical Services reports:—

This question is not one to which the Hospitals Department is competent to reply. The question has consequently been referred to the Secretary of the British Medical Association, who has advised that he is writing to the Secretary of the South-Eastern Division of the Association with regard to the matter. He regrets that the information will not be available in time for the honourable the Treasurer to reply to Mr. Ralston, M.P., on Tuesday, November 1, but will advise the Hospitals Department as soon as the information is received.

SUPREME COURT ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) introduced a Bill for an Act to amend the Supreme Court Act, 1935-1958. Read a first time.

The Hon. Sir THOMAS PLAYFORD—I move—

That this Bill be now read a second time.

Its object is to provide that any judge who has now reached the age of 70 years will, on his retirement, be entitled to pension rights. As members know, when the legislation concerning retirement at 70 years and pension rights was brought in, it was provided, among other things, that if an existing judge elected to contribute for pension he would automatically retire at the age of 70 years. The Chief Justice and Sir Herbert Mayo did not so elect and are still, happily, in office. Both are over 70 years of age and still performing a very useful service for the State. It is the view of the Government that some measure of financial security should be afforded to these judges if either of them should desire to retire from active duty. It has therefore introduced this Bill, clause 3 of which will entitle either of them, should he so desire, to elect to contribute for pension at the rate which he would now be paying if he had so elected in 1944. Payments of contribution would, of course, not be retrospective. Pension rights would be the same as those of the remaining judges. The Government believes

that the provision made by the Bill represents a fair and reasonable arrangement to cover two special cases, and I commend the Bill to the House.

Mr. FRANK WALSH secured the adjournment of the debate.

PUBLIC SERVICE SUPERANNUATION FUND (ARRANGEMENT) BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) obtained leave and introduced a Bill for an Act to authorize the amalgamation of the Public Service Superannuation Fund with the South Australian Superannuation Fund, the repeal of the Public Service Superannuation Fund Act, 1902-1953, and for other purposes. Read a first time.

The Hon. Sir THOMAS PLAYFORD—I move—

That this Bill be now read a second time.

This is a simple Bill; its only provision is to enable the Public Service Superannuation Fund Board to arrange for the transfer of its assets and obligations to the South Australian Superannuation Fund Board and to effect the repeal of the Public Service Superannuation Fund Acts of 1902, 1919 and 1953 when the arrangement is made. When the current superannuation scheme came into force in 1926 contributors to the old voluntary fund (the Public Service Superannuation Fund which was established nearly 60 years ago) were given the option of remaining in the fund or of receiving a cash payment, actuarily calculated, for the surrender of their rights. Most contributors elected to take the second option, but some 35 subscribers out of a total of approximately 1,600 elected to remain in the fund. The fund has been continued for the benefit of these subscribers and the existing annuitants. There are at present 42 annuitants in receipt of benefits. This fund was not subsidized by the Government and, over the years which have elapsed, surpluses disclosed by actuarial valuations have been distributed from time to time for the benefit of subscribers and annuitants.

The stage has now been reached where there are no longer any subcribers and with only 43 annuitants the fund, whilst actuarily sound, has reached a size where economic administration becomes increasingly difficult with successive diminution in the number of annuitants. The liabilities of the fund have been valued by two different actuaries independently (the Public Actuary, Mr. A. W. Bowden, and an interstate actuary, Mr. O. Gawler) and the assets available to the fund are considered to be adequate to meet all its liabilities, so that, if an arrangement as provided in this Bill is authorized, there will be no financial burden on the South Australian Superannuation Fund or on Consolidated Revenue.

In these circumstances, it is proposed to merge the old fund with the larger fund and repeal the old Acts. Clause 2 empowers the two boards to make the necessary arrangement which, upon receiving the approval of the Governor and publication in the *Gazette*, will have the force of law. Clause 3 empowers the Governor to proclaim a day, after the arrangement has come into operation, for the repeal of the old Acts. Members will perhaps recall that a similar arrangement was made some years ago in respect of the old Public School Teachers' Superannuation Fund.

Mr. FRANK WALSH secured the adjournment of the debate.

GARDEN SUBURB ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) 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 Garden Suburb Act Amendment Bill.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act, section 15."

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I move to insert the following new paragraph:—

(a1) by inserting at the end of subsection (1) thereof the following proviso:—

Provided that the Commissioner shall not sell or dispose of those portions of the said land respectively laid out and known as Light Place Reserve and Hill View Reserve or either of the same or any part or parts thereof.

The Select Committee, following its investigation, has suggested a number of amendments. Those amendments have been placed upon members' files, and the Government is prepared to accept them. So that honourable members may know what the amendments are I shall briefly outline them before asking that this new clause be inserted. The object of the additional words in clause 3 is to preclude the disposal of Light Place Reserve and Hill View Reserve, both of which have been reserved for public purposes. The Select Committee has recommended that these two reserves

be permanently set aside. The second amendment is to clause 4, which repeals the sections of the Act governing forfeiture. The Select Committee has recommended that land set apart for special purposes is not to be subject to forfeiture. The amendment will include section 16 of the principal Act which governs this matter. The next amendment is to clause 8, and is consequential on new clause 2a. Clause 8 commences with the words, "On and after the passing of". The amendment provides that this shall read, "From and after the commencement of". The next amendment is the insertion of new clause 2a. The new clause will provide that the Act is to come into operation on proclamation. The reason for the amendment is that as the Bill removes the covenants on the blocks in the Garden Suburb including the covenants against use of blocks for trading or manufacturing purposes, by-laws will be made by the Commissioner to cover the prohibition in definite areas of manufacturing premises. The amendment is designed to make it possible for by-laws to be made and in force before the Bill comes into operation so that there will be no gap. The last amendment is the insertion of new clause 8a. This is consequential upon clause 4. It removes the requirement that the Commissioner is to include in his annual statement information as to forfeitures. As the provisions regarding forfeitures are being removed, paragraph (*e*) of section 28 (1) should be struck out also. I ask members to accept the amendments.

Amendment carried; clause as amended passed.

Clause 4—"Repeal of principal Act, sections 17, 18 and 29."

The Hon. Sir THOMAS PLAYFORD moved—

After "Sections" to insert "16,".

Amendment carried ; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8—"Consequential provisions."

The Hon. Sir THOMAS PLAYFORD moved—

In subclause (1) to strike out "On" and insert "From"; and to strike out "passing" and insert "commencement".

Amendment carried; clause as amended passed.

Clause 9 passed.

New clause 2a—"Commencement".

The Hon. Sir THOMAS PLAYFORD moved to insert the following new clause:—

2a. This Act shall come into operation on a day to be fixed by proclamation.

New clause inserted.

New clause 8a—"Amendment of principal Act, section 28."

The Hon. Sir THOMAS PLAYFORD moved to insert the following new clause:—

8a. Section 28 of the principal Act is amended by striking out paragraph (e) of subsection (1) thereof.

New clause inserted.

Title passed.

Bill reported with amendments.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2).

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) 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 amend the Motor Vehicles Act, 1959-1960.

Motion carried.

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

The Hon. Sir THOMAS PLAYFORD—I move—

That this Bill be now read a second time.

It provides for carrying into effect the decision of the Government to introduce driving tests. In making this decision, the Government has been influenced both by the serious road accidents of recent months and by the fact that both the Commissioner of Police and the Registrar of Motor Vehicles are now able to provide the staff and make the administrative arrangements for driving tests without seriously affecting their other functions. The truth about the influence of driving tests on the accident rate is not known, but it is generally believed that they have some beneficial effect and, as part of its campaign for greater road safety, the Government has decided to give them a trial. The introduction of driving tests makes it desirable to alter the classes of licences that can be granted. If tests are to be conducted, they must be in a general way appropriate for the classes of vehicles which motorists are authorized to drive under their licences. The present motor vehicle licence authorizes a person to drive vehicles of any kind from a motor cycle to an omnibus or semi-trailer. But it would be illogical to submit a person who intends to drive only motor cars or utilities to the same test as a person who intends to drive buses or semi-trailers. It seems, therefore, that there should be more

than one kind of test and different classes of licences corresponding to the different tests. On the other hand, it is not possible to divide vehicles into numerous different classes and have separate tests and licences for each class. With each additional class of licences the scheme becomes harder to police, and more expensive and difficult to administer. Some balance has to be struck between a theoretically perfect scheme and a scheme that can be administered with a reasonable number of staff and without undue inconvenience to the public.

The Government proposes, therefore, that there shall be only two main classes of licences with different tests for applicants for each class. The proposed licences will be called licences of Class A and licences of Class B. A licence of Class A will be a general licence authorizing the holder to drive motor vehicles of all kinds. A licence of Class B will authorize the holder to drive only vehicles having a tare weight not exceeding three tons. It is not proposed to have a separate class of licences for motor cycles. There are less than 1,000 of these licences at present, and the number is steadily decreasing each year. If, however, a person desires a licence to drive motor cycles only, he will be able, under the proposed scheme, after passing a driving test on motor cycles, to obtain a Class B licence endorsed with a restrictive condition that it is limited to motor cycles. If the holder of such a licence wishes to get rid of the restrictive condition, he will have to pass the general driving test for a Class B licence.

The question arises what will happen to driving licences in force when the new scheme commences. On this topic, it is proposed that every motor vehicle licence in force immediately before the new system commences will be treated as a licence of Class A. It will not be practicable to test every person who holds a licence when the new scheme commences in order to decide whether he shall be regarded as the holder of a Class A or of a Class B licence. The appropriate course, therefore, is to leave licence holders in possession of their existing driving rights, except in special cases where it is considered necessary to subject holders to tests. Motor cycle licences in force when the scheme commences will be treated as licences of Class B endorsed with a restrictive condition that the holders can drive motor cycles only. Thus, these licences also will retain their existing rights, but no more.

The persons who will be tested under the new scheme are all persons who apply for licences after the scheme comes into force and have not previously held a licence, or have not held one within the previous three years, and any other classes of persons whom the Registrar deems it desirable to test. The tests will be conducted by members of the Police Force specially appointed by the Commissioner, and testing centres will be established in convenient places throughout the State. In order that persons may drive on roads while undergoing instruction as a preliminary to a test, a system of learners' permits will be introduced. These will be issued by the Registrar for a fee of 10s. The standard terms and conditions of the permits will be fixed by regulations but in special cases the Registrar will have power to insert special conditions. It is contemplated that a learner's permit will have a currency of three months and it will be possible for a person to obtain a subsequent permit if he so desires.

Before a learner's permit is issued the applicant must pass a written examination which is required for a licence. These are the main outlines of the scheme in this Bill. Dealing with the clauses of the Bill, I mention first Clause 3 which provides that the new scheme will come into operation on a day to be fixed by proclamation. Before the scheme begins it will be necessary to select and train testing officers and establish the testing centres. There will also be a lot of preparatory work in the Registrar's office. It is expected that it will take until the middle of next year to make all the arrangements and it is likely that the scheme will be brought into operation on July 1 next.

Clause 4 sets out the two new classes of licence which I have explained and clause 5 makes a consequential amendment to the section in the principal Act requiring drivers to hold the proper type of licence. Clause 6 empowers the Registrar to issue learners' permits, and also provides that a learner's permit may be cancelled or suspended and the holder disqualified for offences in the same way as the holder of a licence. Clause 7 sets out the new licence fee, which is £1 for a licence of either Class A or Class B, and also prescribes the fee of 10s. for a learner's permit.

Clause 8 provides for the issue of a duplicate learner's permit in the event of loss or destruction of the original. Clause 9 provides that learners' permits will not be issued to persons under 16 years of age. Clause 10 provides

that applicants for learners' permits must pass the written examination. Clause 11 is the provision making the driving test obligatory for those who have not previously held licences, or have been without licences for three years. However, the Registrar may exempt from test people who have been tested by some other public authority, for example Tramways Trust drivers.

Clause 12 empowers the Registrar to require any applicant for, or holder of, a licence to be tested if he considers it desirable. This will mean, in practice, that the Registrar, in addition to testing all new applicants, will be able to require any classes of present holders of licences to undergo tests—for example all those above a certain age, or all those with certain specified disabilities. Clause 13 provides that restricted driver's licences may be issued without a driving test. At present restricted licences can be issued without a written examination and it is logical to give the Registrar power to dispense with the driving test also. This power, for example, can be used in relation to persons in outback areas of the State whose driving is limited to a particular area where there are very few vehicles.

Clause 14 provides that there will be a right of appeal against a refusal to issue a learner's permit, in the same way as against a refusal to issue a licence. Clause 15 repeals an existing provision as to the exchange of licences, and substitutes a new provision suitable for the new scheme. Under this it will be possible for the holder of a Class B licence to exchange the licence for a Class A licence upon passing the appropriate driving test. Clause 16 is a consequential amendment. It will be seen that the general principles of the new scheme are simple, and if adequate time is taken for preparation it should be possible to make the change-over without serious inconvenience to the public.

Mr. FRANK WALSH secured the adjournment of the debate.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL.

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

PRICES ACT AMENDMENT BILL (No. 1).

Returned from the Legislative Council without amendment.

BUSH FIRES BILL.

Returned from the Legislative Council without amendment.

EMERGENCY MEDICAL TREATMENT OF CHILDREN BILL.

Second reading.

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

That this Bill be now read a second time.

Its main object is to enable medical practitioners to perform life-saving operations upon children whose parents refuse to give their consent to such operations or cannot be found.

It is regrettable that it has become necessary to introduce a measure of this nature. Members are no doubt aware that for the most part objections by parents to the performance of certain operations on their children—I refer in particular to operations of the nature of blood transfusions—are based on religious grounds. While the Government respects the religious views of all sections of the community, and is reluctant to interfere with those views or with the right of an adult person to decide for himself whether he should submit to the performance of an operation to save his own life, the Government feels that the lives and health of children are largely a State responsibility. The Bill should therefore be regarded as one designed for the purpose not of denying parents their right to control the religious upbringing of their children but of withdrawing from some persons the power of life or death over others.

The operation of blood transfusion is an accepted medical treatment throughout the civilized world as a means of saving life in certain critical cases and it is felt that there is no justification, whether on religious or other grounds, for denying a child in a critical condition the chance of survival, if such a chance exists through the performance of any life-saving operation. Every human being has the right to protect and safeguard his own life, and no parent should be vested with a power to condemn any child of his, who is in urgent need of such medical attention, to die because that parent holds certain religious convictions. I submit that the foregoing reasons alone are sufficient to justify the passing of the legislation. Similar legislation has recently been passed in Queensland and New South Wales.

This Bill provides that a medical practitioner may perform an operation on a child without parental or other legal consent if—

(*a*) such consent has been refused or the person entitled to give the consent cannot be found;

(*b*) the practitioner has had previous experience in performing such operation;

(*c*) the practitioner has obtained a second medical opinion confirming the condition from which the child is suffering, that the operation is reasonable and proper for that condition and is essential to save the life of the child; and

(*d*) in the case of every operation of blood transfusion, the practitioner assures himself before commencing the operation that the blood to be transfused is compatible with that of the child.

Members will observe the safeguards that have been written into the Bill. If a parent or other person entitled to consent to the operation is available, his consent must first be sought. This would enable the parent or other person to ascertain whether a second opinion on the child's condition has been obtained, and if not, to seek one. The right of seeking a second opinion is not taken away from the parent although it is appreciated that in a town where there is only one practitioner a second opinion is not always obtainable; but to deprive a parent of this right could have the effect of denying the child the best medical treatment that a responsible parent is able and willing to provide.

The Bill also places certain responsibilities on the medical practitioner in cases where parental consent is not obtained. He must have had previous experience in performing the operation and a second opinion must not only confirm his diagnosis, but also confirm that the operation is reasonable and proper and essential to save the child's life, and, in the case of every blood transfusion, the practitioner must ensure that the blood is compatible with that of the child. These safeguards are essential where a parent's wishes are to be overridden.

I would like also to invite members' attention to subclause (2) of clause 3 of the Bill which provides in effect that an operation performed pursuant to and in accordance with subclause (1) of that clause shall be deemed to have been performed with the necessary consent. This places practitioners performing operations in those circumstances in the same position in law as they would be if the necessary consent had been obtained, without relieving them from liability for negligence. Subclause (3) of this clause clarifies the intention that the powers conferred on practitioners by the Bill are additional to existing powers vested in practitioners in relation to the performing of any operation. I submit that this Bill gives effect to a principle that should find favour with all members of the House and commend it for favourable consideration.

Mr. BYWATERS secured the adjournment of the debate.

ROAD TRAFFIC BOARD BILL.

In Committee.

(Continued from October 27. Page 1591.)

Clause 4—"Constitution of Road Traffic Board."

Mr. FRANK WALSH (Leader of the Opposition)—Who will represent local government interests on this board?

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—Subclause (2) (*c*) was slightly amended in another place but the Government will carefully consider any appointment under it. None of the three proposed appointments has yet been considered and it is not usual to consider such appointments until the legislation has been passed by Parliament.

Mr. FRANK WALSH—The Police Force has a number of men competent to act on this board. In present day business activities insufficient consideration is given to off main road traffic parking. I am concerned about this matter because of happenings in my electorate, where the local government authority may not have paid all the attention necessary to some building plans and appeals for advice were made to the police, the Highways Department, the National Safety Council and others. If this board is set up it should be possible to have on it a person with long experience in local government affairs. The matter of the appointment of the chairman is important, too. I hope the matters I have mentioned will be remembered when the local government representative is appointed.

The Hon. Sir THOMAS PLAYFORD—I assure the honourable member that Cabinet will carefully consider his remarks before any recommendation is made about the third appointment. Normally the chairman of the committee would be the representative of the Highways Department, but I do not say that that would be the procedure in every case, because circumstances often vary.

Clause passed.

Clauses 5 to 7 passed.

Clause 8—"Functions of board".

Mr. FRANK WALSH—I am concerned about improving the flow of traffic. I do not want a repetition of what took place in Parliament last session because some of the wide main roads in the city of Adelaide were partially reserved for centre of the road parking. I do not want to tread on the corns of the City Fathers but if we do anything here to upset them they have a representative in another place to speak for them. When a motorist turns from Pirie Street into Hutt Street he does not get into a free flow of traffic, but has to reduce his speed to 10 to 15 miles an hour, because of the parking of vehicles in the centre of the road. Reasonable parking facilities should be provided there, but not in the centre of the road, because the view of the drivers of vehicles is affected. In South Terrace, between Lewis Cohen Avenue and West Terrace, there is always traffic congestion in the evening.

When shall we have uniformity in traffic signs? At some intersections there is a change in the light from red to green, but at others it is red to amber to green. At some intersections an indicator shows that a right-hand turn can be made, but that is not so at other intersections. I hope the proposed board will have a thought for pedestrians. At present the pedestrian has to be careful when crossing a city street. He must be active in order to get across safely. Unless we provide better safety precautions than we have today pedestrians will be in much trouble. Can we get uniformity in school crossing signs? If rightly used, the push-button system for pedestrians is safe, but some people are always in such a hurry that they do not see the system available for them. Then we have the *News* and the *Mail* flashing light system. I do not know whether there is still authority for its use. The most effective sign for school children is the "Sally", which immediately gives the motorist a warning that a school is nearby. I have not heard of a "Sally" being knocked over by a motorist. Vehicular traffic and pedestrians must have freedom of movement. As the result of the new traffic light system installed opposite the Black Forest school pedestrians and traffic have a chance to move freely. I pay a tribute to the Marion Council for what it has done in installing the push-button system near schools in its area. It was hardly fair to have a system that gave children precedence at all times over traffic. We have monitors with flags standing on the road in order to stop traffic, but I think it would be better if we had the "Sally" sign, which would give the monitor more chance to protect the children in his charge without having to worry about the traffic.

I mention these matters in the hope that the authorities will provide for a freer flow of traffic, and that we shall not continue to develop the humbug traffic control that we have in Adelaide, particularly in wide streets. The Sydney Harbour bridge provides a good example of what can be accomplished by using portable traffic directors. Although that bridge has its limitations, provision is made for fast-moving traffic in the morning and afternoon peak periods. I do not know what some road signs, such as the yellow lines painted on North Terrace and Port Road, mean. These matters should receive the attention of this board in an effort to bring about uniformity.

Mr. MILLHOUSE—During the second reading debate I said that I feared there would possibly be a clash of functions between this board and the State Traffic Committee. Will the Premier say whether it is intended to continue the State Traffic Committee, which I feel still has a useful advisory role to play in that it is representative of so many diverse motoring interests? Paragraphs (*a*), (*b*), (*f*) and (*g*) of this clause cover things now dealt with by the State Traffic Committee.

The Hon. Sir THOMAS PLAYFORD—The honourable member knows that the Government frequently consults the State Traffic Committee on matters of policy. That committee will continue in precisely the same role. The board will be an engineering body rather than a committee to advise on legislation. It is not suggested that the function of the State Traffic Committee will be affected in any way. I have no doubt that some suggestions made by this board from time to time may form the basis for investigations by that committee. Representations have been made by the Royal Automobile Association about this matter and I have instructed my secretary to reply along the lines of my remarks in reply to the honourable member.

Mr. LOVEDAY—Paragraph (*a*) refers to the board's making recommendations to the Minister and other authorities concerned with road construction. Local councils are authorities concerned with road construction, and many things they do are governed by finances available to them. On occasions they would probably do jobs more in keeping with the best

engineering and safety principles if finance were available to them. Will the Premier comment on the relationship between the board and local government authorities on matters of this kind?

The Hon. Sir THOMAS PLAYFORD—Obviously the board will have an overriding decision over local councils on many matters. I think that every member will admit that it is necessary to have uniformity in relation to road signs, and the board will undoubtedly have power to veto any unorthodox signs. The purpose of this board is to get co-operation between local government bodies and to achieve uniformity rather than to be a committee overriding local government. The board is designed not to take away from local government bodies their general control of traffic but to see that we do not get hopeless confusion. I doubt whether a motorist coming to some of the traffic lights already installed with the best intentions would interpret them correctly; I think the chairman of the State Traffic Committee would agree with that. We are trying to overcome that type of confusion.

This will fit in with a still larger pattern—the traffic Ministers of the States meet regularly and set out to achieve, as far as possible, uniformity of road standards and control. We will not achieve complete uniformity, for on some matters this Parliament may have a totally different view from that of the Victorian Parliament, but we are trying to get some uniformity in dealing with traffic problems. I assure the honourable member that if there were any likelihood of local government and the board getting into opposite camps the Government would be concerned and would immediately start to think of ways to co-ordinate their activities. The Highways Commissioner now has power to override the decisions of local councils on Stop signs, but these authorities seem to be able to work together smoothly.

Mr. Riches—Stop signs are under the jurisdiction of the Police Commissioner.

The Hon. Sir THOMAS PLAYFORD—Some are, but not all. Marking roads is normally under the control of local government, but some markings can be vetoed by the Highways Commissioner. However, these people have worked together smoothly.

Mr. HARDING—I support the clause. Yesterday, the annual meeting of the Federation of Chambers of Commerce held at Naracoorte recommended that flashing lights controlled from the dashboard be used instead of triangular reflectors when an accident occurred on the highway. This was suggested because often a person in charge of a commercial vehicle cannot leave it to put these reflectors in position. I think it should be made compulsory to have flashing lights on the front and back of such vehicles.

Clause passed.

Clause 10 passed.

Clause 11—"Review of Traffic Board's decisions."

Mr. LOVEDAY—From experience I know that it is difficult to ask a body like this board to reverse its decisions. It seems to me that it is an appeal to Caesar after Caesar has made a decision, and I cannot imagine that the board would change its decision.

The Hon. Sir THOMAS PLAYFORD—If the honourable member looks at the general set-up he will see that the decisions of the board become operative by proclamations that have to be approved by His Excellency the Governor. Under the Acts Interpretation Act this means that matters must be handled by the Minister and must even go to Cabinet before they get to proclamation form. The fact that anyone has the right to go to the Minister means that any matter can be held up pending investigation. I think this is the best method, as no Minister would send forward a recommendation that had been objected to. Under the clause the Minister may alter a decision, so it can be seen that there is an outside authority supervising these matters. I think this will be found to work satisfactorily. Incidentally, this type of provision is in operation in every State, I think, and seems to be working smoothly. I can understand the problems of local councils. They obviously have circumstances peculiar to their areas, which they know well, and do not want someone without much knowledge of their districts to give all sorts of decisions. However, I assure the honourable member that that will not happen.

Clause passed.

Clause 12 passed.

Clause 13—"General speed limits."

Mr. FRANK WALSH—I should like further consideration given to new section 43 (2), which provides that it shall be a defence to a charge of driving a motor vehicle at a greater speed than 60 miles an hour if the defendant satisfies the court that that speed was not dangerous, having regard to all the relevant circumstances. Does the Government intend that a person shall be guilty of an offence if he drives at a greater speed than 60 miles

an hour and that that speed shall be the limit? If it does, there is no need for new section 43 (2). If the maximum speed limit is to be 70 or 75 miles an hour, let us say so. I think the Premier will agree that on some roads if one were to travel below 60 miles an hour it would take a long time to get anywhere. However, on other country roads if one attempted to drive at 60 miles an hour one could meet with serious consequences, because the roads are not suitable for such speeds. A man would not attempt to drive at 60 miles an hour if it were not safe to drive at more than 25 to 30. If the Premier believes that the maximum speed should be 60 miles an hour I will oppose it.

The Hon. Sir THOMAS PLAYFORD—I have travelled over many South Australian roads and consider that a speed of 60 miles an hour is a safe maximum speed. However, there are certain stretches of roads where one could travel at more than 60 miles an hour under normal circumstances without unduly endangering oneself or the public, and where under those circumstances one would not be regarded as being a dangerous driver. However, I believe that such instances are fairly restricted. Although I agree that some fast drivers are good drivers, we are faced with the terrifying fact that we get far more deaths where these good drivers are operating at high speeds than where many more people are moving at lower speeds. A speed of 60 miles an hour is very high compared with interstate standards. If the honourable member were to travel at 60 miles an hour on the very good stretch of road in Victoria immediately over the South Australian border he would lose his licence and have no defence. This clause is not restrictive compared with standards operating in other States. Under the proposed law if a man drives faster than 60 miles an hour he must be prepared to prove that he was not driving dangerously. I do not think that is unreasonable. I have heard that the honourable member has suggested a speed limit of 75 miles an hour as being a safe driving speed. Only last week when I heard of this I tried driving at 70 miles an hour and found that on the very best of roads that was a dangerous speed. I have driven motor cars for many years and have not a bad record as a driver. The proposal in the clause represents a good compromise and will enable a driver if conditions are safe to go faster without the consequences of getting into trouble with the law.

Mr. FRANK WALSH—I do not suggest that any motorist desires to travel at 70 miles an hour mile after mile. What I have said is that if we are to have a speed limit, let us make it a speed limit without any other provisions. I do not care greatly what the speed limit is. A speed limit is seldom challenged unless something happens. Often on an open road one is unconscious of the fact that he is travelling at high speed, and it is often difficult to keep down to 60 miles an hour. The danger of chain accidents on a drizzly morning or when people are travelling home in the evening at only 15 miles an hour on Anzac Highway is greater than when vehicles are flowing freely at 30 or 40 miles an hour under other circumstances. If members want a 60 m.p.h. limit with provision to exceed it, they will support the clause, but if they want a speed of up to, say, 70 m.p.h., without new subsection (2), my suggestion should be considered.

Mr. LOVEDAY—Would the case of an ambulance travelling a very long distance with an urgent case and finding it necessary to exceed 60 m.p.h. be regarded as not dangerous having regard to all the relevant circumstances? I think that is a typical case where the speed could justifiably be exceeded.

The Hon. Sir THOMAS PLAYFORD—I will check that, but I think special provisions apply to ambulances and police which place them in a totally different category. Certainly there would be no suggestion of a prosecution in the case of an ambulance engaged upon a life-saving mission. I think that ambulances are protected in the principal Act regarding speed limits, intersection crossings, and other things, and that the point is completely covered.

Mr. HALL—The new section 43 (1) refers to an offence but does not state what the offence is. Under the principal Act the court may order that a person be disqualified from holding a driver's licence, and section 64 states that any person guilty of an offence for which no special pecuniary penalty is provided shall be liable to a penalty of not more than £50. Is it intended to disqualify for a first offence, or would that be reserved for a second offence?

The Hon. Sir THOMAS PLAYFORD—Again, I have not had the opportunity to check the point, but the disqualification is a matter for the magistrate. However, I believe that in no case does a magistrate disqualify for speeding except for the second offence, and then only if it is an outright offence involving great danger to the public.

Mr. LOVEDAY—I feel there should be a degree of flexibility in this matter. I am perfectly happy about the 60 m.p.h. limit. I

have driven for many years and I think that generally that is the maximum safe speed; in fact, if a person exceeds that speed and anything happens he has very little chance of getting out of it. What are the reasons for new subsection (2)?

The Hon. Sir THOMAS PLAYFORD—Two years ago the Government tried to get some direction from Parliament regarding speeds. When the debate proceeded there were obviously as many views upon a maximum speed limit as there were members. The Government found some members were advocating all sorts of speeds whereas others were restrictive in their ideas. This, like all other legislation, is a compromise to try and get something that will at least cut out some of the dangerous driving that takes place on our country roads. I have seen numerous cases of driving which cannot be described as anything but very dangerous. My district is close to the metropolitan area, and I doubt whether it has one road on which a person can safely exceed 60 m.p.h. I should not like to be asked to drive at 60 m.p.h. on any road in my electorate for anything more than 100 yards. In fact, 60 m.p.h. in my district is too high. The member for Whyalla knows that between Port Augusta and Whyalla there is a stretch of road on which 60 m.p.h. is not an unreasonable speed by any means: there are no cross roads; it is open and straight; and there is usually only a limited amount of traffic on it. This clause tries to get from Parliament some mandate to control excessive speeds. There is no limit at present that can be policed effectively. We know that many fatal accidents have occurred, purely and simply because the sky has been the limit and the attitude has been: put your foot on the accelerator and go as fast as the old bus will go.

Mr. Riches—How will this be controlled?

The Hon. Sir THOMAS PLAYFORD—If people travel at more than 60 m.p.h. they will be conscious of the fact that if the police come along they have to prove, if necessary, that they were not driving to the danger of the public. I do not think that is an unreasonable provision. One only has to look at the statistics of braking distances to see how unsafe high speeds become in a sudden emergency. Even on open country roads sudden emergencies may occur. Regarding the query raised by the member for Whyalla (Mr. Loveday), the chairman of the State Traffic Committee has informed me that section 156a was amended last year to provide for ambulances.

Mr. BYWATERS—I support the 60 m.p.h. limit. When the question of a speed limit was before Parliament previously I suggested that it be increased to 60 m.p.h. because I felt that 50 m.p.h. was too slow and that 60 m.p.h. was a reasonable limit. We have been informed by senior police officers that there is always a measure of elasticity in speed limits and that the usual tolerance allowed is 5 m.p.h. I feel that 60 to 65 m.p.h. is fast enough, even on open country roads. My electorate, unlike the Premier's, has many stretches of open road, and it is on these wide open spaces that accidents occur. Many such accidents have occurred during the last 12 months between Murray Bridge and Tailem Bend and even further along in the member for Albert's district. Things can happen so unexpectedly. People have been travelling at high speeds and have suddenly gone over a little knoll to find a semi-trailer stopped in the centre of the road through some breakdown. Some people have gone completely underneath the semi-trailer, and only recently a fatality occurred in those very circumstances. The high incidence of accidents is one of the main reasons for the existence of the Lower Murray District Hospital. I think more than half the intake into that hospital would be the result of accidents, and in ninety-nine cases out of a hundred excessive speed has been the cause. I strongly support the clause because it will enable the police to prove a case against an offender.

Mr. MILLHOUSE—I support the provision. There is a difference of opinion in the community on the question of a speed limit. As at present advised I would have been willing to see an absolute speed limit of 60 m.p.h., without the introduction of subsection (2) at all. Only experience will tell whether or not this provision of a speed limit will be successful, but I think we should give it a try. If after a few years we find that this is not working satisfactorily I shall be perfectly willing to admit that I have been wrong and to review the position. I think we should try it to see whether the speed limit is appropriate, whether it can be policed, and whether or not subsection (2) works any hardship.

Mr. HUGHES—I support the clause. I think it is a compromise in the interests of the fast driver. Regarding subsection (2), we know that on many occasions it has been necessary (and it will continue to be necessary) for people to break the speed limit. Subsection (2) is flexible, and it will be upon

the defendant to establish that because of circumstances it was necessary and not unsafe for him to exceed the 60 m.p.h. limit. I agree with the member for Mitcham that we should try it. Only time will tell whether it is successful. I support the clause.

Mr. NANKIVELL—I have not been happy about the introduction of a speed limit. I can understand that the aim of the speed limit was, firstly, to reduce the road toll and, secondly, to get some uniformity with legislation in other States on speed limits. Other things than the total upset speed should be taken into account. For instance, 60 m.p.h. is far too fast for certain vintage cars. There is still no provision covering people who drive cars older than 1948 models, many of them with cable brakes. The ability to brake and control such a car in an emergency is completely different from some of the modern cars which are designed and built for speed and can comfortably cruise at 75 to 80 m.p.h.

Mr. Riches—Wouldn't that be one of the relevant circumstances under subsection (2)?

Mr. NANKIVELL—If it is, it is covered. The vintage of the cars is important in considering the speed limit. Here we seek to impose a total upset speed limit of 60 m.p.h. After some time we should be permitted to consider this matter further. If the clause does not prove a success we could consider reducing the limit, but I should prefer to see regulations introduced so that where there are sections of good road, as on the Melbourne highway (where there are stretches of roadway amongst the best in the State, and miles of road without intersections), people would be able to increase their speed over certain sections. I am prepared to see this measure tried but, out of consideration for people such as stock agents, who have to travel long distances, this matter should be reviewed in the future. However, I support the clause as it stands.

Mr. RICHES—When similar legislation was before Parliament previously, I advocated a 60 miles an hour speed limit without any breaking down of the provisions. I recognize that this clause is a compromise, and I support it in the hope that it will be policed and that the situation will be watched so that, if it proves to be ineffective, Parliament will consider deleting new subsection (2) at a future date. It is true that frequently more accidents occur on roads that should be the safest than on other roads, particularly accidents to single vehicles and not so much accidents arising from collisions. Accidents to vehicles on their own through speed are increasing, and they invariably happen on the very roads that would under any regulation be gazetted as safe for speed. Those roads radiate in almost every direction from Port Augusta. A speed limit is desirable. Just how new subsection (2) will work I am not sure. If a motorist exceeds 60 m.p.h. and is involved in an accident, it will not be possible for him to avail himself of the defence under the provision; he takes the risk entirely into his own hands.

Mr. Nankivell—He would not have any protection when travelling at under 60 miles an hour if he got into trouble?

Mr. RICHES—If he had an accident at under 60 miles an hour he would not be guilty of an offence under this provision but, if he exceeded 60 miles an hour and anything went wrong, it would be difficult for him to establish a defence, and that throws the responsibility more heavily on to the motorist. For that reason and in the motorist's own interest, I hope the clause will be passed.

Clause passed.

Clauses 14 to 17 passed.

Clause 18—"Stop signs".

Mr. HALL—As regards the power to erect and remove Stop signs, is there anything in the Act to give the board power to remove signs placed privately alongside roads? One often sees a sign such as "Stop and eat at Joe's!" in red letters. Red should be reserved for danger alongside a road. Recently, some advertisements for bricks have appeared in the shape of red signs close to the roadside. They are eye-catching.

The Hon. Sir THOMAS PLAYFORD—The reservation of red signs for road traffic purposes was debated at great length some years ago, but great difficulties arise there. There are hundreds of neon signs all over the place, in many instances not involving an element of danger. To try to prohibit such signs obviously would not be acceptable. The board would have the necessary power if the sign was on a road.

Mr. BYWATERS—Corporations have in the past had some difficulty in getting the Commissioner of Police to agree to the erection of Stop signs in municipal areas. On one occasion at Murray Bridge the Commissioner of Police recommended the removal of two Stop signs from dangerous corners. The councils protested against it, but their wills did not prevail. Subsequently, it was proved that one corner was dangerous and the Stop

sign was re-erected there. Will the board be the deciding factor in such cases?

The Hon. Sir THOMAS PLAYFORD—Under the new legislation the board would have the authority to make a recommendation, but there would still be an appeal from the board to the Minister.

Clause passed.

Remaining clauses (19 to 26) passed.

New clause 9—"Financial provision".

The Hon. Sir THOMAS PLAYFORD—I move to insert the following new clause:—

9. The cost of any traffic control devices placed or marked on a road by the Commissioner of Highways with the approval of the Board shall be paid out of any money voted by Parliament for expenditure on roads.

This clause is on honourable members' files, but is struck out from page 4 of the Bill. This Bill was introduced in the Legislative Council and this new clause obviously could not have been dealt with there. It is purely a financial clause to make available the necessary funds to carry out the purposes of the Bill.

New clause inserted.

Title passed.

Bill read a third time and passed.

TRAVELLING STOCK RESERVE: HUNDRED OF EBA.

Adjourned debate on the motion of the Hon. Sir Cecil Hincks:—

That the portion of the travelling stock reserve north-west of sections 70, 81, and 82, hundred of Eba, and south-west of the Morgan to Whyalla pipeline, as shown on the plan laid before Parliament on August 9, 1960, be resumed in terms of section 136 of the Pastoral Act, 1936-1959, for the purpose of being dealt with as Crown lands under the provisions of the Crown Lands Act, 1929-1957.

(Continued from October 26. Page 1558.)

Mr. CLARK (Gawler)—I am not disposed to take up much time on this matter. As far as I can see, it simply provides for the resumption of land that was formerly part of a travelling stock reserve. As the Minister has stated, this will enable the land to be dealt with in future as Crown land. The matter has been referred to the Stockowners' Association, which saw no reason why the land should not be resumed and leased by the Department of Lands. I understand the Pastoral Board also favours the resumption. We have the personal assurance of the Minister of Lands that everything is in order; also, we understand that the member for the district is satisfied on the matter. I believe there has been one objection, but we have the Minister of Lands' assurance that this can be resolved to the satisfaction of all parties. I am happy to support the motion.

Motion carried.

UNIVERSITY LAND BILL.

Order of the Day No. 6: Minister of Lands to move—

That he have leave to introduce a Bill for an Act to authorize the grant of certain land to the University of Adelaide, to amend the University of Adelaide Act, 1935-1950, and for other purposes.

The Hon. Sir CECIL HINCKS (Minister of Lands)—I move that this Order of the Day be read and discharged.

Order of the Day read and discharged.

EDUCATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 26. Page 1559.)

Mr. CLARK (Gawler)—This Bill relates to a matter in which I have taken much personal interest and I am now pleased to see it before the House. The provisions in the Bill arose from extended discussions between departmental officers, members representing the Teachers' Institute, and the Minister of Education. The result of those discussions has proved satisfactory and although it was difficult to set it out clearly in an amending Bill that has now been done. The Bill should result in reasonably good legislation.

Four changes are made by the Bill. Clause 5 removes an anomaly regarding long service leave for teachers who have transferred to the Public Service. Teachers do transfer and previously certain long service leave days were lost when a transfer was made. This provision ensures that a teacher who transfers does not lose certain long service leave days which he has earned by years of service. The previous provision was unfair to transferred teachers because they lost a benefit by transferring within the Public Service. This is elementary justice and I support it and believe all honourable members will support it.

The second important change, which I regard as the kernel of the Bill, provides for the constitution of a Teachers' Appeal Board. This board represents a new departure and is an improvement on the existing situation under which the Teachers' Salaries Board performs two functions that are not always closely related or compatible with each other. The present board fixes salaries and hears appeals against proposed appointments and the present system has often caused undue delay in resolving appeals. I am not criticizing the

board but I believe the two duties it has to perform are not compatible. The delay in deciding appeals has sometimes caused consequent hardship because of the uncertainty experienced by teachers pending decision. Often the waiting period extends over school vacations and the result of the appeal may decide whether or not a teacher has to move to another residence.

This point was obvious recently when the new positions of deputy headmaster were created and the first appointments made. Many appeals were heard and the waiting caused much dissatisfaction and heartburning. The proposed board is well balanced and has the most satisfactory method of teacher representation yet devised on any board in South Australia relating to a similar matter. The board is to comprise four members and an independent chairman. Two members are to represent the Education Department and are to be appointed on the Minister's recommendation and two members are to represent the respective branches of the teaching service. The teachers' representatives will be elected by the teachers and this is an excellent idea.

The board hearing appeals against secondary school appointments will have two representatives elected by secondary school teachers. That board will sit to decide issues relating to secondary schools, and on matters concerning other branches two teachers, representative of each branch, will be appointed to decide matters relating to that branch of the service. This arrangement should prove valuable because the teachers representing a branch of the service will have particular knowledge of their own branch. I support that amendment.

The third important amendment provides that appellants against proposed appointments to special positions must state their appeals in writing to the Appeals Board. This will give the board the right to dismiss an appeal if it considers it is groundless or frivolous. If the board finds that there is some ground for the appeal the appellant may appear before the board and this provision will avoid much unnecessary delay.

Mr. Bywaters—Do you think there will be any misuse of it?

Mr. CLARK—No, because the representation will act as a safeguard against that, and I am happy to support it. The fourth important provision deals with "defined special positions" that may be defined by regulations. That refers particularly to certain groups of special appointments and provision is made for the positions to be filled from special promotion lists. When I saw the words "promotion list" I started to wonder because some teachers in the past had doubts over promotion lists. However, there is a safeguard in this provision because applicants may appeal to the new board concerning their position on the promotion list. That provision may represent an improvement but promotion lists have never proved satisfactory in the past.

All the amendments could assist the teaching profession and should make teachers happier and more contented. Further, they may stop wastage of staff. Everything possible is done to obtain more teaching recruits but I am not certain that everything is done to prevent our losing teachers. In the past, wastage of teachers has been heavier than has been desirable. In recent years the service has been improved and this Bill should further that condition. A happy and contented service makes for better teaching and that is the most important aim of the Education Department: the welfare of the children being taught.

Members may think that I offer my unqualified support to the Bill but my support is qualified because I should like to see the Bill go farther by extending some of its principles. I believe that that view is shared by the Teachers' Institute. I should like to see an amendment providing for an appointments board similar to the Victorian board, which is working satisfactorily and provides for the appointment of teachers in special positions and has representatives of teachers whose duty it is to help fill positions. That gives teachers a feeling that they are really taking part in the management of the department.

I am sure that the Minister will agree that in recent years outstanding men have been guiding the destinities of the South Australian Institute of Teachers. Those men were a credit to their profession and did everything possible to improve the standards of the profession and the opportunities of providing the best teaching methods for children. The last three presidents of the institute have been Messrs. Don Carmichael, Fred Davis and Ned Golding, and the Minister will agree that they have been of great help to the profession and that men of that type are ideal as members of an appointments board. The administrative officers of the department may regard such a board as reducing their rights and privileges. I do not say departmental officers are not capable of performing this work satisfactorily because, in addition to what I said about the Institute of Teachers, there has been

a great improvement in the type of man appointed to the top positions in the Education Department in recent years.

When I was a young teacher the inspector was regarded as an ogre and many inspectors acted like that. Many students regarded them in that light and a visit from an inspector was a day to be dreaded. When I lived in the country areas teachers were informed on the bush telegraph when the inspector was likely to visit their school. Usually the information was relayed by the garage proprietor responsible for driving the inspector around the district. That fear of the inspector no longer exists because, over the last few years, distinguished men have been appointed as inspectors. Many of them eventually graduate to become departmental heads. Children today greet the inspectors with pleasure and he is their real friend. Teachers also welcome the inspector. A man I particularly remember, who was my school inspector at the time I resigned from the Education Department and who was subsequently appointed to a higher position, was Mr. Jack Whitburn. At the moment he is ill overseas and that is regretted by his friends and acquaintances. There has been a big change in the Education Department in the attitude of the departmental officers to teachers and that is a pleasant change. I regard the establishment of an appointments board as a step in the right direction. Indeed, it could be a step leading teachers to believe that they belong to a profession and that they hold their destiny, to a large extent, in their own hands.

It is hoped that the amendments will solve some of the anxieties teachers have had about their position regarding promotion, but I am not sure that they will do so. Many teachers have not been happy with the present system of promotion lists. I have heard some qualified teachers maintain that they go up and down the lists like a yo-yo, but I do not know whether that is so or not. Virtually, the lists are sacred. Theoretically, the teachers' representatives on the Classification Board have access to them, and the teachers themselves can ascertain their position on them, but that is not much help if the teachers cannot discover where their most obvious competitors are on the lists. The setting up of an appointments board, with teachers' representation on it, could help to obviate the cause of much discontent. Can the Minister say whether the setting up of such a board was considered, and, if so, what were the chief objections levelled against it? I support the Bill.

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

LIFTS BILL.

Adjourned debate on second reading.

(Continued from October 27. Page 1578.)

Mr. BYWATERS (Murray)—I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"Working of lifts by young persons."

Mr. COUMBE—Subclause (1) states, "Except as provided in subsection (2) hereof no crane, hoist or lift shall be worked . . . by any person under 18 years of age". Does this apply in factories where apprentices work electric cranes as distinct from lifts? These apprentices merely press a button to make the crane travel horizontally. They are under 18 years of age, and under the clause they will be precluded from operating this type of crane, which is common in some factories and garages.

The Hon. B. PATTINSON (Minister of Education)—As I understand the position, this clause is substantially similar to section 7 of the Act, and differs from it only in two directions. There is an extension to cranes and hoists, and there is power to exempt lifts. I take it that there would be power to exempt persons under 18 years of age.

Mr. BYWATERS—It is ridiculous that a person must be 18 years of age before being permitted to work a lift, when a person of 16 years of age can drive a motor car or a semi-trailer. All that is needed to work a lift is the pressing of a button. In Parliament House I have seen young children press the button of the lift to see it work, and in doing that they have been guilty of a breach of the Act. I hope that lift drivers will be exempted from the age limit, and I was pleased to hear the Minister's remarks on the matter.

Mr. FRANK WALSH (Leader of the Opposition)—This clause deals with the matter of young persons operating lifts. If 18 is considered to be the minimum age at which a person can work a crane, hoist or lift that age should be mentioned in the Bill. It is useless to put subclause (1) in and then avoid it by allowing the chief inspector to grant exemptions. If 18 is considered to be the minimum

age at which a person can efficiently operate this type of equipment we should provide for it in the Bill. If it is not considered to be the correct age we should stipulate what is that age. I recall that some passenger lifts are self-operating and young children work them in order to get enjoyment. I ask the Minister to provide for a definite age.

Mr. COUMBE—I still have some doubts about this matter. To clear up these doubts, and to satisfy the suggestions made by other speakers, I request the Minister to report progress.

The Hon. B. PATTINSON—If members would like further time to consider this matter so that it can be thoroughly debated and elucidated, I am agreeable to reporting progress.

Progress reported; Committee to sit again.

REAL PROPERTY ACT AMENDMENT BILL.

Consideration in Committee of the Legislative Council's amendment:—

Page 1. After clause 3 insert new clause 3a as follows:—

3a. *Amendment of principal Act, s.* 100.—Section 100 of the principal Act is amended by inserting at the end thereof the following proviso:—

Provided that the Registrar-General may in his discretion at any time without being so required by the said proprietor, issue to the said proprietor a certificate or certificates for the said portion or balance or any part or parts thereof.

The Hon. B. PATTINSON (Minister of Education)—The object of the new clause is to enable the Registrar-General to issue separate certificates of title for each of several blocks into which a piece of land has been subdivided. In the case of a large subdivision where the certificate of title sets out the numbers of the blocks, various dealings take place in relation to each of those blocks during the process of registration. For example, block No. 1 may be sold, but before the transfer is registered it is sold again perhaps two or three times or mortgaged, and similar transactions are taking place with respect to blocks 9, 11 and 13. The Registrar-General has to police the original certificate while the various transactions are proceeding, and it becomes a matter of great difficulty and involves much loss of time keeping pace with what is going on. If the Registrar-General, as soon as one block is sold, can issue separate titles for each of the remaining blocks the various transactions affecting each block can be related to the one separate title. In connection with this matter, it has become more important that we should do this because the Government has recently purchased a machine for the mass production of certificates of title which results in a great saving of time and cost, and the issue of separate titles in respect of separate allotments will complement the saving of cost and will be a further step in the direction of streamlining and modernizing the work of the Registrar-General's Department. While the amendment is not entirely of a machinery nature, it is designed to make the work of the department a little easier and to facilitate the streamlining and following through of dealings with a particular block of land, and I think it is desirable. I am sure the amendment has everything to commend it, and I ask members to accept it.

Amendment agreed to.

HIRE-PURCHASE AGREEMENTS BILL.

Consideration in Committee of the Legislative Council's amendments.

(Continued from October 18. Page 1390.)

Amendment No. 28—*reconsidered.*

Mr. FRANK WALSH (Leader of the Opposition)—Unless the Premier can tell us someting to alter the opinion we had when this Bill left the House of Assembly, members of my Party will oppose this amendment.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I made some observations about this matter in dealing with this provision when it was last before this House. Obviously, there is no room for a conference with the Legislative Council on this matter, as only one provision is involved. Since this matter was last discussed in Parliament I have found that the average deposit for all transactions in Australia is much higher than was proposed in this Bill. If we insist on a deposit of 10 per cent we will be providing for a deposit lower than the average now prevailing. I have discussed this complex question with many business people, who have varied views. I want a Hire-Purchase Bill passed; I think this is the only State that has not given effect to the uniform Bill. I know the difficulty of getting a minimum deposit provision through another place, and I suggest that every day this Bill is delayed more people enter into injudicious agreements. Under those circumstances I am prepared to have this

matter thoroughly investigated by the most competent committee I can get, and if after examination it should report that there should be a deposit, the Government will bring in a Bill next session in accordance with its recommendation. I think that is the logical way to do it and should meet the difficulties that honourable members may have in mind. I suggest that one member of the committee who would be thoroughly competent to investigate this matter would be the Prices Commissioner (Mr. Murphy), who was a member of the committee that was instrumental in drawing up the uniform Bill in the first place. Another member could be a representative of the Chamber of Commerce who was not directly associated with hire-purchase. I believe that this Bill is a great value to the public generally and that it would be bad business from the point of view of the State if it did not operate.

Mr. FRANK WALSH—I believe we have reached the stage where the value of this legislation must be considered. I am prepared to accept the Premier's suggestion because I believe it is time that we should do something in this matter. At this stage I am concerned with deposits on household goods. I could give instances, which are not isolated, of people becoming involved in hire-purchase transactions. If they were compelled to make deposits, I am certain that they would not enter into some of these commitments. By insisting on deposits, we are trying to help people to help themselves. I am not attempting to inflict any hardship on business houses engaged in hire-puchase transactions. I believe that if hire-purchase people were prepared to keep reasonable records showing those people who already had full commitments, they would not be so happy to allow such people to undertake further purchases.

I know one person receiving social service benefits who sold household goods in order to buy a motor car on hire-purchase, but eventually lost the lot. The value of the bill of sale on those goods would not amount to £50. I know of another person who entered into a hire-purchase agreement to buy a television set when he was already committed for a large amount. In another case a person in good circumstances lost his home because of entering into hire-purchase transactions. I do not wish to deny those working in industry the right to buy on hire-purchase. Sometimes a young couple marry and both go to work, but subsequently when a child arrives the wife cannot work and the income is thus reduced. Those working overtime are getting an inflated income. No person who is honestly working a 40-hour week is good enough to do half as much work again after working for eight hours a day. I have no objection to essential overtime in industry, which is necessary in maintenance work to keep industry going. I am prepared to consider the Premier's suggestion, but ask that progress be reported.

Progress reported; Committee to sit again.

KIDNAPPING BILL.

In Committee.

(Continued from October 18. Page 1396.)

Clause 2—''Kidnapping''—which Mr. Dunstan had moved to amend by inserting after ''unlawfully'' in subclause (1) the words ''and without a *bona fide* claim to custody''.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—This matter was discussed at some length earlier, and I told members that I would obtain an opinion from the Crown Solicitor regarding the necessity or otherwise for the amendment of the member for Norwood (Mr. Dunstan). That report, which I now have, confirms the earlier reports I received from another Crown Law officer and the Parliamentary Draftsman. Mr. Kearnan states:—

In my opinion, the honourable member for Norwood has provided the answer to his own adverse criticisms when he stated in the House: ''The very people about whom I speak as having a *bona fide* claim of right in the custody of a child in no way are related to kidnapping''. What he says is true in law as well as in common sense.

I agree with the substance of the opinion quoted by the honourable the Premier. Unless it is clear that an absolute offence has deliberately been created by the Legislature, it is a general principle of criminal law that where the alleged crime involves in essence the unlawful interference with, or infringement of, some right vested in, or exercisable by, another person (and particularly where, as in the Kidnapping Bill, the offence created is punished severely) a defence is always available to the accused that the acts alleged to constitute the interference or infringement were done under a *bona fide* claim of right. In my opinion a jury having to consider the guilt of an accused charged with the offence created by clause 2 of this Bill would be directed along these lines.

It is perfectly true that Tinkler's case was concerned with abduction, but the direction of Cockburn C.J. was based upon principles of

general application and not upon any specific features of the crime charged (other than that it involved an alleged invasion of rights). If for any reason it was thought desirable to introduce an amendment of the kind suggested by the honourable member for Norwood I would not recommend that it should be in terms of the one actually moved by him. In my opinion there would be a grave danger that the insertion of the phrase "and without a *bona fide* claim to custody" would unduly restrict the defences open to a misguided but honest intermeddler who may not be concerned at all with questions of legal custody. I advise therefore—

(1) That any amendment is unnecessary.

(2) That the amendment proposed could dangerously limit the rights of some accused persons.

In other words, the Crown Solicitor's opinion is that the member for Norwood's amendment does just the opposite to what he desires it to do. In those circumstances, I move that progress be reported.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 5.27 p.m. the House adjourned until Wednesday, November 2, at 2 p.m.