HOUSE OF ASSEMBLY.

Wednesday, November 9, 1960.

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

QUESTIONS.

MORAL STANDARDS.

Mr. FRANK WALSH—In this morning's *Advertiser* appeared an extract from the report of the Chairman of the Children's Welfare and Public Relief Board. Whilst I have not had an opportunity to consider the report I have read the extract, which states that a high proportion of the South Australian population appears to be living in a *de facto* matrimonial relationship. The report also states:—

From the administrative aspect the department has no institution in which to place children committed for short fixed periods. The constantly increasing number of children coming under departmental care is causing difficulties with accommodation and staffing. Accommodation available in institutions has been considerably strained with the daily average of children in institutions increasing by 50 per cent in five years. For some years the board has been of the opinion that child minding centres should be controlled and supervised by a central authority so that supervision would be on a uniform basis.

In view of the unsatisfactory features revealed by this report, and as these unsatisfactory features have been developing for years (not just within the last few months), will the Premier say whether the Government now intends to take satisfactory remedial action?

The Hon. Sir THOMAS PLAYFORD—The Leader spoke about taking remedial action but I am not sure what that action would be because obviously the Government has no control over the private lives of people. Although it can pass laws that encourage certain consequences it has no power, nor would it be proper for it to have power, to control the matrimonial relationships of people of all classes. The Leader made several points in his question but the main point was that the report emphasized that there was some irregularity in the community. I would not be prepared to make that statement because from my observation I oppose the view that people in the community are getting worse. I think they are probably getting much better, and that our standards are improving. I do not concur with the views of the board. The number of children in the State has risen much more rapidly, on average, than the number of children coming under the control of the department, and that fact does not substantiate the remarks contained in the report. Regarding the child-minding centres, a model by-law has been prepared. There was some difficulty with it in the first place and it had to be referred back to the department, but it is now ready to go before the Executive Council, and will, I think, be accepted and possibly gazetted next week. It is competent for any local government authority, if it so desires, to adopt not the model by-law but a by-law of its own. The member for Burnside (Mrs. Steele) has taken a very keen interest in this matter.

WHEAT INDUSTRY CONTROL.

Mr. HALL—This morning's *Advertiser* contains a report of recommendations made in the eastern States by a Mr. Judge, the liaison officer of the Associated Bread Manufacturers of Australia and New Zealand. He said that the Commonwealth Government had taken an increasing legislative hand in regulating the wheat industry of the Commonwealth, and that the Commonwealth Government must control all phases of the industry "even to the stage of legislating for absolute control of every phase of the wheat industry". I feel that statement is rather alarming to wheatgrowers in general who have exercised control through their board. Can the Minister of Agriculture reassure me that this Government will stand by control of the industry by wheatgrowers themselves?

The Hon. D. N. BROOKMAN—I take it that the suggested recommendation by Mr. Judge was for complete control by the Commonwealth Government of all phases of the wheat industry, but I presume that he wished it to stop short of control of the breadmaking industry. I have never previously heard a suggestion that we should legislate in that way, to hand the industry over, or to alter its control in any way. That is not being considered by the Government and certainly not by the Agricul tural Council, which is the council of all States and the Commonwealth on agricultural matters. I do not think that much discussion is needed on the matter. I point out that the statement perhaps illustrates the fact that people are often ignorant of the extent of the co-ordinating work done by the Agricultural Council, which consists of the Ministers of Agriculture, the Minister for Primary Industry and a number of other persons, and which co-ordinates research and control in these matters to a far greater extent than is often realized. The

expenditures of the wheat levies, the committees dealing with wheat qualities (both marketing and production), and numerous other committees connected with the wheat industry, are under the Agricultural Council's surveillance. They all are at least surveyed, if not controlled, by the Agricultural Council. That would be the organization that would, I think, first discuss anything such as this if it was to be taken any further.

SMOKE NUISANCE.

Mr. HUTCHENS—As a member representing an industrial area, I receive many complaints from my constituents regarding the ever-increasing smoke nuisance in the area. I have inquired of the respective local government authorities, but all explained that under the provisions under which they acted they found it difficult to control or do anything effective to reduce the smoke nuisance. I know it is a mighty problem that cannot be solved easily. During the recess, will the Premier see whether the legislation can be amended to give local councils greater power, or whether it is necessary to introduce a Clean Air Bill in South Australia so that this nuisance can be controlled and relief given to our citizens?

The Hon. Sir THOMAS PLAYFORD—Any specific complaints received by the Government on this matter have been investigated and appropriate suggestions made for the alleviation of the nuisance if the nuisance is such that the health authorities think that some action should be taken. I doubt whether there is in the honourable member's district even today a hazard to health involved. He knows that the area in his district particularly affected was many years ago proclaimed an area under the Noxious Trades Act and has always been specified for the establishment of noxious trades. It is not an ideal setting (in fact, it is far from that) but are we going to wipe out the industries and become involved in all the subsequent costs of transferring them and the heavy daily cost of the employees going to their new locations, which I know the honourable member does not desire? It is not a problem easy of solution. However, I will refer the question to the Minister of Health for a report from the health authorities and, if the honourable member has in mind any specific localities that he would like investigated, I will see that that is done.

Mr. LAWN—I have had complaints from residents of Thebarton about smoke nuisance during the past 18 months. The Premier said that the Government has investigated complaints with a view to alleviating the problem. I have reported some complaints not to the Premier but to the Factories Department and I have received the utmost help. The Thebarton Council has intimated to me that it does not have the necessary legislative powers to cope with the smoke or dust nuisance. In one locality residents complained that when a firm burned coke the smoke nuisance was negligible but when it burned coal there was a problem. I put that to the Chief Inspector of Factories who requested the firm to burn coke, which it did for a couple of weeks before reverting to coal. While residents do not complain of a health hazard, as mentioned by the Premier, they have shown me their houses which outside are covered with black smut as are the fences and clothes on the lines. Will the Premier have any complaints that I submit investigated?

The Hon. Sir THOMAS PLAYFORD—Yes. Complaints that have been received in the past have been investigated, although many have proved unjustified. A person has certain rights at law against a person creating a nuisance, if he is prepared to take action. I will investigate any complaint about any vicinity. I use the word "vicinity" because frequently there are isolated complaints from areas where there are no factories and where a neighbour does not agree with another and burns rubbish in the backyard causing a smoke nuisance. I hope the member appreciates the significance of my use of the word "vicinity". Where complaints deal with a vicinity I shall have them investigated.

GAWLER SEWERAGE.

Mr. CLARK—A letter I have received from the Town Clerk of the Corporation of Gawler states:—

By direction of council, I am required to seek from the State Government information on the proposal for the installation of a sewerage scheme to serve the town of Gawler, and to obtain from the Government some idea as to when such scheme can be expected here. The need for sewerage works for Gawler is becoming increasingly evident and concern is being expressed at the unsuitable existing conditions for septic tank systems, the pollution of subterranean water, as well as the danger of transmission of diseases which is aided by ineffective sanitary systems. We have repeatedly stated the necessity for a sewerage scheme at Gawler and we should appreciate knowing the State Government's intentions concerning this town.

It is signed by A. R. Warhurst, Town Clerk. As the House knows, I entirely agree and share

the council's concern. I have advocated sewerage for this area *ad nauseam* since I have been in the House. Can the Minister of Works supply any information on the prospect of this area being sewered?

The Hon. G. G. PEARSON—The honourable member was good enough to indicate that he desired information on this question, and I have obtained a report for him. Before reading the report, I should like to indicate that what he has said and what is stated in the letter he has read is appreciated by the Government, which realizes that the matter of sewerage for the town of Gawler is of some concern. In fact, the Advisory Committee also shared that view when it took evidence, and it gave Gawler a high priority on the list of towns showing the order in which they should be dealt with; so it is agreed that this is a matter of some concern. The report from the Engineer-in-Chief states:—

Further consideration of the sewerage of Gawler had been delayed pending a decision on the proposed sewage treatment works at Bolivar. Now that this has been settled, the scheme for Gawler is being reviewed so as to provide for the construction of a trunk sewer from the industrial area at Elizabeth West northwards to Gawler. In a few months it is expected to complete the revised scheme for the sewerage of Gawler to provide for the old town and also its developing outer areas. The proposals for the expanded scheme will then be re-submitted to the Parliamentary Standing Committee on Public Works, which suspended its inquiries into this scheme pending the completion of the department's planning. However, with staff shortages and other urgent sewerage design work in hand, it will be about six months before this information, with the necessary revised estimates, can be submitted.

PORT PIRIE HOSPITAL.

Mr. McKEE—Has the Minister of Works a reply to a question I asked him yesterday about the resumption of work on the Port Pirie Hospital?

The Hon. G. G. PEARSON—Yes. The Director, Public Buildings Department, reports that the contract has been let to J. Grove & Son Ltd.

TELEVISION FACILITIES.

Mr. LOVEDAY—In this morning's paper there is an article concerning the extension of television facilities, both commercial and national, in other States. Recently, a leading Australian industrialist, who had spent some time in the United States studying industrial conditions, informed me that in places where there was either no good television reception or none at all, although favourable conditions were otherwise present, people were drifting from those areas to areas where it was possible to get good television reception. There is considerable concern, particularly at Whyalla, at the turnover of labour. Will the Premier make representations to the appropriate authority to see whether more television facilities can be provided so as to give good television reception in the more remote parts of the State with a view to aiding decentralization and preventing, to some extent, the turnover of labour I have mentioned?

The Hon. Sir THOMAS PLAYFORD—I have already considered this particular matter. It seems rather fantastic to me that in the eastern States 26 licences could be required, but not even one additional licence could be provided for South Australia. That seems to be completely off-beam (if I may use that term), particularly as I believe that, as we have ideal conditions for television in the metropolitan area, with the Mount Lofty Ranges providing elevation and giving a wide range of good reception, similar conditions exist in the north of the State, where, behind Port Pirie and Port Augusta, the high Flinders Ranges afford magnificent opportunity to establish a television station which could cover a very wide range. A station properly situated in the Flinders Ranges would probably give good reception as far afield as Kimba on one side and Peterborough on the other. It would certainly give excellent reception at Port Pirie, Port Augusta, Whyalla and Quorn, and would, I believe, extend much further than that. Under those circumstances it seems strange that the recommendations tabled in the Commonwealth Parliament providing for an additional 26 stations in the eastern States did not even make passing reference to South Australia. I believe that what the honourable member has said is correct, and that if we do not provide in our country areas facilities comparable with those provided in the metropolitan area there will inevitably be a big pull for centralization. I shall be pleased to make the representations the honourable member has suggested.

MYPOLONGA WATER SUPPLY.

Mr. BYWATERS—Has the Minister of Irrigation a reply to my recent question about a stock and domestic water supply for Mypolonga?

The Hon. Sir CECIL HINCKS—I took the matter up with Cabinet and presented estimates for the undertaking, but unfortunately the costs were high and the annual loss would

have been considerable. Cabinet instructed me to refer the matter back to the engineers to see whether the estimates could be reduced.

BUILDING HEIGHT LIMITS.

Mr. COUMBE—Some time ago I asked the Premier a question regarding amendments to our legislation covering the height of buildings. In view of the report in today's press of large and high buildings to be erected at North Adelaide, and the Government's intention to build a 13-storey teachers training college, can the Premier say whether legislation will be introduced this session to amend the existing legislation?

The Hon. Sir THOMAS PLAYFORD—No. That will not be necessary as the amendments can be made by way of regulation. The only thing that is delaying this matter is that the recommendation submitted to the Government for alterations imposed certain limitations on the owners of land regarding their right to build. These were entirely new and the Government felt that they should be closely examined before they were accepted. There was no problem about building heights. I have told one of the firms concerned that the regulations will be ready as soon as it is ready to start building.

SCHOOL BOOKS.

Mr. RYAN—Recently, while at Leigh Creek, I was approached by people who complained about the Education Department's attitude regarding school books. They have been advised that it is necessary for them to pay for next year's school books this year before the school breaks up. One case referred to me concerned a parent who was asked to provide £25 for her children's school books for next year. She regarded it as a hardship and said that she would not be able to pay that amount just before Christmas. I raise this matter because I understand that the requirement applies to all children attending the Leigh Creek school and if it is applicable there it is probably applicable in other areas. Can the Minister of Education say whether this is the department's general policy or whether it applies only to Leigh Creek? In view of the hardship involved will the Minister examine this matter to see that parents in outback areas are placed on the same basis as parents living in the metropolitan area?

The Hon. B. PATTINSON—I shall be pleased to have the matter investigated because I very much doubt the accuracy of the information conveyed to the honourable member. Frankly, I cannot understand it. It seems to me to be totally contrary to the policy that we have established during the last year or two. I do not doubt for one moment the honesty or purpose of the honourable member in raising this matter, but I think that he must have been supplied with incorrect information. I shall be pleased to attend to the matter.

Mr. Ryan—All parents have been advised.

The Hon. B. PATTINSON—I shall let the honourable member know in due course.

CAVAN CROSSING.

Mr. HUGHES—Has the Minister of Works the report he promised to obtain from the Police Department regarding a sign near the Cavan crossing on the Port Wakefield Road?

The Hon. G. G. PEARSON—The matter was referred to the Commissioner of Police who has reported as follows:—

As the sign could be distracting to motorists, and therefore a potential traffic hazard, the question of its removal or of making the lighting more subdued will be taken up with the District Council of Salisbury. From the investigations made by officers of the traffic division, motorists travelling north could be distracted by the bright movement of the lights and also momentarily oblivious of the wig-wag warning lights operating at the railway crossing. Motorists travelling south, although they also could be distracted, travel a sufficient distance after passing the sign to become aware of the presence of the railway line. It is quite possible that, if the coloured lights were static and the yellow centre more subdued, the advertisement would not be so distracting to traffic. Although the sign could not have been erected without the consent of the district council of Salisbury, there is power under the provisions of section 155 of the Road Traffic Act for any municipal or district council to direct the removal of a light or sign considered dangerous to traffic.

GAUGE STANDARDIZATION.

Mr. RICHES—In this morning's *Advertiser* appears a statement attributed to the Commonwealth Minister for Transport that the standardization of northern rail gauges will be dealt with by Commonwealth Cabinet within the next few weeks and that the proposal embraces all lines in the northern district and the standardization of the gauge between Port Pirie and Adelaide. That information, if correct, is additional to what we have been told in this House. Is the Premier able to make any further statement on the proposals now going to the Commonwealth Government, particularly regarding the line between Port Pirie and Adelaide?

The Hon. Sir THOMAS PLAYFORD—As I have often said in the House, this Government has a firm commitment with the Commonwealth Government. An agreement providing for the standardization of all of the railway systems of South Australia, with the exception of the Eyre Peninsula division, has been reached and ratified by both Parliaments. I do not know how authentic the press report was. It was reported to be a statement made by the Minister and I presume that it would be correct but, until I have direct word from the Minister of Cabinet's decision, I cannot go further than to say that we have an agreement with the Commonwealth which has been ratified and which we desire to push on with.

MOUNT GAMBIER HOSPITAL.

Mr. RALSTON—Has the Minister of Works obtained a report from the Minister of Health on whether the official opening date of the Mount Gambier Hospital has been decided?

The Hon. G. G. PEARSON—I have a report from the Minister of Health indicating that an approach has already been made by the civic authorities of Mount Gambier. I think the Mayor of Mount Gambier inquired whether any date had been fixed or arrangements made, and he was advised that the target date for completing the building would apparently be met. However, until the matter has gone a little further it might be unwise to fix a date for the official opening. If the honourable member inquires a little later we may be able to indicate whether the building will be erected on time and whether the way is clear to announce an official opening date.

SAWDUST DISPOSAL.

Mr. CORCORAN—On October 13 I asked the Minister of Forests whether he had reached any decision on representations made to him by the District Council of Port MacDonnell about the disposal of sawdust from various sawmills. Before then I had arranged for the district clerk to discuss this matter with the Minister, who said that the council had sufficient power to deal with the matter, although he was not certain about it. Has the Minister taken up this matter with the Crown Law authorities, as he promised to do, and, if so, what was the result?

The Hon. D. N. BROOKMAN—I have discussed this matter briefly with the Chairman of the Bush Fires Advisory Committee, but I regret that I still have not obtained a written report. I am getting a report and will advise the honourable member as soon as it is available.

OAKLANDS ESTATE WATER SUPPLY.

Mr. FRANK WALSH—Has the Minister of Works obtained a report on the Oaklands Estate water supply?

The Hon. G. G. PEARSON—The Engineer in Chief reports:—

A pressure survey of the mains in Abbeville and Minchinbury Terraces and Wittier Street, Oaklands Estate, was made on November 2 and it was found that under normal conditions, and at off peak periods, the supply was quite adequate. During a recent warm spell, however, the pressure was below normal. The Engineer for Water Supply is now having estimates of the cost of renewing the old mains with larger pipes. His report on this matter should reach me next week.

KYBUNGA TEACHER'S RESIDENCE.

Mr. HALL—I have been asked by a member of the Kybunga school committee to ask the Minister of Education to state the department's intentions regarding a residence at that school. Apparently the present teacher is living in a house rented from a private landlord and the arrangement is satisfactory, but when the teacher is moved the owner will require the house and there will be no house for the incoming teacher. My informant has told me that two dates have been given for the completion of a residence—one in three months' time and the second in two and a half years. As the local people would like some information about the matter, will the Minister of Education clarify the position?

The Hon. B. PATTINSON—This is another matter with which I do not deal personally. Recommendations for school houses are made in the first instance by the several superintendents to the Director of Education and rosters of priorities are drawn up. Finally, a number is approved for each financial year. The matter having been raised, I shall be only too pleased to get detailed information for the honourable member.

GOVERNOR.

Mr. LAWN—In today's press appeared the following report about the failure to appoint a new Governor:—

More than one list of candidates has been submitted to South Australia's Premier, Sir Thomas Playford. All these candidates have been most impressive and men of high distinction. It is believed Sir Thomas has commended the submitted lists but asked for a further selection.

Is it a fact that the Premier has had these lists and that he is asking for further lists, and why is he asking for further names if he has commended those submitted? Can the

Premier also tell the House when the appointment is likely?

The Hon. Sir THOMAS PLAYFORD—I have not seen the report referred to by the honourable member, so I cannot comment on it.

Mr. Lawn—It is from the Home Office in England.

The Hon. Sir THOMAS PLAYFORD—I can perhaps overcome the honourable member's anxiety a little by telling him that I have not seen any list containing his name.

ELIZABETH HIGH SCHOOL.

Mr. CLARK—I recently received a letter from Mr. K. Andrews, the Secretary of the Elizabeth Ratepayers Association, regarding the projected building of the Elizabeth high school at Elizabeth Centre. He told me that the association was rather perturbed because progress in the building of the school seemed rather slow. These people are most anxious that the first stage of this school should open as scheduled at the beginning of the next school year, and Mr. Andrews, on behalf of his committee (which has done valuable work in the area), has asked me to obtain information on the matter. Has the Minister of Works any information on the progress of the building of this school, and can he say whether it will be ready for occupation by the beginning of the 1961 school year?

The Hon. G. G. PEARSON—The school is expected to be ready for occupation in February next when the school year begins. A report I have received from the Director of Public Buildings, which may be of interest to the honourable member, states:—

The high school at present under construction is mainly of timber, with a solid construction spine. It comprises 12 classrooms, library, two science rooms, one art room, and administration block in timber, and toilet and ablution areas, shelter areas, etc., in solid construction. All work is progressing very well and it is anticipated that the school will be completed and ready for opening in February next.

Incidentally, the Director has conveyed the additional information that tenders for the solid construction high school close on November 23.

MURRAY BRIDGE ROAD BRIDGE.

Mr. BYWATERS—I have been promised that the road bridge over the River Murray at Murray Bridge will be painted this financial year. When I last asked a question in August the Premier pointed out that certain difficulties were associated with the project. Will the Minister of Works take the matter up with the Minister of Roads to see whether tenders have been called for painting this bridge, and, if they have not, whether they will be called soon?

The Hon. G. G. PEARSON—If my memory is correct, I cannot agree with the honourable member that a definite undertaking was made. However, I will take the matter up with my colleague to see when tenders will be called for the work.

HOTEL AUSTRALIA CHARGES.

Mr. McKEE—I have been told by several people who attended the Hotel Australia for dinner that after 9 p.m. they were each charged an extra 30s. On inquiring what the extra charge was for they were told, I understand, that it was a permit charge. I was under the impression that there was no charge for permits. Can the Premier say whether, if this is happening, some inquiry could be made as to how that money is being used and the reason for the extra payment?

The Hon. Sir THOMAS PLAYFORD—I will have the matter examined and obtain a reply for the honourable member as soon as possible.

EMERGENCY HOUSES.

Mr. FRANK WALSH—I believe the Premier has a reply to the question I asked recently regarding the disposal by the Housing Trust of emergency houses that do not comply strictly with the requirements of the Building Act.

The Hon. Sir THOMAS PLAYFORD—The Chairman of the South Australian Housing Trust reports:—

Whilst a number of councils have accepted the emergency houses for re-erection in their areas, three councils have queried their erection by reason of their ceiling heights. Discussions are being held with these councils with a view to securing their acceptance of the houses and it is hoped that their compliance will be obtained in the near future. If, however, it is ultimately deemed necessary by the Government to amend the law to permit the re-erection of the emergency houses, this would be done by making a regulation amending Regulation 242 of the Building Regulations. No Act of Parliament would be necessary.

The question has not yet arisen, so there is nothing to put before Cabinet.

COUNTRY INDUSTRIES.

Mr. HUGHES—A letter I have received from the Kadina-Wallaroo-Moonta and District Development Committee states:—

I have been directed by my committee to draw your attention to the statements made by the Premier at election meetings in the Frome

electorate to the effect that a big proportion of new industries coming to South Australia would be in the country. Would you please take this up with the Premier in relation to Wallaroo?

Will the Premier make a statement regarding the future prospects of country districts' obtaining a big proportion of new industries coming to South Australia? Does he know of industries interested in coming to South Australia that would be suitable to the district of Wallaroo? If so, will he tell me the names of interested parties so that they may be shown over the district?

The Hon. Sir THOMAS PLAYFORD—Some of the remarks attributed to me are not completely accurate. Actually I said that many industries were coming to South Australia and that most of the expenditure would be in country areas. Some small industries are coming not to the country areas but to the metropolitan area, in which (for the purpose of industry) I include Elizabeth. Some industries at present are expressing interest in coming to South Australia, and one or two have expressed interest in going to localities outside the metropolitan area, indeed, well outside the metropolitan area. In every instance up to the present the industries have asked me to regard their inquiries and negotiations as confidential because of certain factors that they will have to tie up and because, in any case, the decisions have not been reached. I therefore cannot give the honourable member their names or connections, but I can say that none of the industries at present are negotiating in connection with Wallaroo.

RELIEF PAYMENTS.

Mr. FRANK WALSH—Has the Treasurer obtained the report he promised in reply to my question about relief payments from the Children's Welfare and Public Relief Department in conjunction with Commonwealth benefits?

The Hon. Sir THOMAS PLAYFORD—The honourable Leader asked me a question and submitted a letter from a person regarding this matter. As the particulars relate to one case, I feel that I should not divulge them to the House, but I will make them available to honourable members because they indicate the general principles upon which the department works. There seems to be some erroneous reasoning in this case.

LICENSING ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Licensing Act, 1932-1954. Read a first time.

The Hon. Sir THOMAS PLAYFORD—I move—

That this Bill be now read a second time.

It amends the Licensing Act in nine respects. In summary, the amendments will do the following things:—

(1) Authorize the grant of a special permit for the supply of liquor with meals at the chalet at Wilpena (clause 4).

(2) Provide that holders of storekeepers' Australian wine licences may sell in minimum quantities of one pint instead of one quart as at present (clauses 5 and 17).

(3) Empower the licensing court to permit the keeping of stores and shops for the provision of services and the sale of such items as newspapers and souvenirs in conjunction with licensed premises (clauses 6, 7 and 8).

(4) Exempt hotels from the general provisions governing the consumption of liquor at dances (clause 9).

(5) Extend the hours for liquor with meals from 9 p.m. to 10 p.m. with thirty minutes' grace (clauses 10 and 11).

(6) Make it clear that a publican may charge for refreshments supplied at a social gathering at which dancing takes place where a special permit has been obtained (clause 12).

(7) Make special provision for gatherings for charitable purposes in licensed premises (clause 13, first part).

(8) Make special provision for permit for "wine tastings" (clause 13, second part).

(9) Make some administrative amendments (clauses 3 and 16), and some consequential amendments which were overlooked when the Act was last amended (clauses 14 and 15).

I shall explain the foregoing matters in the order stated.

The first amendment is designed to meet what are regarded as reasonable requirements in connection with the chalet at Wilpena. It is unnecessary to refer honourable members to the attractions of the chalet, but it is considered the consumption of liquor with meals should be allowed there for the benefit of persons staying there or passing through.

Although it is understood that some unused hotel licences do exist in the area, it is thought desirable to make the present provisions which will enable the licensing court to grant a special permit to the lessee of the chalet authorizing the sale and supply of liquor of any kind for consumption on the premises to persons having a *bona fide* meal on the premises between 12 and 2 p.m. and between 6 and 10 p.m. with thirty minutes' grace. Clause 4 of the Bill accordingly inserts a new section 14a in the principal Act.

The second amendment speaks for itself and needs little explanation. Section 18 of the principal Act provides that the holder of a storekeeper's Australian wine licence may sell on his premises to be taken away wine in quantities of not less than one reputed quart bottle. Some table wines are bottled in pints, a convenient container size sought by the smaller family, and it is considered that it should be freely available in licensed stores. The necessary amendments are effected by clauses 5 and 17.

The next amendment, effected by clauses 6, 7 and 8 of the Bill, will enable the court to grant exemptions from the existing provisions of the principal Act placing restrictions on the keeping of retail stores together with licensed premises and the prohibition of communication between licensed premises and stores. Clause 8 of the Bill will insert a new section 149a and it will be seen that the exemptions that may be granted are limited to stores, shops or rooms used for what I may describe broadly as services for guests and others as well as shops and stalls for the supply of books, magazines, tobacco, flowers, toilet requisites, curios and souvenirs. It is not uncommon practice in other States for such types of shops and stores to be kept in and about licensed premises, and indeed in many parts of the world there is no restriction at all. The Government believes that the new section, which will leave the licensing court to authorize a general oversight, is warranted and will meet the normal requirements of hotel guests and others.

We have had many complaints from overseas people, particularly if they happen to arrive in South Australia on a Sunday, that they find that shops are not associated with any of the hotels because of the requirements of the Licensing Act, a normal provision that might be made for the traveller in, I think, nearly every other country in the world. It is not intended to set up shops and hotels as a general thing together. This is merely to provide for what might be regarded as the reasonable requirements of the travelling public.

The next amendment relates to those sections of the principal Act which were inserted in 1945 after the cessation of the National Security Regulations prohibiting the consumption of liquor at dances in public premises without a special permit to be granted on certain conditions. Those sections are sections 150a to 150d inclusive. Section 150d defines "public premises" as any premises other than dwelling houses used for residential purposes. While the Government believes that the restrictions on the consumption of liquor in and about dance halls should be continued, it appreciates that there is a great difference between a dance hall or other premises on the one hand and hotels on the other. Accordingly clause 9 of the Bill will provide that for the purposes of the sections concerning consumption of liquor at dances, "public premises" will not include licensed hotels. The next amendment concerns hours and is self-explanatory.

Clause 10 will extend the hours for the supply of liquor with meals in restaurants from 9 p.m. to 10 p.m. (paragraph (*a*)) and will also provide for 30 minutes' grace to enable patrons to finish drinking any quantities of liquor purchased before 10 o'clock. Subclause (2) is consequential, making the new hours applicable to existing premises. Subclause (1) (*b*) will insert in subsection (5) of section 197a of the principal Act a prohibition upon the supply of liquor with meals to persons under 21 years, a desirable amendment covering a gap in the present law. Clause 11 makes similar provisions regarding hours in relation to liquor with meals at hotels and the last few words in subclause (2) are consequential upon the amendment made concerning hours on Christmas Day in 1954.

The next amendment relates to section 199 of the principal Act which governs special permits for the supply and consumption of liquor in licensed or unlicensed premises on special occasions extending beyond the normal hours. When the principal Act was amended in 1945 by the insertion of the special provisions governing the consumption of liquor at dances, subsection (2) of section 199 was also inserted. That subsection provides that it is an offence for a person to make any charge for admission, entertainment or refreshments at any gathering at which dancing takes place. In a recent judgment it was held that this subsection must be read as excluding the holder of a publican's licence who would otherwise not be entitled to make any charge

for refreshments. The interpretation of the subsection has been a matter of some difficulty and doubts have been expressed regarding its application. To clear up the doubts so far as licensed premises are concerned, clause 12 expressly provides that a publican may make a charge for refreshments. The restriction upon charges for admission will remain.

Clause 13 will cover two matters. The first part of the clause inserts a new section 199a in the principal Act to enable the grant of a special permit for a gathering to be held in aid of a charitable purpose. Difficulties have arisen in the past concerning the holding of such functions which, although in aid of the most worthy causes, have been found to be against the law having regard to the particular provisions, among others, of section 199 relating to the ordinary type of special permit. New section 199a provides that a special permit may be granted by a licensing court magistrate upon application and after a hearing where the particular function is being held for a charitable purpose within the meaning of the Collections for Charitable Purposes Act. It has been considered desirable to make a special provision to cover these cases and the reference to the lastmentioned Act will enable some general control to be authorized in respect of such functions.

The second part of clause 13 introduces a new section 199b which will enable the court to grant a permit for what is commonly known as "wine-tasting" functions. Members will be already aware of the fact that wine-tastings are not unknown, but doubts have been cast upon their legality owing to the phraseology of the principal Act. Having regard to the fact that properly conducted wine-tastings, so far from being harmful, should be encouraged under proper conditions, the new section makes special provision for such functions. The last amendments are of an administrative and consequential character. Clause 3 is administrative. The principal Act provides that there shall be a licensing court for each licensing district to consist of one person appointed thereto by the Governor. This gives rise to administrative difficulties because, if the particular magistrate appointed for a licensing district is away, whether on leave or sick or otherwise, a special appointment has to be made by the Governor. It is proposed to alter the principal Act by empowering His Excellency to appoint such special magistrates as he thinks fit to be licensing court magistrates, every licensing court to be constituted by any one of such magistrates. This will mean that a licensing court for any district can be constituted by any one of the magistrates without a special appointment. Clause 16 is also administrative.

Section 212 of the principal Act provides that the superintendent of licensed premises and inspectors shall be officers in the Police Department. For some time now the superintendent and inspectors have in fact ceased to be officers of the Police Department, being administratively under the Attorney-General. Clause 16 will remove the outdated subsection (2) of section 212. The consequential amendments overlooked when the Act was amended in 1954 are covered by clauses 14 (1) (*a*) and (2) and 15 (1) (*a*) and (2). In 1954 the hours in respect of Christmas Day were altered from 2.30 to 3.30, but the consequential amendments to sections 203 and 209 were apparently overlooked. It is for this reason that these particular amendments are made retrospective to the 1954 amendment. Paragraph (*b*) of subsection (1) of clauses 14 and 15 will effect the necessary consequential amendments in relation to the extension of night hours from 9 to 10 p.m. effected by this Bill.

Mr. FRED WALSH secured the adjournment of the debate.

ROAD TRAFFIC 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 following resolution:—That it is desirable to introduce a Bill for an Act to consolidate and amend certain enactments relating to road traffic, and for other purposes.

Motion carried.

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

SUPREME COURT 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 Supreme Court Act, 1935-1958.

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.

Its object is to increase the remuneration of the judges of the Supreme Court. By clause 3, it provides for an increase of salary of £500 per annum for the Chief Justice and other justices of the court, with effect from July 1, 1960. There has been no increase in judicial salaries since 1958 when the present rates of £5,750 and £5,000 respectively were fixed with effect as from July 1 of that year. Since then, as members know, there have been two adjustments to salaries of members of the Government service, the general increases being of the order of some £500 for the most senior officers—indeed during the current year this House passed a Bill to give effect to the second adjustment and adjustments were made to the salaries and allowances of members of the Parliament. The present Bill will make the necessary adjustments in the case of the judges. Members will realize that the reason for making this legislation retrospective is that whereas all other salaries have been adjusted the adjustment to these salaries had to have legislative approval, which has been delayed.

Mr. FRANK WALSH secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL.

The Hon. Sir CECIL HINCKS (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Crown Lands Act, 1929-1957. Read a first time.

The Hon. Sir CECIL HINCKS—I move—

That this Bill be now read a second time.

Under the Crown Lands Act certain limitations are imposed on the unimproved value of lands which a person could hold to qualify for the transfer or subletting of lands or the surrender of leases for other tenure under that Act. The present limitations so far as the transfer and subletting of land are concerned were fixed in 1929, and, so far as the surrender of leases is concerned, were fixed in 1937. Since those limitations were fixed the steep rise in the unimproved values of lands has resulted in a considerable reduction of the area of land which a person may hold under such a lease or agreement.

In an analysis made by the Commissioner of Land Tax, which also takes into account income derived from various classes of land in various localities, the Commissioner has expressed the view that the present limitations are unrealistic in relation to the 1960 assessments and that higher ceilings are justified. The main object of the Bill is to raise those ceilings in accordance with the Commissioner's recommendation only so far as the surrender, transfer and subletting of land are concerned.

Section 181 of the Act deals with lands repurchased for closer settlement. Subsection (1) of that section precludes an agreement being made under Part X of the Act for the allotment of repurchased land to a person who already holds repurchased land of an unimproved value of £7,000 or who would by virtue of that allotment become the holder of such land exceeding that value. As this subsection is drafted it could be argued that an agreement could be made to allot repurchased land to a person who already holds repurchased land the unimproved value of which exceeds £7,000, as it could not be said that the land was of the value of £7,000. Subsection (3) of that section enacts that, provided the limit fixed by this section is not exceeded as to repurchased land, that section would not prevent a person from holding repurchased and other lands up to the unimproved value of £7,000. The implications of this subsection are not clear. No provision of the section precludes a person from holding any land exceeding £7,000 of unimproved value. It is quite conceivable that land of the value of £7,000 when allotted to a person could increase in value thereafter, and the Act does not require him to cease to hold that land after such increase. The obvious intention of the subsection is that no allotment or transfer of repurchased land could be made to any person who as a result of the allotment or transfer became entitled to any repurchased or other lands the unimproved value of which exceeds £7,000.

Subsection (1) deals with the allotment of repurchased land and subsection (2) deals with the transfer and subletting of such land. It is intended that in future all transfers under the Act will be dealt with under section 225 and that allotments will be dealt with under subsection (1) of section 181. Clause 3 accordingly repeals subsections (2) and (3) of section 181 and amends subsection (1) of that section so as to provide that no agreement shall be made under Part X with any person who is already the holder of repurchased land of the unimproved value of or exceeding £7,000, or who would thereby become the holder of repurchased and other land the total unimproved value of which exceeds that amount. The exception contained in that subsection, relating to the conditions

under which land of an unimproved value exceeding £7,000 may be allotted, is retained.

Section 204 of the principal Act enables the Minister in certain cases (notwithstanding section 181 (2) which is being repealed by clause 3) to consent to the transfer of an agreement under Part X or the corresponding provisions of the earlier Crown Lands Acts, or to the subletting of land comprised in such an agreement in favour of any person who would thereby become the holder of any land whose unimproved value does not exceed £8,000. As I have said before, it is proposed that all transfers under the Act be dealt with in future under section 225 and, as the ceiling applicable to holdings is to be raised in section 225 to £12,000, section 204 will no longer apply. Clause 4 accordingly repeals it. Clause 5 makes a consequential amendment to section 204a arising out of the repeal of section 204.

Section 220 of the principal Act deals with the surrender of any lease in exchange for a perpetual lease or for an agreement other than for repurchased lands. Subsection (1) of that section prescribes the conditions under which such a surrender can be made. Paragraph I of the subsection applies where the lease surrendered is not a miscellaneous lease or a perpetual lease subject to revaluation. Here the total of the unimproved value of land to be included in the new lease or agreement and the unimproved value of all other lands held by the lessee or purchaser must not altogether exceed £7,000. Paragraph Ia of the subsection applies where the lease surrendered is a miscellaneous lease or a perpetual lease subject to revaluation. Here the total of the unimproved values of the land to be included in the agreement or lease and of all other lands held must not altogether exceed £5,000. As it is proposed to increase the limits of £7,000 and £5,000 in these two paragraphs to £12,000 the paragraphs could well be consolidated into one paragraph, and clause 6 provides accordingly. I should point out here that by virtue of section 212 (5) of the principal Act the increased limit of £12,000 would also apply to surrenders of Crown leases in exchange for the purchase of the fee simple of the lands comprised therein.

Section 225 of the principal Act deals with the transfer of leases and agreements and with the subletting of land comprised in any lease or agreement. Subsection (8) of that section provides that the provisions of that section other than subsections (1) and (6) do not apply to transfers of agreements or leases under Part X of the principal Act or under the corresponding provisions of the Crown Lands Acts of 1903 and 1915 or to the subletting of land comprised in any such agreement or lease, such transfers and sublettings being regulated by subsection (2) of section 181. It is proposed by this Bill that all such transfers and sublettings, however, should in future be regulated by section 225 and for that reason section 181 (2) is to be repealed by clause 3 (*c*). Subsection (8) will therefore no longer apply. This subsection is accordingly struck out by paragraph (*c*) of clause 7. Paragraph (*a*) of that clause makes a consequential amendment to section 225 (1) arising out of the repeal of subsection (8).

It is provided by subsection (1) of section 225 that no transfer or subletting under the Act shall have any effect without the Minister's consent and the Land Board's recommendation. Subsection (2) provides that no such recommendation or consent shall be given if the total unimproved value of the holdings of the proposed transferee or sublessee after the transfer or subletting will exceed £7,000. The subsection goes on to provide, however, that, if the proposed transferee or sublessee does not hold any land and is not entitled to any land under a transfer or sublease to which the Minister has given his consent, the board may recommend, and the Minister may give his consent to, the transfer or subletting although the unimproved value of the land to be transferred or sublet exceeds £7,000. It is proposed to increase the limits of £7,000 prescribed by this subsection to £12,000. This result is achieved by clause 7 (*b*) which substitutes for that subsection two new subsections in simpler form, incorporating the necessary consequential amendments.

The Government has received numerous requests for the review of these limitations imposed by the principal Act. These requests have been carefully considered in the light of present-day values and the Government feels that the measure provides a fair and equitable revision of those limitations which should be acceptable to all concerned. I commend the Bill for the favourable consideration of members.

Mr. LOVEDAY secured the adjournment of the debate.

DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL.

The Hon. D. N. BROOKMAN (Minister of Agriculture), obtained leave and introduced a

Bill for an Act to amend the Dairy Cattle Improvement Act, 1921-1955. Read a first time.

The Hon. D. N. BROOKMAN—I move—

That this Bill be now read a second time.

Its object is to remove the obligation under the Dairy Cattle Improvement Act to license any bull that is not maintained or kept at or for any purpose connected with a dairy farm and, incidentally, to relieve beef cattle breeders of the necessity to maintain herd books for the purpose of seeking exemption for the payment of licence fees in respect of such bulls. Under section 6 (1) of the Dairy Cattle Improvement Act, 1921-1955, every bull over the age of six months is required to be licensed, but under section 7a of that Act a bull may be licensed without payment of the licence fee if it is registered in a herd book for beef cattle approved by the Minister or if it is the direct issue of any bull and cow registered in such herd book. This means that every breeder of beef cattle is obliged to maintain a herd book (which generally involves considerable time, labour and expense) in order to seek exemption from the payment of licence fees in respect of the bulls so registered.

Representations have been received from beef cattle breeders complaining that this requirement involves them in undue hardship in that considerable time, labour and expense is involved in maintaining herd books and applying for exemption from payment of licence fees, and the Advisory Committee for Improvement of Dairying has recommended that the Act could well be amended to meet these representations by providing that a licence be required only for such bulls as are maintained or kept at or for any purpose connected with a dairy farm licensed or required to be licensed under the Dairy Industry Act, or one specified in a milk producer's licence granted under the Metropolitan Milk Supply Act. The Government agrees with this recommendation and this Bill seeks to give effect to it.

Clause 3 of the Bill amends section 6 (1) of the principal Act by limiting the requirement for a licence to bulls over the age of six months maintained or kept at or for any purpose connected with such a dairy farm. Clause 4 repeals section 7a of the principal Act under which a herd book had to be maintained for beef cattle in order to seek exemption from payment of licence fees in respect of bulls registered therein, or of bulls which are the direct issue of any bull so registered. If this Bill becomes law it would effect a considerable saving of time, labour and expense not only to beef cattle breeders but also in regard to the administration of the Act, and I commend this Bill for favourable consideration by members.

Mr. BYWATERS secured the adjournment of the debate.

SUPREME COURT ACT AMENDMENT BILL (No. 1).

Read a third time and passed.

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT BILL.

Returned from the Legislative Council with amendments.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 8. Page 1709.)

Mr. McKEE (Port Pirie)—I have listened to the debate on this Bill with much interest. Like other members, I support any move to reduce road accidents and fatalities on our highways. Much discussion has centred around driving tests, which I feel are not very important. As the member for Gouger (Mr. Hall) has pointed out, some nervous people would be uneasy, particularly when being tested by a police officer; they may not be able to do their best, and would therefore fail to receive a licence.

Mr. Clark—They could make uneasy drivers, too.

Mr. McKEE—True. On the other hand, I suppose driving tests could be of some advantage, because many people who today receive licences without a practical test are not familiar with the rules of the road, the hand signals, and the various other things they are required to know about the traffic laws. However, I do not think much importance centres around driving tests. I imagine that the speed limit of 60 miles an hour will be rather difficult to police, but I think this provision will be a good revenue provider for the State because no doubt some offenders will be apprehended.

A very important matter is the retreading of faulty tyres. The owner of a motor vehicle may want his tyres retreaded or subjected to very close scrutiny by the retreader for weaknesses or flaws, but there could be some doubt about the soundness of the tyre or the casing which could reflect on the quality of the workmanship in retreading the tyre. It is

therefore obviously a great advantage to the retreader to sell his client a new tyre rather than to retread a faulty tyre and thereby have a dissatisfied customer. By buying a new tyre a customer is protected in the knowledge that the new one is safe to use on the roads. All members will agree that a weak and faulty tyre is susceptible to blow-outs, and these are the main causes of accidents on our highways. Should a tyre fail at speeds of over 50 miles an hour a major accident could result, involving serious and possibly fatal injury.

That is why I desire to discuss what can and does happen with the worn-out tyres that are traded in as part of the purchase price of a new tyre. When a tyre dealer accepts these trade-ins he has to dispose of them; he must decide whether to discard the old tyre or to retread it so as to recover the allowance made on the trade-in. In his desire not to make a loss on the trade-in he will obviously take the risk and retread the old casing. Many unsafe casings are retreaded because the trader, as a businessman, is reluctant to sell his new tyre or dispose of the old tyre at a loss. These tyres are sold to unsuspecting car owners who believe that they are perfectly safe to use on the highways at any speed up to 50 or 60 miles an hour. I firmly believe that a full investigation into this aspect of the tyre trade is long overdue, in the interests of not only the person who has purchased a faulty tyre, which could be the cause of a fatal accident, but of all road users. I think it is most important that something be done to make sure that these faulty tyres are not retreaded and placed on the market for sale to unsuspecting people, because blow-outs cause most of our major accidents. I support this Bill because it is in the best interests of motorists and because any legislation that will reduce the fatalities on our roads is desirable.

Mrs. STEELE (Burnside)—I rise to speak because for a long time I have supported the introduction of driving tests. This provision will bring South Australia into line with other States. Some people never become good drivers, and even after considerable experience they may react in an emergency in a way that can cause an accident. If these people have to undergo driving tests they may even be precluded from obtaining a licence and so potential accidents may be prevented. The considerable number of driving schools and qualified people who undertake to provide driving tuition sufficient, in their estimation, to enable a person to become qualified to have charge of a motor vehicle, have made their own contribution to safety on the roads.

I have never strongly favoured one member of a family undertaking to teach another member of the family how to drive a car, and I presume the introduction of driving tests will mean that driving schools will play an even greater part in turning out better drivers. I feel that driving tests will ensure that persons seeking licences will have to demonstrate in a practical way that they understand the rules of the road, on which they have already had to give written answers when seeking a learner's permit, because frankly I think that any person could in about 10 minutes learn the answers to the questionnaire, which is all they now have to do when seeking a licence. The present examination is not a great obstacle to getting a licence. I feel, in addition, that with the introduction of driving tests the Road Safety Council should institute a campaign along the lines of that which has been so successfully conducted in the Borough of Hampstead in the United Kingdom. I wrote to the organizer of this campaign, and in reply I was forwarded information which shows that their record in that borough is an outstanding one. I have some interesting information on this matter which I feel will be of value to members and which I hope to put before them when the Road Traffic Bill is before the House. Current trends in road accidents are a challenge to greater effort on the part of everyone to reduce this rising toll. I feel that road safety is a personal matter. It is not the machine that kills; it is the person behind the wheel. That is another reason why I am glad that driving tests are at last to be introduced in South Australia.

The simple fact is that improvements in road behaviour have not kept pace with the sharp rise in road activity, and I hope that the introduction of driving tests, in conjunction with the campaign for more road courtesy and better manners on the road, will help reduce our toll of accidents in South Australia. Only when the average road-user realizes that by his or her own freewill will road casualties be reduced shall we see an improvement in the ghastly road toll, peculiar not to Australia or to South Australia but, in fact, general throughout the world.

Mr. CLARK (Gawler)—I support this Bill with pleasure. At least two members, the member for Gouger (Mr. Hall) and my colleague the member for Hindmarsh (Mr. Hutchens), said they were rather lukewarm in their support. I do not feel that way at all:

I am pleased to offer my active support for the Bill. I have no illusions about it. I realize it is not perfect and that the introduction of driving tests alone does not mean that they are a panacea that will immediately prevent accidents, but I am happy that at last we have legislation to provide for driving tests in the future. If amendments are proposed that will in my opinion improve the Bill (because I think it could be improved), I shall be happy to support them.

I have always believed that driving tests would help to reduce road accidents. Even if their effect is only slight, if they help at all they will be most valuable. Over the years I have often asked the Treasurer questions about this, but always previously he was opposed to driving tests. I am happy that he has at last managed to see reason.

My chief cause of complaint about this Bill is something that I do not think has been mentioned by other members so far: only new drivers are to be tested. Many hundreds, possibly thousands, of most incompetent drivers are licensed at present. In fact, I have seen some drivers who should not have a licence to drive a wheelbarrow. One has only to walk to the Parliament House corner at the junction of North Terrace and King William Street and watch what goes on at that crossing to realize that many pepole drive motor vehicles who should not be behind the wheel. Even if driving tests achieve only very little, if they save only one or two lives a year, the Bill will be worthwhile. Driving tests will help eliminate some of the shocking driving we see today.

As regards present licence holders not being tested, I realize that there are provisions in the Bill to force tests to be taken by people who, it is believed, need testing. Incapable drivers need the incentive of a driving test, possibly, to improve their driving. Of course, one cannot guarantee that that will happen but, if it did, it would help. I am indebted to a constituent, a friend of mine, for providing me with a summary of a report recently published in Britain summarizing the chief causes of accidents in the United Kingdom last year. This is informative and shows plainly that most accidents were caused by careless driving. I suggest that the same pattern could to a large extent be found in South Australia, in other parts of Australia, and indeed in the world. I suggest that many such accidents might be avoided (I know this is open to question) or even eliminated if driving tests were given. At least, driving tests will accentuate the common faults and causes of accidents and possibly post a warning to new drivers, even if the older ones do not get much out of them.

Let me briefly summarize this report from the United Kingdom. It is really a summary of police reports on motor accidents and fatalities caused by motorists during the year 1960. It was found that 70,000 accidents were caused by motor vehicles during the year, and the report plainly showed that there were 13 main reasons for death and disaster on the roads. (I do not know whether "13" has any significance or not). The first reason (carelessness in crossing road junctions) caused more accidents in the United Kingdom for that year than anything else—in fact, 11,174 accidents in the year under review. The second (motorists turning right or left carelessly) caused 8,691 accidents from turning right carelessly during the year, and 1,548 from turning left carelessly. The third (motorists proceeding at excessive speed) caused 5,307 accidents. The fourth (improper overtaking and misjudging distance or speed) caused 9,387 accidents. The fifth (motorists who were inattentive or had their attention diverted) caused 3,675 accidents. (Incidentally, while I am on inattentive drivers, 2,682 accidents were caused, peculiarly enough, by motorists who carelessly left the doors of their vehicles open, thus causing accidents.)

The sixth reason (sudden stops) caused 2,549 accidents. Another 1,606 accidents were caused by drivers who followed too closely behind other vehicles. The seventh cause was motorists failing to comply with traffic signs and signals, which caused 2,419 accidents. The eighth reason (failing to keep to the nearside) caused 2,403 accidents. Swerving caused 1,740 accidents, and carelessly pulling out caused 1,130 accidents. The ninth reason (which caused 2,358 accidents) was motorists losing control of their cars. The tenth reason (causing 891 accidents) was drivers being dazzled by other people's lights. The eleventh (learner drivers) caused 1,183 accidents. The twelfth cause was drink or drugs, which caused 642 motorists to have accidents; but a footnote in the report adds that experts believed excessive consumption of alcohol had something to do with many more accidents than those. In fact, they were prepared to put drink among the half-a-dozen commonest causes of accidents. The thirteenth cause is rather peculiar, possibly: it was generally upheld that failure to regard every other driver as a potential

lunatic has resulted in more accidents than any other cause.

In the report, an instance was cited of a young man and his wife who were driving away on their holidays. This young man had driven 100,000 miles without accident, and was generally regarded as an exemplary driver. He was driving along a dual highway, flat and straight, at 45 to 50 miles an hour. There was no traffic ahead of him at all except a furniture van parked by the nearside kerb. When the car was about 20 yards from the van, a large heavy cumbersome van, without any warning at all the van pulled out and directly across his path. The road was clear one moment, and completely obstructed the next. There was no chance of avoiding the inevitable accident. The van driver was prosecuted as a result of this accident. The article goes on to say, "What about the driver?" It states plainly that according to Sir Ernest Marples, the British Minister of Transport, this driver had broken the most (in his opinion) important road rule of all, one not on the Statute Books. Sir Ernest has often said, "Treat everyone else on the road as if he were a fool and always presume that he will do the wrong thing." That is a new rule of the road to me, but it is obviously very sensible.

I think it can be seen from these figures (and they are authentic) that the chief cause of accidents in the United Kingdom in 1960—and I suggest that possibly this would be more or less common to most places—was careless driving. I believe that that is the root cause of most accidents. Contrary to what some honourable members feel, I am confident that road tests by their very compulsion will help eliminate some of the carelessness that we see today. I believe—and I think the member for Barossa (Mr. Laucke) made this point yesterday—that such tests will give a sense of responsibility to drivers, that new drivers, unlike the present drivers who can get a driving licence easily and possibly without any experience, will gain some sense of responsibility from the very fact that they have to pass a test to obtain a driving licence. I know we cannot hope for the Bill to be completely successful but if, as I have said earlier, it has the effect of saving only a few lives and of preventing only a few accidents a year, with their consequent sorrow and injury not only to the person hurt or killed but to those dear to him, his family and those associated with him, then driving tests will be a valuable asset and improvement.

Mr. JENKINS (Stirling)—I lend my support to this Bill, which provides for driving tests and introduces two classes of driving licence—not that I believe it will have much effect on lessening road casualties on our highways. Probably the Treasurer decided to introduce this Bill when he discovered that, in spite of the measures suggested by the State Traffic Committee and the Road Safety Council, which bodies have done so much towards eliminating accidents on our roads by their intense publicity and warning to the public, serious road accidents continued throughout the State. Some members have indicated that probably the eastern States' driving tests over the past few years have had some bearing on the lessening of road accidents. That is not borne out by the available statistics. I have here the Federal Bureau of Census and Statistics figures for road accidents, road deaths and injuries in all the States of the Commonwealth, for 1958 and 1959. I shall quote the figures for motor vehicles and motor cars. I will take only the two main eastern States for comparison, although the statistics cover Western Australia, Queensland, Tasmania, and the Australian Capital Territory. In 1959 there were 589,692 motor cars in New South Wales, 599,292 in Victoria and 179,627 in South Australia. In other words, South Australia has about one-third of the number of motor cars that are in Victoria or New South Wales.

It is interesting to compare the number of accidents in South Australia with the number in Victoria and New South Wales where driving tests have operated for some years. The statistics I have are broken up into various sections: those applying to the capital city area, those to the suburbs of the capital cities, those for the remainder of the State, and the total for the whole State. The figures cover the years 1958 and 1959 and reveal that in the capital city area of New South Wales there were 595 accidents in 1958 and 740 in 1959; in the capital city area of Victoria there were 1,037 in 1958 and 1,152 in 1959; and in the South Australian capital city area there were 517 in 1958 and a decrease of almost 100 to 425 in 1959. In the suburbs of the capital cities in those years the figures were, for New South Wales 8,144 and 8,638; for Victoria, 6,281 and 7,104; and for South Australia 2,272 and 2,311. Our figures were about one-third of those of the eastern States. For the remainder of the State the figures were, for

New South Wales 6,380 and 6,507; for Victoria 4,440 and 4,447; and for South Australia 1,447 and 1,556. Our figures for this area were about a quarter of those of the other States. The totals for the whole State were, for New South Wales 15,119 and 15,885; for Victoria 11,758 and 12,703; and for South Australia 4,236 and 4,292.

The number of persons killed in those two years in the capital city area were, for New South Wales 7 and 13; for Victoria 33 and 34; and for South Australia 8 and 8. In the suburbs of the capital city the figures were, for New South Wales 376 and 404; for Victoria 209 and 245; and for South Australia 90 and 78. For the remainder of the State the figures were, for New South Wales 441 and 442; for Victoria 354 and 392; and for South Australia 87 and 97. The totals for the whole State were, for New South Wales 824 and 859; for Victoria 596 and 671; and for South Australia 185 and 183. The number of persons injured in those years in the capital city area were, for New South Wales 697 and 877; for Victoria 1,248 and 1,391; and for South Australia 611 and 487. For the suburbs of the capital city the figures were, for New South Wales 10,382 and 11,005; for Victoria 7,808 and 9,012; and for South Australia 2,734 and 2,812. For the remainder of the State the figures were, for New South Wales 8,872 and 9,028; for Victoria 6,668 and 6,606; and for South Australia 2,000 and 2,254. The totals for the whole State were, for New South Wales 19,951 and 20,910; for Victoria 15,724 and 17,009; and for South Australia 5,345 and 5,553. Our figures are about a quarter of the figures for New South Wales and we have about one-third of the number of motor vehicles.

From these statistics it appears that driving tests have little, if any, bearing on accident rates. However, I am prepared to support the Bill because even if only one or two persons are saved through the introduction of driving tests the provisions are worthwhile. I agree that driving tests may create some sense of responsibility in those who undergo them. I ask leave to have incorporated in *Hansard* without my reading them the remainder of the figures relating to other States shown on the tables from which I have quoted.

Leave granted.

ROAD TRAFFIC ACCIDENT STATISTICS.

TWELVE MONTHS ENDED DECEMBER 31, 1959.

Number of Accidents.

	Queensland.	Western Australia.	Tasmania.	Australian Capital Territory.	Australia.
Capital City Area—					
Total for year, 1958	326	210	133	245	3,063
Total for year, 1959	308	215	119	223	3,182
Suburbs of Capital City—					
Total for year, 1958	2,119	2,202	104	—	21,122
Total for year, 1959	1,837	2,259	159	—	22,308
Remainder of State—					
Total for year, 1958	3,659	1,039	549	33	17,547
Total for year, 1959	3,454	1,047	520	30	17,561
Whole State—					
Total for year, 1958	6,104	3,451	786	278	41,732
Total for year, 1959	5,599	3,521	798	253	43,051

Persons Killed.

	Queensland.	Western Australia.	Tasmania.	Australian Capital Territory.	Australia.
Capital City Area—					
Total for year, 1958	7	1	11	3	70
Total for year, 1959	12	1	15	6	89
Suburbs of Capital City—					
Total for year, 1958	92	79	18	—	864
Total for year, 1959	83	85	22	—	917
Remainder of State—					
Total for year, 1958	254	103	41	1	1,281
Total for year, 1959	258	85	38	3	1,315
Whole State—					
Total for year, 1958	353	183	70	4	2,215
Total for year, 1959	353	171	75	9	2,321

Persons Injured.

	Queensland.	Western Australia.	Tasmania.	Australian Capital Territory.	Australia.
Capital City Area—					
Total for year, 1958	368	239	149	313	3,625
Total for year, 1959	348	255	144	325	3,827
Suburbs of Capital City—					
Total for year, 1958	2,731	2,751	121	—	26,527
Total for year, 1959	2,420	2,880	192	—	28,321
Remainder of State—					
Total for year, 1958	5,048	1,488	715	47	24,838
Total for year, 1959	4,980	1,489	680	61	25,098
Whole State—					
Total for year, 1958	8,147	4,478	985	360	54,990
Total for year, 1959	7,748	4,624	1,016	386	57,246

Mr. JENKINS—I support the Bill.

Mr. STOTT (Ridley)—I support this legislation with pleasure, and I am surprised at its introduction because on August 30 I asked the Premier a question regarding driving tests which is reported on page 832 of *Hansard* as follows:—

Mr. STOTT—Can the Premier say whether Cabinet has considered the Police Commissioner's recommendation about compulsory tests; has it considered the fact that people over 70 years of age must undergo tests before their licences are renewed; has it considered the fact that at present teenagers, without any knowledge of how to drive, can obtain driving licences; and has it considered that part of the Police Commissioner's report which states that teenagers are responsible for many of the accidents in this State?

The Hon. Sir THOMAS PLAYFORD—Cabinet has considered all aspects of this matter. It has also examined legislation which has operated in other States and the results that have accrued therefrom. Some of the other States provide for various types of tests, including an examination of vehicles before they are permitted on the roads. This is a debatable question, but information reveals that accidents occur, not through inexperience, but because drivers drive too fast, do not give way at intersections to vehicles on their right, and do not pay attention to their driving or keep the necessary look-out at all times. Careful statistics have been made, and these tend to reveal that learners are probably the safest drivers on our roads.

Mr. Stott—Don't you realize you can cancel their driving licences—

The SPEAKER—Order!

The Hon. Sir THOMAS PLAYFORD—I pointed out in my earlier reply that it was not desirable at present to debate this matter. A Bill will be introduced soon and it can be thoroughly debated in Committee.

Mr. Stott—Are you prepared to listen to the debate?

The SPEAKER—Order!

The Hon. Sir THOMAS PLAYFORD—If the honourable member wants this matter considered by Parliament when the Road Traffic Act Amendment Bill is before the House, he may move an amendment in Committee.

Mr. Stott—Will you consider it?

The Hon. Sir THOMAS PLAYFORD—This question has been discussed by Cabinet, and it has been considered by Parliament on a number of occasions, but Parliament has not given effect to the honourable member's suggestion. I point out that his suggestion, if adopted, would have serious consequences in country areas.

In the *Advertiser* of Wednesday, August 31, under the heading "Government Opposes Tests for Drivers" the following article appears:—

The Government did not intend to introduce legislation for driving tests this session, the Premier (Sir Thomas Playford) told Mr. Stott (Ind.) in the Assembly yesterday. Mr. Stott later asked whether Cabinet had considered a recommendation of the Police Commissioner "regarding police tests," the fact that people over 70 had to undergo an annual test before licence renewal and the fact that teenagers, without driving a car at all, could get a licence. The Police Commissioner had said in his report that teenagers were responsible for "a lot of accidents."

The Premier said Cabinet had considered all aspects of the question. Cabinet had also considered legislation, and its results in some other States with varying types of driving tests. Cabinet had found that accidents occurred, mainly, not through inexperience, but because drivers travelled far too fast; did not give way at intersections to the vehicle on the right; did not keep the necessary lookout at all times.

"As far as we can ascertain from statistics, learners are probably the safest drivers on the roads," the Premier added. The Premier said Mr. Stott could move an amendment during the Committee stage of the Road Traffic Act Amendment Bill, which would be before the House "in due course," if he wanted Parliament to adopt driving tests.

In the *Advertiser* of September 19, under the heading "Driving Tests Not Yet", appeared the following:—

South Australia was not ready for the introduction of compulsory driving tests, the

Minister of Education (Mr. Pattinson) said yesterday. He was speaking at the State final of the Junior Chamber of Commerce Teenage Roadeo at the Torrens Parade Ground. "Some years ago, when I was chairman of the State Traffic Committee, I expressed the opinion that it was desirable to introduce practical driving tests to all intending new drivers," Mr. Pattinson said. "I have never changed my opinion, but, as a member of the Government, I realize it is not practicable at the present time, or even in the near future. We are not geared for it. The premature introduction of tests would cause inconvenience and hardship, particularly to country residents."

I viewed the change of attitude on the part of the Government towards driving tests with much amazement. As long ago as 1938 I sought to amend the Road Traffic Act to provide for compulsory driving tests. I moved to suspend Standing Orders to enable me to get the contingent right to discuss the amendment in Committee, but was refused that right. It then appeared to me that the Government was not even prepared to allow Parliament to listen to a debate on the necessity for driving tests. However, the Government has no doubt further considered this matter and found it necessary to bring this State into line with all other States in Australia and with other countries where it has been found that driving tests are necessary.

Traffic police in Perth claim their driving test is one of the hardest in the Commonwealth. A Western Australian learner driver is granted a learner's licence valid for three months. During that time the learner may drive only in daylight, and outside the city block, under the supervision of a driving instructor. After completing his tuition, he can apply to be examined for an ordinary driving licence. His eyesight and hearing are tested. He is verbally examined in the traffic regulations. If police are satisfied with his knowledge of traffic rules, he is taken out for a 30-minute test drive through the city. The accompanying policeman watches the learner's general road behaviour, his hand signals, road courtesy and observance of traffic regulations. If the examiner is satisfied, the learner is licensed as a fully qualified driver. A police spokesman said, "The Western Australian tests definitely help towards better driving. They make applicants realize that they have a great responsibility and that it is more important to be a safe driver than a fast driver."

In Victoria, besides a practical driving test, the applicant for a driving licence is asked 30 questions on road law, five of them compulsory. His eyes are tested for vision and colour blindness. New Australian applicants face an extra test. They must be able to read and understand a dozen road signs. They cannot make another attempt for a month if they fail this sign reading test. All applicants for all types of driving licences must be at least 18. Motor Registration Branch tests supervisor, Senior Constable Frank Faulkiner, says, "The Victorian system does not turn out an expert driver. Only experience can do that. But it does produce a driver who is fit to drive anywhere in Australia. It is a solid test and it keeps our driving standard up."

In Queensland, driving licences can be obtained only after the applicant has undergone a practical and theoretical examination. The applicant, among other things, has to park backwards up a hill, do several handbrake take-offs up a hill, do a three-point turn, and generally show an all-round aptitude. The officer in charge of the licence issuing section in Brisbane, Sergeant Herbert, said that only two of every three people who underwent driving licence tests in Brisbane were able to pass. "The high standard of our tests is necessary. They allow on the road only drivers who know how to handle their vehicles properly," he said.

In New South Wales, an applicant has to pass a practical driving test, an oral examination on the Motor Traffic Act and an eyesight test. He also has to answer questions about his physical fitness and sign a statutory declaration about his answers. The stringent tests are designed to ensure that only qualified drivers, who are also physically fit to control a vehicle, are licensed to take a vehicle on the road. Before an applicant undergoes a test, he is permitted to drive on public thoroughfares provided he holds a learner's permit and is in the company of a licensed driver. An applicant must also pass an oral test of the type given to applicants in South Australia. A spokesman for the Department of Motor Transport in New South Wales said that, in the public interest, the State Government was highly unlikely ever to change the present form of tests.

No person is licensed to drive a motor vehicle in Tasmania until he has passed a practical driving test and has verbally proved thoroughly conversant with traffic regulations. A new driver is given a learner's permit, usually for a month, to learn parking, backing and driving. The learner driver is then tested

in driving and traffic regulations. The administrator of road transport in Hobart, Mr. R. H. Barnes, said there was a small percentage of failures in tests but he was unable to quote figures. Asked if tests helped towards better driving, he said, "We think so. At least we know that, when we issue him with a licence, the driver can handle a vehicle reasonably safely."

Drivers in all but one or two American States must undergo road tests before getting their licences. In England all drivers have to pass a comprehensive practical driving test. All "learners" are issued with a copy of the Highway Code and have to answer satisfactorily a set of questions after the practical test. Before attempting the test a learner, who is issued with a "provisional" licence, must be accompanied by a licensed driver at all times while driving. His vehicle must be fitted at the front and rear with red and white "L" plates. On failing a test, the learner must wait at least a month before re-submitting himself for a practical test. He may continue driving on a provisional licence, provided he is accompanied by a licensed driver.

The Malayan driving test is largely modelled on the British system. All would-be drivers are first issued with a three month learner's licence. During that period they may drive only when accompanied by a licensed person. Cars driven by learners must carry "L" plates. During the actual driving test a label "Driver on Test" is fixed to the plates. If he fails in the practical test, an applicant cannot try again for at least another month.

The Russian driving examination, possibly the most difficult in the world, lasts about three hours. For 90 minutes the would-be driver answers oral questions on the rules of the road. He is expected to know the entire contents of a Highway Code of more than 100 pages. An examination with model cars then follows and the test concludes with a 45-minute drive.

Mr. Fred Walsh—They are the world's worst drivers.

Mr. STOTT—They would not be worse than some in South Australia. That does not include the honourable member. About three or four weeks ago I was driving north along Hanson Street, and, before reaching the intersection of that street with Halifax Street, I turned my car slightly and indicated by using the blinking lights that I intended to turn east into Halifax Street. The traffic going south flowed through until there was a break, when I proceeded to turn. While on the turn and travelling at about two miles an hour my car was struck on the left by a car that came from Halifax Street on the other side of Hanson Street. As I had not seen the car, I was astonished that the accident had occurred. I got out of my car and took the number of the other vehicle. I asked the other driver, "What is the name of your insurance company?" He said, "I do not know." I said, "You could not have a car on the road without an insurance policy." He said, "I do not know whether I have got one or not." I said, "How long have you had this bomb?"—and it certainly was a bomb! He said, "I have had it a few days." I said, "Where did you get it?" He said, "From Kenrite in Morphett Street." I said, "Would he know anything about your insurance policy?" He said, "Ask him. You should have given way to me." I said, "Wait a minute, young man. Have you a driver's licence?" He said, "Yes." I said, "How long have you been driving your car?" He said, "Two days." I said, "How do you make out that I should have given way to you?" He said, "That is what I understand about it." I said, "You face north. You tell me which is your left hand and your right hand," but he could not tell me. If he had had to undergo a driving test he would have been taught which was his right hand and would have been able to understand the law relating to giving way to the vehicle on the right.

On one occasion I travelled to Karoonda to attend a meeting, and had dinner at the hotel. After dinner I went to sleep in the back of my car while waiting for the meeting to commence. My car was parked in the proper place just in front of the hotel. A fellow came down the Karoonda street and his car, according to the police officer who saw it, was weaving about all over the street; his car swept into the kerb and struck my car about half-way between the back seat and the rear light. Had it struck the middle of my car it would probably have taken me with it. His car swung around after the impact and took off two verandah posts, and he finished up in the culvert with his car. The police charged that person and obtained a conviction against him.

When I was in New South Wales recently I inquired about driving licences and what was being done in some country districts about practical driving tests. I found that the people concerned, particularly those in local government areas, were seriously concerned about the lack of knowledge of the young people taking driving tests. The authorities

there thought that in the community's interest they should have more places where these tests could be undertaken. An article that appeared in the Newcastle press on October 11, 1960, stated:—

Several large donations for the establishment of a driver-training range at Adamstown were made in the City Hall yesterday at a public meeting at which the Lord Mayor (Alderman Purdue) launched a public appeal for funds for the scheme. The Commissioner of Police (Mr. Delaney), in endorsing the appeal and pledging his support, said the appeal should be for £25,000 or £30,000. The organizer of the Range Committee (Sergeant N. Jory) said the aim of the range was to teach senior high school students the correct attitudes, driving techniques, traffic regulations and the safe working of motor vehicles to equip them to control a vehicle with safety. Most speakers said the range would help considerably to reduce road accidents and improve driving standards. The range will be known as the City of Newcastle driver-training range. Sergeant Jory said the range would consist of bitumen roads capable of reproducing most traffic conditions, including divided roads, traffic lights, intersections, railway crossings, obstacle courses and deviations. There would also be a building with classrooms and facilities. At least 500 school children would be available for teaching. It was hoped the range would materially assist in reducing the road toll.

I hope that if the Minister of Education is not listening, he will read this extract in *Hansard*. He is a wise man, and has changed his mind because he has probably realized that what he said on September 19 was incorrect, and he is now right behind driving tests. The article continued:—

"No thought has been given on whether an entry fee should be charged", he said. "The range will be open to girls as well as boys." Mr. Delaney said he visualized a large hall that would be used for lectures, the showing of films on road safety, practical instruction on car engine maintenance, and road safety lessons to school children. The building could be used to accommodate a caretaker, clerical assistant and records. The cost would be at least £10,000. When the range was firmly established it would be an ideal place for testing for licences, Mr. Delaney said. All traffic conditions could be simulated. "The State Government is wholeheartedly behind the scheme, though it realizes it is Newcastle's responsibility for finance," he added. "It may be able to assist in some other way in the future. I am wholeheartedly behind the scheme, and if necessary I am sure police instructors could be provided for the range." The Commissioner for Road Transport (Mr. Walsh) supporting Mr. Delaney, said that 30 per cent of high schools in the United States had driver-training courses sponsored by local interests. The response to the Newcastle scheme was noted at the meeting. Sergeant Jory said 10 acres of land fronting Glebe Road had been made available by Newcastle City Council. Allis-Chalmers Aust. Pty. Ltd. had agreed to road-test new equipment on the land and so construct roads. J. M. Monteith and J. M. Powys would survey the ground; Mr. N. Braye would act as legal adviser; and Mr. J. Adamson would be honorary accountant. Sergeant Jory said the whole scheme had been registered as a charity. As soon as work started on the road system, the building would be established. Mr. W. M. Leonard, Australian General Manager for Ampol Petroleum Ltd., said his company would underwrite the cost of the hall, estimated at £10,000. It would also donate a farthing for every gallon of its petrol sold in the City of Newcastle in the next year. This, estimated to raise about £5,000, would be donated towards the cost of the hall. Road safety should be included in school curricula, Mr. Leonard said. The manager of Standard Triumph (Aust.) Pty. Ltd. (Mr. G. C. Beard) said his company would provide three of its vehicles for use by students. A Vanguard and two Triumph Heralds would be provided. Alderman Purdue said he would recommend that the council supply the range with gravel at cost price. Mr. Griffiths, M.H.R. said students should pay a small fee to help run the range. He would ask the Federal Government to make a contribution towards the establishment of similar ranges throughout Australia. Mr. Stewart, M.L.A. said the State and Commonwealth Governments should assist to establish and maintain the range.

That, to my mind, is an excellent contribution to this question of driving tests in South Australia. With the absence of compulsory driving tests in the past no encouragement has been given to such schemes or to people interested in safe driving to establish places like this where the young children could be educated to the mechanical requirements of an engine and taught the danger of the power-driven vehicle. I think that is something the Minister of Education should closely examine. He is a man who is able to change his mind, and he may be able to change it now and induce the Education Department to look into this matter. He could also approach the Lord Mayor about obtaining the assistance of the City Council. Other charitable organizations and the Royal Automobile Association could also be approached. What is needed is a public drive to establish a test training range similar to the one in Newcastle.

Mr. Millhouse—Do you know that the National Safety Council has been running an appeal for funds for some weeks to do this?

Mr. STOTT—Yes. I have great respect for that organization, but I am sure the honourable member will realize that its funds are limited. A scheme as big as the Newcastle

one would require the support of all public bodies, including the Royal Automobile Association and the City Council.

Mr. Clark—Why shouldn't it be the Government's responsibility?

Mr. STOTT—I was referring to the training scheme. The Government could help by contributing towards the cost of the land. I should like to see everybody, including the Government, behind a scheme to educate young people on how to handle a motor vehicle and on its intricacies. I commend this suggestion to honourable members. If we wish to lessen the danger on the roads I think we must educate the young minds at the stage when they can understand the intricacies of road traffic and the rules of the road, such as giving way to other vehicles, crossing at intersections and such things. They could attend these classes at a hall where they could hear lectures, see films, and be addressed by competent police officers.

Mr. Clark—Firstly, you have to get them to attend.

Mr. STOTT—I am coming to that. Such a scheme would go a long way towards reducing accidents. It would also help young people to get together; they could probably finish up with a dance or some other social function. It would be a type of club, and this association with others would raise the integrity of the young people, make them realize their responsibilities, and teach them how to associate with individuals other than their schoolmates. They would thereby be fitted to become better citizens later when they reached the age at which they can take driving tests.

Mr. Jennings—There are motor cycle and motor car clubs now.

Mr. STOTT—I should like public support for this idea. I am confident that if we can do this sort of thing we will lessen the number of road accidents. The figures some honourable members have quoted in this debate are absolutely useless from my point of view. It does not mean anything to say that New South Wales has had driving tests for many years and yet still has accidents. The truth is that in South Australia, without driving tests, there have been accidents, and there will always be accidents because human nature cannot be changed.

Mr. Jenkins—Can it be done by tests?

Mr. STOTT—We can improve it if we start with young children and instil in their minds, long before they are old enough to get a licence, the dangers associated with motor vehicles. They can be taught to appreciate the responsibilities they are undertaking. That is the intention behind these training driving schools for children in New South Wales.

Mr. Clark—What about the bad existing driver?

Mr. STOTT—In my experience, some of the bad existing drivers are those who dawdle along the road, who crawl along in the middle of the road, and who do not pull over to the left to allow others to pass. They are just as much a menace on the roads as the driver who drives too fast. For what it is worth, my experience, not only here but in other States as well, is that what contributes to many accidents is that young drivers are behind the wheel who cannot hold a car on the road at the speed at which it will travel. They have a terrifically powerful vehicle, geared or "souped up" (I think that is the term), which goes at such a speed round a turn that they cannot hold the vehicle on the road at that pace. That causes many accidents.

Hence, we see in reports in the *Advertiser* and the *News* from time to time on road accidents such words as—"The car failed to take a turn." Recently, south of Crystal Brook, a truck went through the bridge. The report did not say in so many words, because of police action, that the truck was travelling too fast and could not take the bend on the road, but obviously drivers can put two and two together and realize that the driver was travelling too fast before reaching the corner and so could not take the turn, and finished up turning the truck over. That sort of thing contributes to many road accidents, but we cannot stop it, human nature being what it is. We must try to do all we can to stop these accidents. Get to the school children when they are able to understand what a motor car can do. Teach them by these clear methods as they do at Newcastle, and I am confident that much good will be achieved.

In South Australia a person who drives for 40 years without undergoing any test whatever and knows how to handle a car before he is given a driving licence, because he is 70 years of age has to undergo a test to see whether he is capable at his age of handling a vehicle; yet, on the other hand, a person aged 17, who probably has never had anything to do with a motor car before and has not sat behind a wheel, can get a licence without any test. That is not common sense, but it is the present position in South Australia.

Until this legislation passes, the position will remain the same. A person may have worked hard and saved up to get some money to pay a deposit on a car. He arranges through the hire-purchase company to get a vehicle onto the road. He is not asked by the company that sells him the car whether he is capable of driving. All he has to do is present his driving licence. The Motor Vehicles Department does not know whether he can handle even a push-bike or a wheelbarrow; but he gets a licence to drive. He may want to go to Melbourne. He drives across the border into Victoria, and what happens thereafter is obvious if he has not had a driving test. I do not wish to delay this Bill any longer except to add that I am delighted to see that the Treasurer has changed his mind on the need for driving tests in South Australia. I commend the Treasurer for realizing the best course and, after inviting me to introduce an amendment to the Road Traffic Act, taking over the business himself and now he will get all the credit for driving tests in South Australia; but I say that he was forced into it by the honourable member for Ridley!

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—''Classes of driver's licences''.

Mr. HALL—I move—

After ''tons'' to insert ''in addition to the weight of such additional equipment as may be fitted for particular uses which equipment does not increase the carrying capacity of the vehicle.''

Yesterday, I voiced some concern about the effect on country folk of having two classes of licence, A and B. I find no fault with class A licences. New section 72 (3) states:—

A licence of class B shall authorize the holder thereof to drive motor vehicles of any kind the weight of which does not exceed three tons.

I pointed out yesterday that the vehicle in question appears to be the five-ton capacity truck, and the five ton capacity truck put on the roads by city distributors almost invariably has a tare-weight of under three tons. I have confirmed this by ringing the distributors of three leading makes of vehicles—Bedford, International, and Ford. I also rang two well-known carrying companies, one of which said that it would have very few, if any, five-ton trucks with a tare of over three tons. The other company told me that its five-ton trucks would be all borderine three-ton tare-weight. I then rang a country distributor whom I know well and who suggested that he almost invariably delivered five-ton trucks with a tare-weight of over three tons, the reason being that included in the vehicle was special equipment for bulk handling, mainly in the supply of a hydraulic hoist in the chassis of the vehicle.

I then rang five of my acquaintances scattered throughout my electorate, each of whom I knew possessed a five-ton truck with a hoist included. The highest tare-weight of those five was 3 tons 15cwt., and the lowest tare-weight was 3 tons 9cwt. As regards the effect on country people, immediately a son turned 16, he would have to obtain a class A licence to drive his father's truck. It has been pointed out that he could get a class A licence. That means that we are putting a lad in the country on the same footing, in the obtaining of a licence to drive a truck, as the transport driver driving a semi-trailer from here over the main arterial roads of Australia. I do not think it is reasonable to expect every lad of 16 years of age to be able to obtain a class A licence. If he can, then we are not making a sharp enough distinction between the standards for a class A licence and a class B licence.

As the Bill stands, it would mean that a class B licence would enable the holder to drive a five-ton truck through the streets of Adelaide, yet that truck fitted with auxiliary equipment could not be driven from one paddock to another across a road. So there is an anomaly there that I can demonstrate further in this way. I had occasion to call on a family to inquire about a school problem. It was at the height of the seeding operation. I saw the man about the house; he was just in from a walk over the hill having his lunch. I asked to see his wife. He said, ''She is out in a truck feeding the sheep.'' I think that clearly demonstrates that there are a few duties on a farm necessitating the driving of a truck. By this legislation, all farmers' sons immediately they reach 16 years of age should be qualified to take the same test as a transport driver on the main roads with a semi-trailer; also, when the womenfolk reach the age, they too should have a class A licence to be able to help around the place.

Honourable members have agreed that this is an anomaly. I was not happy with the drafting of my amendment and am indebted to the Minister of Works for helping me with it. I do not intend to try to create any type of class legislation. In no way do I wish to circumvent the operation of this legislation.

The amendment that I have moved supersedes the one on members' files. I have handed a dozen copies to members. It states simply that additional equipment shall not be taken into account when the size of the vehicle is measured for the licence. It means that, if a model of a truck is 2 tons 17cwt. in the city and the same model is issued in the country at 3 tons 9cwt. or 3 tons 15cwt. because there is a hoist in the chassis, that extra weight shall not be taken into account. After all, it is making of that truck an implement. That weight will not be taken into account and, therefore, it will not affect the licences, as I had feared might be the position. No-one can say that the amendment deals only with one section of the motoring public. The additional equipment will not increase the carrying capacity of the vehicle; in fact, it will decrease the capacity. Under the law there is a limit of eight tons in relation to axle load. If the tare-weight of the vehicle is 3 tons 15cwt. some of the weight carried by the vehicle will be on the back axle, and if we increase the tare-weight with equipment that much less load will be carried. The amendment will overcome the anomaly that has been mentioned, and will remove the difficulty that could be experienced in country areas.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—If I understand the amendment correctly the honourable member wants to provide for the variation in the weight that normally takes place in a 3-ton vehicle when fitted for certain purposes. For example, the 3-ton vehicle provided for in the legislation would normally carry not more than five tons. A 3-ton vehicle could not carry eight tons, and if anyone tried to make it carry that weight the legislation dealing with the axle load would prevent it. Broad consideration was given to the drafting of the legislation dealing with class A and class B licences. Previously we did not have them. We were mostly concerned in the drafting with the semi-trailers where a completely different driving technique was necessary. I am willing to accept the amendment but I point out that if a difficulty arises under it the Act will be amended next year to tighten up the position. This is new legislation and we must learn by experience. If the power weight of the vehicle is considered in relation to the axle weight it could mean, under the amendment, a lower carrying capacity.

Mr. BYWATERS—I sympathize with the views expressed by the Treasurer and the member for Gouger. Trucks licensed to carry eight tons would not be covered by the amendment. These trucks are often used in the cartage of barley. Does it mean that the drivers of semi-trailers must pass the test for the class A licence? Many people, if given a semi-trailer to drive, would be in difficulties.

The Hon. Sir THOMAS PLAYFORD—There will be no attempt to prevent people from getting a licence by giving them an unreasonable test. The person getting a new licence would be competent to drive the type of vehicle he wants to drive. I point out that it would not be possible, because of administrative difficulties, to have many licences, so we have provided for two types. All present drivers will automatically get a class A licence, but a new applicant wanting to drive a vehicle in excess of the three tons would have to pass the appropriate test. For instance, a bus driver would have to pass a rigid test because safety of life would be concerned in his driving. The driver of a semi-trailer would have to pass the test related to the driving of that vehicle. It would be wrong to ask the person who wants to drive a vehicle not in excess of three tons to pass the test for driving a semi-trailer.

Mr. HEASLIP—Despite what Mr. Stott has said about the need for driving tests, I doubt very much whether they will be of value, but if we are to have tests let us have real tests. This amendment breaks down something that we have been trying to implement by legislation, and it is to allow a driver with a class A licence to drive a vehicle where the weight exceeds three tons.

Mr. Bywaters—What sort of test would you have?

Mr. HEASLIP—I would reduce it. In the country trucks weighing 2½ tons take handling. The driver of a 3-4 truck, as we call them because they are a little over 3 tons and under 4 tons, sometimes carries a load of 8 tons and more, and he will be forced to take up a class A licence, but the driver of the 3-ton truck plus equipment will get away without that. Some vehicles have trailers attached carrying carrying four or five tons. There may be a truck with eight tons on it and a trailer with four or five tons on it, and altogether the driver will be controlling a load of about 12 tons. We should have proper tests for these people and see that they get a class A licence. I do not think it is difficult to qualify for such a licence.

Mr. Bywaters—Do you mean that a class A licence should be held for anything over a utility?

Mr. HEASLIP—I am inclined to agree with that. The two-ton truck when loaded may have a weight of five tons when the trailer is attached, and to handle that vehicle a qualified driver is necessary. Country lads of 16, but old in experience, now hold a licence to drive a vehicle carrying wheat. Many of them are dangerous drivers, yet under the legislation they will be allowed to continue driving. I oppose driving tests because I do not think they will work, but if we are to have them let us try to make them work. We should not water down the position so that tests mean nothing. Many school buses weigh less than three tons, and the driver of such a bus has 10 to 15 children in his care, yet he will be allowed to drive without having a class A licence. We should make these driving tests more strict.

The Hon. Sir THOMAS PLAYFORD—The honourable member has raised an important point. I had assumed that the three tons mentioned covered any trailer attached to the vehicle. The driving of a vehicle with a trailer would be far different from just driving a three-ton truck. I thank the honourable member for pointing out that the trailer was not covered by the amendment. I ask the member for Gouger to temporarily withdraw his amendment so that I may move an amendment to provide that if a trailer is attached to the vehicle its weight is included in the three tons.

Mr. HALL—I am happy to comply with the Treasurer's request and I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. Sir THOMAS PLAYFORD—I move—

After "which" in new section 72(3) to insert "inclusive of the weight of any trailer attached thereto."

The amendment makes it clear that the three tons does include the weight of a trailer if a trailer is attached to the vehicle.

Mr. Ralson—Is that the tare-weight?

The Hon. Sir THOMAS PLAYFORD—Yes.

Mr. HARDING—The question of trailers opens a wider field for consideration. The braking capacity of a truck is designed for that truck and not for any trailer that may be attached. Where a trailer is attached to a truck we should follow Victoria's example and provide that the trailer should be equipped with brakes. If a trailer is attached to a truck that has not the braking capacity to control the trailer the driver, no matter how capable he is, can be in trouble.

Mr. BYWATERS—Any person who drives a truck (even a one-ton truck) with a trailer attached should have a class A licence. If a driver with a class B licence tried to drive a truck with a trailer attached he would be completely lost in trying to reverse or park it unless he were experienced. I am not happy with this amendment, which would permit a trailer to be attached to a light truck which would not exceed the prescribed tare-weight. Only a qualified person should drive a truck with a trailer attached.

Mr. STOTT—This amendment is an improvement on the amendment that Mr. Hall has withdrawn.

Mr. Hall—It does not amend my amendment.

Mr. STOTT—No, but I was not happy with the honourable member's amendment, which I would have sought to amend myself. My understanding of this legislation is that a person who qualifies for a class A licence is tested in driving the type of vehicle for which he applies for that licence. Under this provision a driver with a class B licence could drive a vehicle with a trailer attached, providing it does not exceed three tons in weight. A person must be qualified before he can drive such a vehicle and must know how to hold and reverse it, which requires considerable skill.

Mr. Quirke—There are thousands on the road now. How are they driven?

Mr. STOTT—This provision does not apply to a person who has driven for years. I am not happy with the amendment because a trailer could be of a greater gross weight than the vehicle drawing it and the driver would require much more skill than if he were driving a three-ton truck. I suggest that consideration of this clause be deferred until we can examine its full implications.

Mr. RALSTON—The member for Murray referred to the tests for class A licences, and said that vehicles exceeding three tons in weight could be used for carrying wheat and other primary produce on country roads. I point out that once a class A licence is granted, the driver is able to drive any vehicle because there are no restrictions on the licence. A man may inform the person testing him that he requires his class A licence for a particular purpose (for driving vehicles on country roads, for example) but later could drive semi-trailers to Sydney. He would have been tested for driving vehicles on country

roads, but through giving misleading information to his examiner he would receive a licence that permitted him to drive any vehicle. This aspect should be closely examined. Mr. Harding said that every trailer attached to a vehicle should be equipped with brakes.

Mr. Harding—That is the law in Victoria.

Mr. RALSTON—Does the honourable member suggest that such a provision should apply to a light car to which a small trailer is attached for the purpose of transporting a light skiff to the seaside? There is no need for additional braking for such a trailer which has no effect on the car's braking efficiency. Most semi-trailers are equipped with vacuum brakes that provide the utmost safety. If we are to consider the honourable member's suggestion we should have regard to the type of trailers, their weight and the use to which they are put.

Mr. QUIRKE—At present most of the thousands of trucks and trailers on our roads are efficiently driven. I feel that this amendment, together with the amendment to be moved by the member for Gouger, completely fills the bill. Drivers today perform amazing feats with these vehicles and these drivers would qualify for class A licences. Many people driving two-ton trucks are equally capable. We will provide for driving tests and if a person cannot meet the requirements he will not get a licence. I think we are making mountains out of molehills and overgrown oaks out of acorns. The net weight of a vehicle would probably be reduced when it is fitted with special equipment. The trailer that would go behind a vehicle of the type mentioned is so light that I would accept the amendment of the member for Gouger. Both amendments admirably fill the bill. If other provisions such as the one relating to brakes on trailers are necessary they can be included later. Some exhaust brakes are quite effective, and the fact that many hauliers use them is worthy of consideration. Both amendments are simple and I support them.

Amendment carried.

Mr. HALL—I move—

After "tons" to insert "exclusive of the weight of such additional equipment as may be fitted for particular uses, which equipment does not increase the carrying capacity of the vehicle."

I thank the member for Ridley for his suggestion. The line must be drawn somewhere and this provision should be given a trial.

Mr. STOTT—The honourable member's amendment makes the English clearer and I accept it. I point out to the member for Rocky River that he must have faith in driving tests. After all, many other parts of the world have driving tests.

The CHAIRMAN—Order! The honourable member must stick to the amendment we are dealing with.

Mr. STOTT—The amendment overcomes my previous objection and gives the country person an opportunity in this matter.

Amendment carried; clause as amended passed.

Remaining clauses (5 to 16) and title passed.

Bill read a third time and passed.

LIFTS BILL.

In Committee.

(Continued from November 3. Page 1660.)

Clause 16—"Regulations unchallengeable unless granted by Supreme Court."

Mr. MILLHOUSE—When this matter was last before the Committee, I asked the Minister whether there was any reason for the clause because it changes the normal procedure that one can plead the invalidity of a regulation as a defence to any prosecution. This makes it far more onerous to challenge a regulation and in the absence of some special reason is not desirable. Has the Minister been able to consider the matter?

The Hon. B. PATTINSON (Minister of Education)—This clause, which provides that a regulation can be challenged only by the Supreme Court on application for a rule, was in the original Act of 1908 and has been inserted in the Bill only because of that fact. If the clause is removed as suggested by the honourable member the ordinary rule of law whereby a person charged with an offence could raise invalidity by way of defence would apply. As the object of the Bill relating to lifts is to bring the legislation into line with modern conditions, I see no particular reason why this old-fashioned procedure should be retained, and I have no objection to the deletion of the clause.

Mr. MILLHOUSE—I respectfully suggest that the clause be not agreed to.

Mr. FRED WALSH—Following upon the Minister's explanation that this clause was put in the Bill because it was in the original Act, why was subsection (2) of section 10 of the original Act not inserted?

The Hon. B. PATTINSON—It appears that this subsection was deleted in the drafting of the Bill, but the other section was not, but

was retained simply because it was in the old Act. The member for Mitcham has called my attention to the fact that we are retaining some old-fashioned legislation in this Bill and, as I have already stated, I see no reason why we should.

Mr. FRED WALSH—Can the Minister give an assurance that the same position will apply in regard to regulations as if that subsection was included?

The Hon. B. PATTINSON—I am prepared to do that. I am advised that this particular subsection is no longer necessary in view of the provisions of the Acts Interpretation Act.

Clause negatived.

Clauses 17 and 18 passed.

Clause 19—"Evidence".

Mr. COUMBE—This clause appears to have been copied from the 1908 Act and has been included *in toto*. It requires the defendant in any action to prove that he is either under the age of 18 years or is not the owner, occupier or lessee of premises. This seems to be putting the cart before the horse. In some cases this would save the prosecution much trouble and I do not think this has any virtue. We should give protection to any person concerned and put the onus of proof entirely on the prosecution. I intend to vote against the clause.

The Hon. B. PATTINSON—As the honourable member said, this clause is also taken from the old Act and like many similar provisions in other Acts it is designed to save the prosecution the cost of proving something that is already well-known to the defendant. If the clause is removed it will inevitably mean extra trouble and expense to the prosecution. I have not discussed the matter with the Minister of Labour and Industry, but I have no real objection to the deletion of the clause. I cannot see that this will do any real harm.

Mr. FRED WALSH—During the debate certain suggestions were made regarding the age of lift operators and the Minister implied that he would consider the question of reducing the age. I hope I am wrong and that the age will not be changed. If it were possible to grant exemptions, it would be found that many of the lifts in departmenal stores would be manned by individuals who were only youths and I am sure no-one wants to see that.

Mr. COUMBE—No alteration is proposed to the existing age. The Minister's reply to my question satisfies me that with the deletion of this clause the Bill will not be affected.

The Hon. Sir Thomas Playford—Except that it will make it much more costly to administer.

Mr. COUMBE—It will be definitely on the defendant to prove that he is not under 18 years or that he is not the owner, lessee or occupier of a building in which a lift is in operation. To prove that a person was under 18 years, a birth certificate could easily be obtained.

The Hon. Sir Thomas Playford—A birth certificate may not be easily obtained. The person may have come from another State.

Mr. COUMBE—If we accept the Premier's comment, why should the defendant have to bear the cost of proof? Why should not the prosecution have to do it? If a charge is launched, surely the prosecution should be liable to prove that a person is under 18 years. I propose to vote against the clause.

Clause negatived.

Clause 20 and title passed.

Clause 6—"Notification of construction of or alteration to lift, etc."—reconsidered.

The Hon. B. PATTINSON—I move—

In subclause (6) to strike out "less" and insert "more".

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

The Hon. B. PATTINSON—Owing to a misunderstanding, clause 6 (6) does not give effect to what is required. As drawn, the clause requires a person intending to erect or alter any crane, hoist or lift to notify the Chief Inspector not less than seven days before or later than 24 hours after he commences the work. What is really required is that notice of commencement, if given before commencement, should be given not more than seven days before commencement.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

EMERGENCY MEDICAL TREATMENT OF CHILDREN BILL.

In Committee.

(Continued from November 3. Page 1670.)

Clause 2—"Interpretation".

Mr. FRED WALSH—What is intended by "operation"? Does it mean an operation without a transfusion?

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

Mr. FRED WALSH—Then I oppose the clause. Members of the Opposition believed from the second reading speech that it was

intended to give powers to medical authorities to say whether a child should be given a blood transfusion if it meant the saving of life. The Premier's interpretation means that this Bill will cover any operation, and it is well known that some surgeons are knife-happy.

The Hon. Sir THOMAS PLAYFORD—This is to cover emergencies for the saving of life.

Mr. FRED WALSH—I agree that people should not be able to refuse on religious grounds to have operations performed on their children, but I am not prepared to give any surgeon the right to perform an operation without the authority of parents.

Mr. Millhouse—Have you seen clause 3 (1) (*c*) (iii)?

The Hon. Sir THOMAS PLAYFORD—There must be two doctors in agreement and there is a right of appeal to another doctor. I do not think the honourable member has examined the full implications of this matter. This legislation follows closely the legislation passed in another State recently. Religious opposition is not always confined purely and simply to blood transfusions. Does the honourable member suggest that a parent should have the right to prevent an operation from being carried out on a child for appendicitis if the child's life were at stake? I do not think it is competent for any parent to refuse to allow a child to have necessary medical treatment. Every possible safeguard has been provided. There must be a second medical opinion and, if the parent has any doubt or wishes to have another medical opinion, he can obtain an opinion of his own choosing. As I believe a child's life should be saved at all costs, I would be prepared to approve something much stronger than the Bill. We should not prevent this simply because we have provided by law that a parent's consent is necessary. This is a lawful right and not a human right, and I do not think we should allow a parent to endanger a child's life merely because of religious or other beliefs. If a child is ill-treated we do not hesitate to take it away from the parents and place it under the custody of the Children's Welfare and Public Relief Department, so I do not think we should agree to allow a parent to sacrifice a child's life on grounds that may not be valid if analysed.

Clause passed.

Clause 3—"Certain operations may be performed on children without consent."

Mr. MILLHOUSE—I move—

In subclause (1) (*b*) to strike out "has had previous experience in" and insert "is reasonably capable of".

The condition imposed in the Bill as it now stands is that the practitioner shall have had previous experience in performing such an operation. It may well be that the operation is of such a nature that even the most skilful surgeon in Adelaide may never have performed it, although many of our leading surgeons may be capable of performing it from their knowledge and inquiries. My amendment will, I think, achieve the same object as that of the Bill, but it will get over the difficulty I have explained because the condition will then be that the practitioner is reasonably capable of performing such an operation.

The Hon. Sir THOMAS PLAYFORD—This amendment slightly broadens the scope of the Bill. Under the Bill as introduced a doctor would have to have had previous experience in the operation to be performed. The honourable member has suggested that there may be operations necessary to save life which the doctor is capable of doing but which he may not have undertaken previously. As two medical practitioners are involved I do not believe that much risk is involved, particularly in the case of accidents. There are various types of accidents which may involve operations that the doctor concerned may not previously have performed but about which he knows all the facts and is capable of performing. In many instances there may be no element of danger to the patient.

For instance, if there was a serious haemorrhage of a part of the body on which the doctor had not previously performed an operation, under the Bill as it stands he would not be able to stop the haemorrhage if he had not previously done it, whereas he would be capable of doing it and in fact would have often performed similar types of operation. It could debar a very experienced man (for instance, a specialist) who had confined his activities to an operation because of its intricacy and had not performed a simple operation that might be involved. I have examined the amendment closely and think there is no possible element of risk in it. I therefore accept it.

Amendment carried.

Mr. BYWATERS—I move—

After subclause (1) (*d*) to insert:—

Provided that compliance with the provisions of paragraph (*c*) of this subsection shall not be necessary in any case where, having regard to all the circumstances of the case, it appears

to the practitioner that the child would probably die before the opinion of any other practitioner could be obtained, if in such case the practitioner, before commencing the operation, diagnoses the condition from which the child is suffering and satisfies himself that the operation is a reasonable and proper one to be performed for such condition and that such operation is essential and urgent in order to save the life of the child.

I am concerned about the possibility of an occasion arising, particularly in a remote country area, where a doctor may in an emergency have to perform either an operation or a transfusion when he cannot gain another opinion quickly. This matter was debated in another place before it came here, and it has also been debated in another State. It has been said that another opinion could be obtained by telephone or radio, but that would not always be easy to arrange, and a short delay could mean the difference between saving a child's life and losing it. The Parliamentary Draftsman has prepared this amendment carefully to ensure that it will only apply in urgent circumstances and where the saving of life is involved. I trust the Committee will accept the amendment.

The Hon. Sir THOMAS PLAYFORD—I think this is a useful amendment and I advise the Committee to accept it. We have been discussing this provision from the point of view of a parent's refusing consent to an operation, but that is only one phase of the Bill, another phase being the circumstances in which parents are not available or cannot be found. Once we pass a law dealing with any matter we tighten up the provisions, to a certain extent, instead of loosening them. Whereas it may be assumed that a doctor acting in good faith can do certain things, the moment we start to put down on paper what he can do, it becomes the limit of what he can do, and that is an important factor.

Under those circumstances I think the honourable member's amendment is necessary to cover the position. A doctor may wish to perform an emergency operation following an accident, for instance, where the parents are not readily available and where I am certain he would today, without this legislation, immediately step in and take the necessary action. I think that he would be rather hindered under this legislation in doing that because it overrides what may be regarded as the common law procedure.

Mr. Jennings—This amendment is in accordance with the spirit of the Bill.

The Hon. Sir THOMAS PLAYFORD—Yes, it is a good amendment and I ask the Committee to accept it.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

HIRE-PURCHASE AGREEMENTS BILL.

Consideration in Committee of Legislative Council's amendments.

(Continued from November 1. Page 1614.)

Amendment No. 28—reconsidered.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—This amendment strikes out Part VII of the Bill as it left this place. That Part deals with deposits. When the matter was previously before the Committee I thought the proper procedure would be to accept the Bill in its present form as amended by the Legislative Council, and for the Government during the Parliamentary recess to have an investigation made to see what would be the best procedure to adopt. Many arguments can be used regarding deposits. I have ascertained that in all the transactions that took place last year the average deposit was 17½ per cent, so the 10 per cent minimum proposed is only about half the average deposit required in hire-purchase agreements today.

Mr. Jennings—But that can be very misleading.

The Hon. Sir THOMAS PLAYFORD—I was going to say that in some instances the deposit was 50 per cent and in others it was nothing. I now amend my suggestion to the Committee. The Government still intends to thoroughly investigate the question of deposits. I believe hire-purchase will become very important to the Australian economy in the next year or two. I have noticed that there are already some rumblings from Canberra regarding the extent of the diversion of some of our national assets to hire-purchase. There is one reason that I do not think has ever been canvassed, but it is important. Frequently, glaring advertisements announce "No deposit". They are designed to attract people into a shop; they promote pressure salesmanship. I have had investigations made into those advertisements and find that they are often misleading. In those circumstances, I move that the Committee disagree with the Legislative Council's amendment.

Mr. FRANK WALSH (Leader of the Opposition)—I am pleased to hear that from the Premier. I suggested earlier that the Premier's views should be considered. After consideration, Opposition members decided that Part VII should be left in the Bill. Today's press reports that the Commonwealth Cabinet is concerned with Australia's financial position. Only yesterday I heard from a person who, because she had not had to pay a deposit, was about to be gaoled for the non-payment of hire-purchase commitments. Members on this side intended to oppose this amendment and so are pleased to hear the Premier's announcement.

Mr. STOTT—The question of "no deposit" strikes at the fundamental of keeping hire-purchase stabilized. The Premier has now moved that we disagree with the Legislative Council's amendment, and I approve. The Government would be wise to look at this matter again. When this was discussed here previously, I said the deposit should be not less than 20 or even 25 per cent. The Committee in its wisdom inserted a provision of 10 per cent, which I thought was too low. However, 10 per cent having been decided on, we cannot do much about it now. A 10 per cent deposit means that one can trade in small goods of little value, but a 20 or 25 per cent deposit creates a more cautious attitude towards a hire-purchase agreement: it puts a lid on it.

The rumblings at Canberra will assume the proportions of an atomic volcano soon. I have said much on this question over the years and have interviewed some of the backroom boys at Canberra responsible for policy-making. They always say it is Government policy and not their fault, but that is only passing the buck. Under the Commonwealth Constitution, the Commonwealth Parliament has power over banking and finance. Therefore, it can maintain a "straight-down-the-road" policy in controlling the nation's economy. It curbs the banks by drawing off so much funds each quarter to be frozen in the Special Accounts Branch of the Commonwealth Treasury, earning 10s. per cent. That restricts credit and imposes a credit squeeze on the community. If one tries to borrow money from a bank at 5½ or 6 per cent, the bank's reply is that it cannot lend money because of the credit squeeze and because it has available no liquid resources for such advances.

Perhaps a farmer wants a new tractor or combine. He goes to his banker, who says that he cannot oblige him with a loan owing to the Commonwealth Government's policy. The farmer asks where he can get a combine and the bank replies that he can get one on hire-purchase and borrow an unlimited sum provided he is willing to pay eight per cent interest. There is no money available now at 5½ per cent interest, but an unlimited amount at eight per cent. Surely the Commonwealth Government has a responsibility to lead in this matter by calling a special Premiers' Conference to control the economy and take the action that has been due for the past three years. The money advanced for hire-purchase has increased from £10,000,000 to just under £400,000,000.

Earlier, the Premier said that insistence on Part VII might lose us the Bill but, if the Government is to examine the deposit, I say it should be more than 10 per cent because that would be a greater deterrent to people entering into hire-purchase agreements. The Treasury officials should look at interest rates on commitments on purchases of land. If a purchaser is prepared to enter into a contract to build a house on land that has been subdivided, the vending company will suggest that carpets and furniture be purchased from the same company that advances the money for the purchase of the house. Then the purchaser commits himself for £25 a month for 36 months. Immediately one instalment is paid, that money becomes available for another purchaser. The procedure is cumulative, ultimately resulting in 72 per cent flat. The Government should examine the question not only of the deposit but also of the multiple interest calculation possible under hire-purchase. I would like the Government to examine the position in connection with the hire-purchase business in motor cars. When a person enters into an agreement to pay 24 monthly instalments the company calculates the total purchase money to be paid and then takes out an insurance cover for two years. The premiums for the two years are included in the contract and a flat interest rate of eight per cent is charged on the insurance premiums, although the second year's premium is not due until 12 months later. I am not opposed to the hire-purchase business. I have repeatedly said that it is necessary and that it must be controlled. What I have said for years would happen has now come true. The hire-purchase business has got out of control and is affecting the economy of the country. Action should be taken to remedy the position.

Mr. HALL—I am happy about the Premier's promise to have an inquiry into the hire-purchase business, and the move to restore the provisions regarding the 10 per cent deposit. Such a deposit must curb the extensive advertising of hire-purchase business. Hire-purchase is here to stay, but we must be concerned about its impact upon the economy. Most hire-purchase business is associated with motor cars (in fact, 75 per cent), and in it the amount of deposit required is more than 10 per cent. One-quarter is divided between domestic goods and plant. With most other goods the deposit is more than 10 per cent, so only a small proportion of the hire-purchase business is related to a 10 per cent deposit. Recently a man told me that he had obtained a television set under hire-purchase and that he was paying an interest rate of eight per cent. When I told him that it was eight per cent flat, and that it was just under 16 per cent simple interest, he was staggered. We want to prevent this sort of thing from happening. I hope the proposed inquiry will cover hire-purchase in its widest form. Recently an American described the financial trend in his country and said that the average American family was only three months from bankruptcy. Is the Australian family soon to be in a similar position? About 25 years ago 50 per cent of the credit issued by the major financial institutions came from the trading banks: today it is 21 per cent. The hire-purchase business amounted to only two per cent, whereas now it is 16 per cent. In consequence we have dearer money, which must increase our hire-purchase problems.

I have several matters I would like to refer to the proposed committee of inquiry. Do a great many people take upon themselves too great a hire-purchase burden?. Would too high a deposit retard industry and employment, and, if so, at what level would the deposit effect become significant? Are hire-purchase interest rates excessive, and, if so, is it possible and desirable to have a uniform agreement between the States to regulate interest rates? Are the industries supplying goods usually sold on hire-purchase prospering mainly on the mortgaging of the future earning capacity of the community, and, if so, how far can we reach into that future earning capacity and still remain resilient enough to withstand economic setbacks? How much further is the trend likely to go with hire-purchase credit supplanting traditional bank credit? If the inquiry is made by competent men we should be able to get the answers to the questions. If it is necessary, we should not be afraid to control hire-purchase business. If we do not exercise the necessary controls (if needed) we do not deserve to have any power in the matter. We should not drift along in a financial fog, but adopt a charted course. We know how economic conditions have suffered through a policy of no interference. We should be responsible for what happens. It should not be possible for people to say that we did nothing to try to improve the position.

Mr. HARDING—I support the move to revert to the 10 per cent deposit. I think that half a loaf is better than nothing. I resent stock agents jacking up their sale yard fees by 300 per cent without any notice being given to the primary producers. I deplore the fact that the Commonwealth Bank has insufficient money to assist primary producers.

Mr. QUIRKE—I commend the Premier for his decision to hold an inquiry into the hire-purchase business. I well remember the fight that took place previously on this matter. I then supported the proposal to provide for a minimum deposit and I still do. When a committee of inquiry is established I hope it examines several aspects of hire-purchase, including the financial structure of hire-purchase companies which have two forms of finance: share capital, and finance that comes in the form of debentures and notes. The companies pay tax on their profits made on share capital, but what they pay on debentures and notes is not taxable. That aspect is completely hidden at present and yet what a wonderful impetus it gives to people who seek that type of finance rather than orthodox bank loans. I do not agree that because of the effect of hire-purchase on our economy we should give the Commonwealth Bank power to control it. A little competition offering lower interest rates would work wonders and the State has the resources to provide that competition, which would not take away from South Australian manufacturers a market but would possibly draw a market.

It is generally assumed that every individual should measure up to his responsibilities. However, there has been no more demoralizing influence in that regard than the ease with which persons can purchase goods without having assets or without paying much deposit. People have lost their sense of individual responsibility to themselves and their families. I agree with a 10 per cent minimum deposit because that will encourage a sense of responsibility. I hope that the Legislative Council will not conflict with the decision and recommendation of this Committee. I support the motion.

Mrs. STEELE—We all appreciate that many changes have taken place since the last war. People of an older generation planned ahead and waited until they had saved enough money to purchase the goods they wanted. They abhorred the idea of credit accommodation. Circumstances are now different, and we often hear the expression that young people want to start where their parents left off. That has become the accepted way of life, and who can blame young people for wanting the amenities of life that bring them and their families the comfort and, in many cases, the accepted necessities of present day living which, before the war, were regarded as luxuries—refrigerators, for example? No-one would deny that these are essentials today but there are many articles that are not—television sets and stereograms. I am all for young people having these articles if they can afford them, even on hire-purchase, but the danger is in wanting too many articles at the same time thereby mortgaging their incomes in the process.

We all agree that hire-purchase has become part of our economy—in fact, part of our existence—but with it has come high pressure salesmanship to which so many people fall victim. This, combined with advertising which makes an instant appeal because of the terms under which immediate ownership is offered, involves many people in subsequent financial difficulties. When this Bill was debated shortly before the House rose last December the then member for Light, Mr. Hambour, introduced an amendment to provide for a minimum deposit of 10 per cent—an amendment which I supported. Members in this House and in the other House have asked, in effect, "Why protect a fool from his folly?", but I feel that Parliament should do that. Generally the younger people get into difficulties over hire-purchase because it is the custom these days to offer goods on terms of no deposit with payments spread over a number of years, and many young people swallow the bait. They obtain several articles and before they know where they are or what has happened their weekly wages are mortgaged up to the hilt.

I believe the majority of firms make fair arrangements with their clients but some are out to reap a harvest on long-term agreements. I have discussed this matter with many people from all walks of life and they agree that to make it obligatory to pay a deposit would be a real deterrent to the reckless purchaser. The purchaser who exercises judgment and restraint and does not let his commitments exceed his earnings will never be in the unenviable position of having committed himself to contracts that he cannot honour. Repossession of goods cannot be satisfactory to either party and it is bad for our economy. By requiring a minimum deposit many people will be prevented from entering into agreements to purchase articles for which they have no hope of paying. At the time of purchase the interest rate offered by salesmen on a no-deposit easy terms basis probably does not seem high. The purchaser thinks he can meet six, seven or eight per cent, but he does not realize until much later that he is paying 15 to 25 per cent interest, because he continues to pay interest on the basis of his capital outlay. I am glad that the Government proposes to reinsert the provision to provide for a 10 per cent deposit.

Amendment disagreed to.

The following reason for disagreement was adopted:—

Because the amendment of the Legislative Council removes a desirable provision from the Bill.

KIDNAPPING BILL.

In Committee.

(Continued from November 1. Page 1615.)

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".

Mr. FRANK WALSH (Leader of the Opposition)—I believe that Mr. Dunstan has some doubt as to whether this amendment should be proceeded with in view of a suggested amendment by Mr. Millhouse to clause 3. I have no instructions on this amendment. I have been instructed to move to strike out the words "and may be whipped" in subclause (1).

The CHAIRMAN—Order! Will the Leader of the Opposition dispose of this amendment first? We are dealing with the amendment moved by the member for Norwood.

Mr. LOVEDAY—Mr. Dunstan showed me a letter from an Adelaide firm of solicitors, one member of whom is a Q.C., and that firm, which has had much experience of this kind of case, has given an opinion that is contrary to that read by the Premier.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—There is no doubt that the honourable member's amendment does exactly the opposite of what he wishes it to do. That view was expressed in a memorandum prepared by the Crown Solicitor and I will give

a simple example to show how the honourable member's amendment may do exactly the opposite of what he intends. He wants to insert after the word "unlawfully" the words "and without a *bona fide* claim to custody" Let us take two sets of neighbours, one of which has several children and the other of which comprises good, respectable citizens. If the people with children came home drunk and started to beat their children unmercifully it would be reasonable for the neighbour to hop over the fence, take the children, and look after them until their parents were capable of caring for them. Those neighbours would not be kidnapping or abducting the children and they would be doing what any neighbour would do for children who were being treated in that way. However, that would not be permissible under the honourable member's amendment because he tightens the position so much that he does exactly the opposite of what he intends to do. He does not wish a person to be caught up in that way. The words restrict rather than expand the meaning of the provision. In the case I have mentioned the people would have no *bona fide* claim. The Government is sympathetic to the honourable member's intention, but his amendment does not achieve his purpose.

Mr. LOVEDAY—Having heard the Premier's explanation I do not intend to press the matter further.

Amendment negatived.

Mr. FRANK WALSH—I move—

In subclause (1) to strike out "and may be whipped."

The penalty of life imprisonment that is provided should be sufficient without the additional provision that the offender may be whipped which, in any case, would be reverting to a punishment that was exercised in the dark ages.

The Hon. Sir THOMAS PLAYFORD—There are two amendments to the clause on file. The amendment before us is the one moved by the Leader of the Opposition on behalf of the member for Norwood and that plans to abolish whipping. The member for Barossa has an amendment to delete "and may be whipped" and to insert "shall be whipped" unless the court can find some reason for not whipping. Those two amendments represent the extremes and the Bill as drafted is the proper procedure. Nobody associated with the administration of justice wishes to see whippings administered but this provision will act as a deterrent. Experience has shown that where whippings have been administered the crimes for which whippings were ordered were not repeated.

Mr. Jennings—How do you know they would recur without whippings?

The Hon. Sir THOMAS PLAYFORD—Where whippings were prescribed, the offences became less frequent than before that penalty was included. It has been proved that a person who has regularly committed a crime ceases to offend in that direction when he has had a whipping. The court should be competent to judge whether a crime is so diabolical that a whipping should be administered. A serious crime recently occurred in New South Wales and if the person responsible for the crime is convicted I have no hesitation in saying that a whipping would be warranted for that crime leaving out of the question altogether the fact that a murder also was committed. Nobody knows what pain and suffering was suffered by that child or what suffering the crime caused his parents. I am sure that parents would rather have a whipping than have their child kidnapped. We must not overlook the fact that our laws must be effective and respected. I suggest that we should not accept this amendment, nor that of the member for Barossa.

Mr. HUTCHENS—I support the amendment and submit that a whipping is not only barbarous and demoralizing to the person whipped, but it must also be demoralizing to the person who administers the whipping. I shuddered when on one occasion I saw the instruments used in a whipping, and I have no doubt that when a person is called upon to administer a whipping it must have an effect on his future mental outlook.

Mr. Corcoran—They would not come back for a second treatment.

Mr. HUTCHENS—It was recently stated in an article that never does a criminal admit that he considered the punishment that would follow if he were caught.

Mr. Millhouse—Has no punishment any deterrent effect?

Mr. HUTCHENS—As was admitted by the Premier, no member would wish to administer a whipping.

Mr. Heaslip—If it were my child, I should enjoy doing it.

Mr. HUTCHENS—That is the law of the jungle. Surely we are responsible citizens and have got beyond the law of the jungle. If not, we are unworthy of being here. Surely society has progressed sufficiently for us to depart from the barbarous practices of whipping and hanging.

Mr. LAUCKE—In my amendment I am seeking no more than a clear notification to prospective kidnappers that if they are convicted on such a charge they shall be subjected to a whipping. I do not seek the removal of the courts' discretionary power, but I feel that the wording in the Bill "may be whipped" would not convey as much to a possible offender as the mandatory word "shall". I admit that it is a very slight difference, but it is a very important difference. My amendment would act as a deterrent if a person contemplating the nefarious offence of kidnapping knew that he was likely to be whipped if caught. Mr. Fred Walsh has stated that my amendment does not actually alter the original meaning of the clause. I admit that it is so slight that I could hardly contest the difference, but it strengthens the notification to those who may be contemplating this criminal offence that they will be subjected to a whipping. I place great value on the deterrent aspect. To a degree I place import on a monetary penalty as a deterrent, but much more import on corporal punishment. Kidnappers must have a very marked streak of cowardice in their nature and I believe they would be arrested in their criminal plans if they clearly knew, as they were premeditating their crime, that they would suffer physical punishment. Cowards do not like to be hurt themselves, and I regard kidnappers as the worst of cowards.

Mr. Bywaters—Don't you think that life imprisonment would be better?

Mr. LAUCKE—No. I have no consideration for the diabolical person who would, for filthy lucre, commit such a crime resulting in anguish to a whole family.

Mr. Jennings—Don't you think we would lower ourselves if we had no consideration for the offenders?

Mr. LAUCKE—I think it is our duty at all times to protect decent family relations and the appreciation for one's loved ones, and to hit hard at those who will not realize how we love our families. Far too often we are prone to find excuses for those who commit crimes and completely to overlook the anguish, hurt and heartache occasioned by unsocial persons who inflict crimes on innocent people.

The Hon. G. G. Pearson—This is a double crime: they first take the child and then demand money.

Mr. LAUCKE—That is so.

Mr. Clark—Do you think one whipping would be enough? Would you advocate more?

Mr. LAUCKE—I hate whipping, which I regard as barbaric, but inflicting a hurt on an innocent person is more barbaric. If someone is barbaric, barbarity is the only thing he understands.

Mr. Quirke—An eye for an eye and a tooth for a tooth!

Mr. LAUCKE—No. Whipping is anathema to my nature. I hate the thought of physical punishment but I am prepared to support it, reserving a discretionary power to a court in the case of females who might be involved.

Mr. Riches—Should they not also be deterred?

Mr. LAUCKE—Certainly, but I should hate to see any woman whipped. However, there should be a deterrent to those who conspire to commit this nefarious crime. I ask the Committee to accept my amendment, as I should like it known far and wide that whipping shall be inflicted for this horrible crime instead of there being the classic word of doubt "may". The best way to judge this offence is the way it would effect you and me in our own homes.

Mr. Jennings—That is the worst way.

Mr. LAUCKE—It is the best way to determine the way you and I would view such a crime. It would hurt me so deeply that I would be prepared to do anything to ensure that the happiness of my children would be maintained against the diabolical intent of those who would for filthy lucre endeavour to aggrandize their own position to the harm of my children and myself.

Mr. FRED WALSH—I am sure that none of us would question the sincerity of the member for Barossa, who made such an impassioned plea for the acceptance of this amendment, and none of us would contradict his remarks relating to the case that was primarily responsible for this Bill. However, we are concerned only about punishment. I think hanging is still on the Statute Book in New South Wales, as in the early days of that State this punishment was thought of very lightly. Many people have been hanged for stealing sheep. The Premier tried to give the impression that Opposition members are not as concerned about the feelings of the people as he is. That is not so; I am confident we are all concerned, and that not one of us would feel any different from the other in this regard. Whipping is barbaric, and it would be a retrograde step to introduce that punishment into legislation of this type. Throughout our prison system we

are endeavouring to introduce methods to encourage reform rather than to impose those severe penal systems that existed years ago. Our prisons in South Australia have been considerably improved, and the plan for the new reformatory was referred back for further redrafting with the idea of introducing a new and different system altogether from that contained in the original plan.

Mr. Harding—What about Struan?

Mr. FRED WALSH—Yes; the idea there is reform, not punishment. I suggest that a person guilty of the offence named in this Bill should be punished with the fullest vigor of the law, and that it is only a question of the form that punishment should take. The Bill provides for imprisonment for life, and if a person received that sentence he would not come back again on the same offence; that is certain. I maintain that we treat the penalty of imprisonment for life too lightly. I believe that if a person commits premeditated and cold-blooded murder he should be imprisoned for life and should never be released. We should impose a sentence and then, according to the nature and seriousness of the crime, grant remissions for good conduct and the like. I subscribe to that principle, but I maintain that once a man is imprisoned for life, if the offence is a serious and diabolical one, he should stay there for life. In some instances a rider should be added that such a man should never be released. That is severe enough and about as far as I would be willing to go. In the present case I believe we would not be serving any purpose at all in prescribing a whipping, for it would not act as a deterrent. The Premier said that he would not like to order a whipping, and I do not suppose any of us, not even the person who actually had to perform it, would like to do so. We should accept the amendment, and look to this legislation as I hope we will look to all our future legislation, namely, with the idea of bringing about reform.

Mr. LOVEDAY—Whipping is no deterrent. One of the interesting things in this debate is the fact that the member for Barossa (Mr. Laucke) is really satisfied in his own mind that the Bill as it stands with the word "may" in this clause does not constitute a deterrent, otherwise he would not be endeavouring to alter it. The Premier himself does not want this amendment, which the member for Barossa thinks would make the imposition of a whipping a real deterrent. No actual evidence has been given in this debate that whipping is a deterrent. If it were, why have we not heard some evidence that the United States of America (where kidnapping has probably been more prevalent than anywhere else in the civilized world) has introduced or is about to introduce a penalty that has acted as a deterrent? I have not heard any evidence of that.

The Hon. Sir Thomas Playford—Kidnapping has been the most serious capital offence in America for many years, and the penalties are much more severe than those contained in this Bill.

Mr. LOVEDAY—No-one has suggested that whipping is a deterrent to kidnapping in America. We are debating the question of whipping. It was rather interesting to hear the member for Barossa talking about this enlightened age and admitting at the same time that whipping was barbaric.

Mr. Laucke—The offence is barbaric.

Mr. LOVEDAY—The honourable member said that, but he also said that whipping was barbaric.

Mr. Bywaters—Two wrongs don't make a right!

Mr. LOVEDAY—The member for Barossa referred to the anguish and heartache that the parents can suffer, but the fact that a person is whipped does not relieve the heartache or anguish of the parents in any way. I do not think anyone can sustain that argument. In some parts of Asia Minor some of the most barbaric forms of punishment are still carried out. For example, they cut off a person's hand for a theft. Another shocking mutilation is inflicted as a punishment for other offences, but no-one would suggest that those parts of Asia Minor have a wonderful record of law-abiding citizens because of the deterrent effect of such shocking barbaric penalties. Let any member get up and give us evidence on that score that is relevant to this debate! The convicts of years ago came back time and time again for whipping; the penalty never deterred them from doing something for which a whipping was prescribed. The Premier has not submitted any evidence that whipping is a deterrent, and there is no evidence anywhere else in the world to show that that is so. In fact, it is really something that we should be ashamed to inflict. We are asking somebody to do something we would not ourselves like to do to the person who commits this offence. For that person to know that he is to be incarcerated for life is surely the most effective deterrent; a whipping is negligible compared with that punishment.

Mr. Heaslip—He may be released in time to commit another such crime.

Mr. LOVEDAY—This Bill gives scope for the criminal to be punished by complete incarceration for life, and that is the real deterrent. We should not stoop to this barbaric—as it has been described—use of the whip.

The Hon. Sir THOMAS PLAYFORD—I do not intend to prolong this debate, but I think one or two things the member for Whyalla (Mr. Loveday) said should be answered because they are not quite in accordance with fact. Imprisonment for life is not, and never has been, imprisonment for the complete natural life of a person. Indeed, it has frequently happened in New South Wales that a person who has been committed to prison for life for a murder has been let out on probation after a certain number of years and has committed another murder. If the honourable member will look at the Offenders Probation Act, an amendment to which was introduced in this House by the Hon. W. J. Denny when he was Attorney-General, he will see that there is a provision for the release of persons after they have served what is normally considered to be half of a sentence. Taking into consideration the good conduct marks that a prisoner can earn, which are considered a part of his time served, we find that in many instances a life sentence means only an imprisonment for about 12 or 13 years—and, when I say "only", I do not want members to think that it is not a severe penalty because obviously it is; but it does not mean imprisonment for even 21 years, which has been regarded as a life sentence. In many instances, that time is not served.

Mr. Loveday—Release is not automatic though, is it?

The Hon. Sir THOMAS PLAYFORD—No, it is not automatic. The honourable member is correct in saying that, but the provisions of the Bill amount to this that, unless there is some cogent reason for the Bill not being brought into operation—for, when a Bill is brought into operation, it is usually considered by the administration that Parliament desires the Bill to be operated—the administration naturally gives effect to it because that is Parliament's intention. For instance, sometimes there may be doubt as to whether a person would be liable to commit the same offence again; there might be some mental aberration present. In that case, the medical advisers to the Government would not recommend the prisoner's release, because of his mental condition. Unless there is something of that nature present, the answer to the honourable member's question is that, when legislation is passed, the Government (and this applies not only to the present Government but to all Governments) expects it to be applied fairly and liberally. Therefore, unless there is some reason for the Offenders Probation Act not coming into operation, normally the good conduct of the prisoner while he is in prison is taken into account. If honourable members assume that life imprisonment means that a person entering Yatala stays there for ever, that is not usually the case. The position generally is that after a certain number of years, if the prisoner behaves himself, he gets good conduct marks and half way through his sentence he is considered for release on probation.

Secondly, the honourable member said that we had not shown that whipping has been a deterrent in the United States of America. The reason for that is that I do not believe whipping is a penalty for kidnapping in the United States. A person convicted there of kidnapping is not whipped or imprisoned; he is subject to the same type of capital punishment that we have for our worst types of offender. So, obviously, I could not say that whipping was used in the United States as a deterrent, because they have a much more fearful punishment. I should prefer to have a whipping myself rather than anything happen to my children. It is so easy for us not being involved in this matter to say, "This is a dreadful punishment we are inflicting." If we were involved in it ourselves, our views might be different. I am prepared to let the Committee decide this issue. I propose to stick to the Bill, and ask the Committee to do so.

Mr. RICHES—I support the amendment. I cannot cast a silent vote after hearing the Premier's last statement that he would prefer to have a whipping himself than have his own children kidnapped. Surely he does not infer that anybody on this side of the House would not take precisely the same stand? The fact that I propose to vote for the removal of these words from the clause does not indicate that I have any less regard for the wellbeing of my children than has any other member in the House. That has nothing to do with this clause. The fact that I would be prepared to submit to punishment rather than have my children hurt does not concern this clause, because savage penalties have never reduced savage crimes. We are not advancing the safety of our children one iota by being

as barbaric as the people we seek to punish. The fact that a criminal has perpetrated an abominable act does not mean that the State has to descend to the same level.

Recently, I saw the film "Ben Hur". I will never cast a vote in favour of whipping as long as I live. I do not want that attitude to be construed as meaning that I have any sympathy for anybody who would engage in the practices that this Bill seeks to stamp out. If somebody could convince me that this would be a deterrent, that the amendment that the member for Barossa (Mr. Laucke) seeks to make would produce any deterrent effect different from that produced by the provisions of the Bill, then I know nothing at all of psychology or human mentality. I am at a complete loss to understand the mentality of a member who would seek to make whipping mandatory for demanding money but not for the act of kidnapping. I feel strongly that the State has nothing to gain by prescribing whipping as a punishment for any crime. It is not a deterrent. There are sufficient deterrents without it. The Premier said that even the savagery of the penalty for the crime of kidnapping in the United States of America has not acted as a deterrent.

Mr. Jenkins—How do you know that? You do not know how many cases there would have been but for that deterrent?

Mr. RICHES—We know that the crime has not been stamped out. The whole object of this Bill is to prevent happening here what is happening in the United States. So far South Australia has had no legislation to deal with kidnapping, but we have had no kidnapping.

The Hon. G. G. Pearson—Must we wait until we have kidnapping?

Mr. RICHES—Why does the Minister try to put that over members on this side? We support the Bill. This business is as abhorrent to us as to any member in this House If this crime concerned our children we would want to take the law into our own hands, but that is not the proper way to deal with the matter. The principle of British law has always been to divorce the administration of the law from the atmosphere of revenge, and to make sure that the people directly concerned are not given the opportunity to do what they would undoubtedly do if allowed to take the law into their own hands, but if we did that I do not think we would be happy about it several years afterwards. I have no hesitation in supporting the amendment.

Mr. MILLHOUSE—This is obviously a matter on which we could argue until the cows come home, because it is something not susceptible to proof one way or the other. All we can do is to express our personal opinion following on our experiences in life. I have already indicated that I favour whipping as part of the penalty for the crime of kidnapping. We all know that the classical elements in punishment are reformation, deterrence and retribution. I shall say nothing about the reform aspect, because I think that is irrelevant, but I believe that whipping as part of the penalty for the crime of kidnapping is a deterrent. Members opposite have been concentrating their attack on that matter because they believe that it is not a deterrent. They advocate the abolition of flogging, which is the word they use.

The Hon. Sir Thomas Playford—Capital punishment as well.

Mr. MILLHOUSE—Their platform refers to the abolition of capital punishment and flogging. Members opposite have concentrated on this aspect of deterrence, but Mr. Loveday and Mr. Riches ignored the question of retribution. I do not believe that we can look at this matter entirely objectively. We cannot do it because it is obvious that this could happen to our children. We have that in the back of our minds at all times when we consider this matter. I believe that from the aspect of retribution, whipping is an appropriate penalty.

Mr. Bywaters—Revenge!

Mr. MILLHOUSE—The honourable member might like to use the word "revenge", but I will use "retribution". I believe that whipping is part of the appropriate penalty for one of the most morally disgusting and horrifying crimes that can be committed. I adhere to that view. Everybody is entitled to his opinion, and it cannot be anything else than an opinion. Members should consider the matter not only from the aspect of deterrence, but from the aspect of retribution. We can prate about modern conditions and civilized man, but this is something within the hearts of all of us, and something that cannot be ignored. I cannot and will not ignore it, and I believe that most people are with me on this matter.

Mr. CLARK—Earlier Mr. Millhouse gave instances of how old was the crime of kidnapping, but we must remember that the crime of whipping is just as old. If we go back into history we know that the slaves were whipped, and we have read *Uncle Tom's Cabin* and deplored what happened to Uncle Tom.

The appeals made tonight were made emotionally, particularly by the Premier. Mr. Millhouse spoke about members on this side making some play about the deterrent effect. I do not care about whipping being a deterrent or not. I do not like it and will not support it.

Mr. Jenkins—You would rather have kidnapping?

Mr. CLARK—That interjection is off the point, is rude and inane. If whipping is a wonderful deterrent why do we not prescribe it as a punishment for other deplorable crimes? Apart from our political thinking I agree on most subjects with the member for Barossa, but I cannot agree with him on his attitude to whipping. When I was a young teacher I caned young boys, thinking I was doing them some good. However, after I had been in the job for some years and had children of my own I realized that corporal punishment was not good for the person who administered it or for the person who received it. It did not deter anybody.

We claim to be a Christian Parliament. We commence our proceedings daily with prayers. We have angels looking down on us from the ceiling. This is supposed to be a Christian country and God forbid that we pass legislation brutalizing the person being punished, the person administering the punishment, and the persons who are forced to watch it being administered. If whipping is a deterrent why do not the members who advocate it suggest a whipping each month to ensure that it is a deterrent. I believe whipping is just as barbarous as the crime of kidnapping and I will not support it.

Mr. QUIRKE—The crime of kidnapping is committed by human wolves, and we are asked to correct them by flogging them. We have just as much chance of correcting them as we have of taming their animal counterparts by flogging them. We are a civilized people and I am opposed to debasing ourselves. We would have to employ some sadistic moron to administer a whipping. He would be our tool of revenge. Are we, as legislators, prepared to use that type of person to carry out the penalties we say should be imposed? It is proposed that the penalty may be imprisonment for life and that a whipping may be ordered. What will happen? We will flog the offender and then gaol him for life. That will satiate our idea of blood lust for revenge. We will strip the hide off the man and then gaol him. I will not agree to that! I am no lily-fingered purist, but I will not agree to that. Our civilization has advanced beyond that attitude. Whipping is not a deterrent. A man who kidnaps children is beyond the pale and nothing will deter him—hanging, whipping or anything else.

Mr. Heaslip—Hanging him will not deter him.

Mr. QUIRKE—If a man knew that he would be hanged, that would not stop him. Whipping will not deter a man who sets out to get £25,000 for a kidnapped child and who is prepared to murder that child. Mr. Millhouse said that whipping is a means of retribution. Of course it is! Retribution is revenge. However, imprisonment for life is an act of retribution. I agree with the member for West Torrens who suggested that a kidnapper should be imprisoned for life and given the biggest possible heap of rocks to break before he dies. I have read books in which whippings are described stroke by stroke. Let those members who glibly advocate—

Mr. Laucke—Not glibly.

Mr. QUIRKE—Let those members go as a deputation to see the next whipping and then come back here and say that they were proud that it was their vote that instituted such a penalty.

Mr. Heaslip—If it stopped kidnapping I would go willingly.

Mr. QUIRKE—If the honourable member went willingly he would place himself in the same category as the sadist who administered the punishment.

Mr. Laucke—What about the offender?

Mr. QUIRKE—He would be deprived of his liberty for life. Why have personal revenge by inflicting physical pain on human flesh?

Mr. Laucke—It is the language he understands.

Mr. QUIRKE—The honourable member wants to flog a man.

Mr. Laucke—I do not.

Mr. QUIRKE—Of course you do!

Mr. Laucke—I want to deter them from further—

Mr. QUIRKE—There is no deterrent in it. The honourable member wants to flog him as a deterrent—

Mr. Laucke—To others who might commit a similar crime.

Mr. QUIRKE—I won't have anything that debases human nature. I admit that it would be a deterrent to scarify a man's flesh with a cat-o'-nine-tails, but are we going to inflict that punishment because it is a deterrent? It is a barbaric act that debases the man who administers it and the men who vote for it. Certainly we should punish him by depriving

him of his liberty for the term of his natural life, but the act of whipping is merely a means of causing pain and I refrain from saying what my opinion is of anyone who would inflict that pain. People all over the world have departed from that practice. Our opponents in the last war practised constant flogging and that debased them in the eyes of the world. Do we want to be associated with anything like that? The laceration of human flesh should be abhorrent to everyone, but if that is not sufficient why not inflict the Chinese torture of a thousand cuts. My human instincts would be to kill a man who committed this offence but many of our instincts have to be curbed. Why should we relax in this case? This whipping business is primitive and associated with revenge and nobody should associate himself with it today.

The Hon. Sir THOMAS PLAYFORD—The honourable member for Gawler challenged the Government to show that punishment by whipping was normal practice under our laws. In the short time since he made that statement I have obtained examples of where whippings are prescribed by this Parliament and if the Committee is to be consistent in its opposition to whippings for this dreadful crime I point out that there are several relatively trivial crimes on the Statute Book for which whippings are prescribed. Why hasn't the Opposition taken steps to remove the penalty of whipping in those cases? Whippings may be ordered for exhibiting false signals, for placing gunpowder near a vessel with intent to damage it or for defiling a female under the age of 21.

Mr. Loveday—Has it acted as a deterrent there?

The Hon. Sir THOMAS PLAYFORD—I do not understand the honourable member's argument. An argument is raised and when we attempt to discuss it we are sidetracked. The member for Gawler said that whipping was a punishment that was not usually administered and I wished to show that whipping was provided for many crimes, some of which were trivial.

Mr. Jennings—Why haven't you amended those Acts?

The Hon. Sir THOMAS PLAYFORD—I believe whipping is appropriate. For the offence of destroying or damaging trees, shrubs, etc., over £1 in value the penalty provided under the Criminal Law Consolidation Act is imprisonment for a term not exceeding four years and a whipping may be prescribed.

Mr. Clark—When was that introduced?

The Hon. Sir THOMAS PLAYFORD—That legislation was consolidated since I have been in Parliament and I heard no objection then from honourable members opposite. If I had seen that provision I would have objected to it and honourable members opposite would have objected but here we have an honourable member saying whipping is something which has not been frequently ordered. I have produced these examples of cases in which a whipping may be prescribed. No honourable member hopes more than I that this penalty will never be necessary, but it is humbug to say punishment is not a deterrent. What is the value of providing penalties unless they are to prove a deterrent. If punishment is not a deterrent why do we have it at all? Obviously it is a deterrent, but it is hard to say to what extent it does act as a deterrent. The honourable member for Stuart said he did not think this was a deterrent. Members opposite believe that a small fine would be a deterrent but that a whipping would not be. The member for Gawler does not appear to know what is in the Statute Book at the present time and I rose only to answer his statement.

Mr. Frank Walsh—You did not know, so why blame him?

The Hon. Sir THOMAS PLAYFORD—I knew that a whipping was frequently prescribed in the Criminal Law Consolidation Act and I knew where to look for the Bill and if honourable members opposite want to amend those provisions we could probably help them. I believe this is a crime that we should take every possible step to keep out of Australia.

Mr. Fred Walsh—We agree with you on that point.

The Hon. Sir THOMAS PLAYFORD—My Government was not the first to introduce legislation of this repressive nature and in fact it is one of the last to do so in Australia.

Mr. Jennings—It is usually last.

The Hon. Sir THOMAS PLAYFORD—Yes, because the honourable member usually acts as a drag upon us. Every honourable member is entitled to his opinion.

Mr. Fred Walsh—You do not suggest it is humbug because we disagree with you?

The Hon. Sir THOMAS PLAYFORD—I have never imputed a motive to any honourable member and no-one can show where in 20 years I have imputed motives against anyone or that I have been asked to withdraw a remark of a personal nature, so the honourable member's interjection was unnecessary.

Mr. Fred Walsh—I interjected, "You do not suggest it is humbug because we disagree with you?"

The Hon. Sir THOMAS PLAYFORD—I respect the honourable member's opinion. He can disagree with me if he desires, as I disagree with him frequently. This legislation was drawn up by the most competent authority we could get and was not designed hastily. I do not agree with my honourable friend, Mr. Millhouse, as I am not concerned at all about retribution. I believe that if we provide for big penalties they will act as a better deterrent than if they are not provided. I think that members generally will agree with that. I have heard members say that we should increase a penalty from £50 to £100 for some offence. If they study what magistrates award for a particular offence, they will frequently find that they never award more than £20 when a maximum penalty of £50 is provided. If a penalty is increased to £100, then people begin to take notice before undertaking a particular offence. I hope members will not agree to the amendment.

Mr. HUGHES—I think that this would be a proper time to report progress as personalities are beginning to appear from both sides. In such a debate that is wrong. If the debate were adjourned to another day, perhaps certain members would cool down and give further consideration to the statements made tonight. The arguments advanced by the Premier earlier tonight applied to the period of about 100 years ago. He said that members opposite, because they had never been involved in a kidnapping, were taking this thing lightly. If he looks up the reports on the second reading debate he will find that each member of the Opposition commended the Government for introducing the Bill, but if it were accepted in its present form it would be a retrograde step. When the member for Hindmarsh was speaking the member for Rocky River interjected that he would love to do the whipping. Apparently, his interpretation of the word "love" is vastly different from that of most people. What he said is really the law of the jungle. If he is prepared to adopt the law of the jungle and take delight in carrying out a whipping, as he said tonight, perhaps after he had had time to think he would say, "I wish I did not have anything to do with it, because I very much regret taking the law into my own hands".

Mr. Laucke kept on repeating that we were living in enlightened times. We profess to be a Christian nation and if this Parliament professes to be a Christian Parliament, the honourable member should give more consideration to the term he so lightly used. I have seen members of this House, when they enter a church, kneel before the figure of Christ, and it seems rather strange that the same people can advocate a whipping. It is hard to understand that they can profess certain things when in the presence of someone they think is holy, yet can come here and give a vastly different interpretation of their beliefs. One honourable member said he would love to give a whipping. We should never confuse what is right with what is wrong. I believe it tells us in the Bible—and perhaps some of the students of religion can correct me if I am wrong—

> Search me, O God, and know my heart; try me, and know my thoughts; and see if there be any wicked way in me, and lead me in the way everlasting.

I hope that the personal interjections we have heard during the debate will not in any way influence our final decision.

Mr. HEASLIP—Most of the discussion has been directed at whether whipping is a deterrent. I think only three members opposite said that they were opposed to whipping, whether it would prevent another kidnapping or not.

Mr. Jennings—They did not say anything like it.

Mr. HEASLIP—The member for Gawler said that even if a whipping were a deterrent he would oppose it. The member for Burra said it was barbarous and he would not have a bar of it.

Mr. Clark—We support the Bill without the whipping provision.

Mr. HEASLIP—I know that. All the other arguments have been that whipping is not a deterrent and therefore should be taken from the Bill. I ask members opposite to think back to the time when they were children and their fathers used a whip on them when they did something wrong. None would be able to say it was not a deterrent.

Mr. Clark—I tried it on my boy to stop him from smoking, but he smokes more now.

Mr. HEASLIP—I am talking about the time when we were children.

Mr. Clark—You would not compare children with hardened criminals, would you?

Mr. HEASLIP—When children grow up they are the same people with the same nature. When I went to school, teachers were allowed to use a cane. When the cane was used on the member for Gawler I am sure he was deterred from repeating what he had done, yet he said that whipping was not a deterrent.

Although kidnapping is a heinous crime he refuses to have whipping used as a deterrent. Anything that will deter people from kidnapping should be used by all means. The member for Wallaroo said something about my taking the law into my own hands, but I did not say that. Another member said that we were asking someone to do something we would not be prepared to do, and by interjection I said that I would love to do it.

Mr. Hughes—Isn't that taking the law into your own hands?

Mr. HEASLIP—No. If whipping is part of the law I would be carrying out the law. I did not say anything about taking the law into my own hands. I support this provision.

Mr. BYWATERS—I support the amendment, but I do not wish to record a silent vote. I believe it is barbarous to whip people for some crime, and that two wrongs do not make a right. The member for Mitcham said this is retribution, but I think revenge is the only word to describe it. The member for Burra echoed the sentiments of many members and many people outside this Chamber. People who favour reform are opposed to whippings, as the member for Burra explained. Members have discussed whether or not whipping is a deterrent, but that does not exercise my mind particularly. Various penalties are prescribed in other legislation as deterrents. Whipping could not be a deterrent, and it is morally wrong. The law of an eye for an eye and a tooth for a tooth should not prevail in a modern community of enlightened people. I support the amendment because it is barbarous to include whipping in any Bill whether it is for a crime of the magnitude of kidnapping or not.

Mr. STOTT—I do not think we should record a silent vote. I am not in favour of whipping. We should look closely at all legislation that provides the penalty of whipping in this modern age. This amendment gives the Committee an opportunity to express its opinion on whipping. If we carry the amendment it will mean that whipping will not be applied for the serious offence of kidnapping, which I look upon as one of the vilest crimes, although it is prescribed in other legislation for far less serious offences. That is an anomaly that should be examined.

I do not like whipping. This is the first opportunity I have had to register a protest against the principle of whipping for any criminal act, and I will vote for the amendment as an indication to the Government and Parliament that it is time we looked at all the other Acts with a view to adopting a more modern viewpoint. I look upon kidnapping as a serious offence, and I am glad that the Government has brought down the Bill. There has been no cause for anxiety or alarm in this State, but I point out that a few months ago the people of New South Wales probably felt that there was no cause for anxiety or alarm there. The Government therefore is doing the right thing in taking this action to deal with events that could occur. I support the amendment.

Mr. RICHES—On a point of order, Mr. Chairman, could I be told which amendment we are voting on—the one moved by the member for Barossa or the one moved by the member for Norwood?

The CHAIRMAN—The member for Barossa has not moved any amendment. We are dealing with the member for Norwood's amendment, moved in his absence by the Leader of the Opposition.

The Committee divided on the amendment:—

Ayes (14).—Messrs. Bywaters, Clark, Corcoran, Hughes, Hutchens, Jennings, Loveday, Quirke, Ralston, Riches, Ryan, Stott, Frank Walsh (teller) and Fred Walsh.

Noes (14).—Messrs. Brookman, Coumbe, Hall, and Heaslip, Sir Cecil Hincks, Messrs. Jenkins, King, Laucke, Millhouse, Nankivell, Pattinson and Pearson, Sir Thomas Playford (teller), and Mr. Shannon.

Pairs.—Ayes—Messrs. Dunstan, Lawn, McKee and Tapping. Noes—Messrs. Bockelberg, Harding, Nicholson and Mrs. Steele.

The CHAIRMAN—There are 14 Ayes and 14 Noes. It therefore becomes an even vote and, as Chairman, I give my casting vote in favour of the Noes.

Amendment thus negatived; clause passed.

Clause 3—"Demanding money or making threat".

Mr. MILLHOUSE—I move—

In subclause (1) after "who" to insert "without reasonable and probable cause".

Although the amendment is not of great moment, I commend it to the House. Its effect is simply to meet an objection raised by the member for Norwood in debate. It clarifies the meaning and gets over any suggestion that the argument that he raised in opposition to this clause could possibly succeed. I do not propose to explain it further unless there is any opposition to it or query on it.

The Hon. Sir THOMAS PLAYFORD—I do not oppose this amendment. I think it

improves the Bill and provides a safeguard for a legitimate case. The matter was raised also by the member for Norwood.

Amendment carried.

Mr. FRANK WALSH—I move—

In subclause (1) to strike out "and may be whipped".

I do not believe in whipping. Although a test vote has already been taken, I wish to see whether the vote has altered.

The Committee divided on the amendment:—

Ayes (14).—Messrs. Bywaters, Clark, Corcoran, Hughes, Hutchens, Jennings, Loveday, Quirke, Ralston, Riches, Ryan, Stott, Frank Walsh (teller), and Fred Walsh.

Noes (14).—Messrs. Brookman, Coumbe, Hall, and Heaslip, Sir Cecil Hincks, Messrs. Jenkins, King, Laucke, Millhouse, Nankivell, Pattinson, and Pearson, Sir Thomas Playford (teller), and Mr. Shannon.

Pairs.—Ayes—Messrs. Dunstan, Lawn, McKee, and Tapping. Noes—Messrs. Bockelberg, Harding, Nicholson, and Mrs. Steele.

The CHAIRMAN—There are 14 Ayes, and 14 Noes, an even vote once more. I give my casting vote to the Noes.

Amendment thus negatived.

Mr. FRANK WALSH—I move—

To strike out subclause (2).

I oppose this subclause, which will not improve the Bill.

The CHAIRMAN—To safeguard the amendment of the member for Mitcham (Mr. Millhouse), I put the amendment moved by the Leader of the Opposition in this form: that the words "Any person who" proposed to be struck out stand part of the clause.

Mr. STOTT—I desire a direction from you, Mr. Chairman. I am not happy about striking out all the subclause, nor about the words "and may be whipped", which I want to delete.

The CHAIRMAN—For the information of the honourable member I quote the following from May:—

Whenever several amendments are about to be moved to the same part of the clause the Chairman if necessary proposes an amendment to leave out words in such a form as not to exclude any later amendments. With this end in view the question is therefore proposed; that certain only of the words proposed to be left out stand part of the clause. If this question is agreed to, that is, if the Committee decide that the words proposed to be left out should stand part it is still possible to move to leave out subsequent words. On the other hand, if the question is negatived and the proposed words are left out the effect is precisely the same as if the question had been proposed in full. The remaining words covered by the amendment are struck out without any further question being put and the subsequent amendments which it was desired to safeguard fall.

Mr. STOTT—I want to move to delete from the subclause the words "and may be whipped."

The CHAIRMAN—The question now is "That the words 'any person who' proposed to be struck out in subclause (2) stand part of the clause."

The Committee divided on the question:—

Ayes (16).—Messrs. Brookman, Coumbe, Hall, and Heaslip, Sir Cecil Hincks, Messrs. Jenkins, King, Laucke, Millhouse, Nankivell, Pattinson, and Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Shannon, and Stott.

Noes (12).—Messrs. Bywaters, Clark, Corcoran, Hughes, Hutchens, Jennings, Loveday, Ralston, Riches, Ryan, Frank Walsh (teller), and Fred Walsh.

Pairs.—Ayes—Mr. Bockelberg, Mrs. Steele, Messrs Harding, and Nicholson. Noes—Messrs. Tapping, McKee, Dunstan, and Lawn.

Majority of 4 for the Ayes.

Question passed in the affirmative; amendment thus negatived.

Mr. MILLHOUSE—I move—

After "who" in subclause (2) to insert "without reasonable and probable cause".

I move this amendment in a generous sense of fairness to the member for Norwood. Perhaps this amendment will console him for the loss of his previous amendment.

Amendment carried.

Mr. STOTT—I move—

In subclause (2) to strike out "and may be whipped".

As a result of Mr. Millhouse's amendment subclause (2) will now read:—

Any person who without reasonable and probable cause directly or indirectly and whether by letter, writing, word of mouth or any other medium whatsoever threatens the life, health, safety, security or well-being of any other person or of any relative or friend of that person or of any member of that person's family or the safety or security of the property real or personal of any such person, relative, friend or member of family shall be guilty of felony and liable to be imprisoned for life and may be whipped.

I point out that this person may not commit the felony of kidnapping: he may be the go-between. He may threaten to burn down a house, but not commit the major offence. I think it is going too far to provide for him to

be whipped. A penalty of life imprisonment is surely sufficient. The Committee has agreed that a whipping may be ordered for the major offence, but I cannot see the logic of providing a whipping for what might be described as the minor offence.

The Committee divided on the amendment:—

Ayes (13).—Messrs. Bywaters, Clark, Hughes, Hutchens, Jennings, Loveday, Quirke, Ralston, Riches, Ryan, Stott (teller), Frank Walsh and Fred Walsh.

Noes (17).—Messrs. Brookman, Coumbe, Hall, Harding. Heaslip, Sir Cecil Hincks, Messrs. Jenkins, King, Laucke, Millhouse, Nankivell, Nicholson, Pattinson, Pearson, Sir Thomas Playford (teller), Mr. Shannon and Mrs. Steele.

Majority of 4 for the Noes.

Amendment thus negatived.

Mr. LAUCKE moved to insert the following new subclause:—

(3) Where any person is convicted of an offence under this Act the court shall order such person to be whipped unless the court is of the opinion that such an order should not be made.

Mr. BYWATERS—The words "may be whipped" are contained in this clause and the insertion of the words "shall be whipped" could cause conflict.

The Hon. Sir THOMAS PLAYFORD—There is no conflict. Under the Acts Interpretation Act the word "may" is permissive and "shall", of course, is a much stronger word. This amendment will provide that a judge shall order a whipping unless he believes it should not be ordered for some reason. This is not in direct opposition to the previous provisions, although if this amendment is carried I think it would be advisable to delete the former provisions to enable the legislation to be clearer. The Committee is divided on the question of whippings and I do not think we should make whippings mandatory, and I ask the honourable member not to press his amendment.

The CHAIRMAN—Does the honourable member for Barossa wish to proceed?

Mr. LAUCKE—No; I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Mr. FRANK WALSH—I am not satisfied with the subclause as amended. Subclause (2) is contrary to what we wish to provide in this Bill. I therefore oppose the clause.

The Committee divided on the clause as amended:—

Ayes (13).—Messrs. Brookman, Coumbe, Hall, Heaslip, Sir Cecil Hincks, Messrs. King, Laucke, Millhouse, Nankivell, Pattinson, Pearson, Sir Thomas Playford (teller), and Mr. Shannon.

Noes (13).—Messrs. Bywaters, Clark, Hughes, Hutchens, Jennings, Loveday, Quirke, Ralston, Riches, Ryan, Stott, Frank Walsh (teller), and Fred Walsh.

Pairs.—Ayes—Messrs. Bockelberg, Harding, Jenkins, Nicholson, and Mrs. Steele. Noes—Messrs. Corcoran, Dunstan, McKee, Lawn, and Tapping.

The CHAIRMAN—The voting being equal, I cast my vote for the Ayes.

Clause as amended thus passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT.

At 11.17 p.m. the House adjourned until Thursday, November 10, at 2 p.m.