HOUSE OF ASSEMBLY.

Tuesday, October 10, 1961.

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

QUESTIONS.

NORTHFIELD PARAPLEGIC CENTRE.

Mr. FRANK WALSH: I understand that the paraplegic centre at Northfield has been completed and that some paraplegics are at the Royal Adelaide Hospital. Can the Premier say whether the centre is now open, or ready to be opened, for patients?

The Hon. Sir THOMAS PLAYFORD: The project was approved some considerable time ago and I should have thought it would probably be ready for opening but I will inquire of the Minister and tell the Leader tomorrow when the centre will be able to take patients and what steps should be taken to gain admission to it.

UNIVERSITY LECTURER.

Mr. HALL: Has the Premier the full report he promised he would get on the appointment of Mr. Brenner to the staff of Adelaide University?

The Hon. Sir THOMAS PLAYFORD: I received from Mr. Basten this morning a copy of a statement that has been prepared for this purpose. It is as follows:

When the University of Adelaide makes an appointment its chief concern is to make sure from referees or by interview or by both these means that the candidate is properly qualified academically for the appointment and that he is, in other respects, likely to be acceptable as a teacher. The university never seeks security reports. If investigation of his capacity for university work were to show that a man's political or religious affiliations affected his integrity as a teacher, so as to make it likely that he would offer propaganda rather than objective teaching to students, the university would not appoint him.

The Appointments Committee which recommended Mr. Brenner's appointment did not depart from these procedures. The university, having advertised a vacancy for a Lecturer in History, received an application from Mr. Brenner early in February. It wrote to three referees asking for confidential reports about him. Moreover, he was interviewed twice in London by senior members of the university's own staff. In the course of these inquiries information was offered about Mr. Brenner's political activities at the end of the war, but nothing was learnt about other "much graver" matters of which the Minister for Immigration has spoken. The interviews were reported to the Appointments Committee and the reports were assuring. The committee therefore recommended Mr. Brenner's appointment. The Vice-Chancellor, having studied the papers, accepted the recommendation on behalf of the council and the university wrote to Mr. Brenner offering him a post of lecturer on June 20.

NEW POWER-STATION.

Mr. RYAN: Last Thursday evening the Premier announced that a new power-house would be built on Torrens Island at a cost of £80,000,000. He was specific that the site would be on Torrens Island. However, a later statement, apparently emanating from the Chairman of the Electricity Trust, was that the trust was considering three sites for the power-house. Can the Premier now say where the site will be?

The Hon. Sir THOMAS PLAYFORD: My statement on Thursday was to the effect that the Chairman of the Electricity Trust had asked for Government approval to investigate the suitability of a site on Torrens Island. Before any site can be chosen a costly examination of various aspects will have to be made, including the type of soil and the amount of piling necessary. The trust desires a site of over 200 acres. This is a major project, and a site of that size was not available to the trust on LeFevre Peninsula and it asked, through the Minister initially, then through myself, and finally in writing, for the right to investigate Torrens Island because of its suitability in other respects. I did not announce any decision as to the actual site, although I have no doubt that it will be near Port Adelaide because of other considerations I mentioned, including power-lines and harbour facilities. The honourable member evidently did not hear what I said, but no doubt listened to third-hand reports.

Mr. Ryan: I read it in the *Advertiser*.

The Hon. Sir THOMAS PLAYFORD: I suggest, so that the honourable member may be kept up-to-date in these matters, that he listens in at 6.55 p.m. every Thursday.

Mr. RICHES: Many people were interested to read the Premier's statement. In future, will the Premier, keeping in mind that some members do not have television sets and are unable to get first-hand information that way, make statements to the House so that those members may get information first-hand? Secondly, will the Premier say whether there are not sites on Spencer Gulf that have all the advantages enumerated in the *Advertiser* report? Perhaps there are advantages in the site proposed that we do not know about, but will he consider other sites in relation

to proximity to power lines, harbour facilities and the area available? I have been reminded by the member for Port Pirie of what is going on in that town, and it seems to me that coal could be landed there as easily as at Port Adelaide. Will the Premier ask the Electricity Trust, when it reports on Torrens Island, to examine and report on the desirability and possibility of establishing a station at Port Pirie? The Port Augusta station was founded on the recommendation of a Royal Commission.

The Hon. Sir THOMAS PLAYFORD: As far as I know, the Port Augusta station was not founded upon the recommendation of a Royal Commission; I say that advisedly. The station was first mentioned when I announced that the Government was opening the Leigh Creek coalfield and said that I thought it would be possible, with organization, partly to develop the coalfield by having a power-station in the north of the State. Regarding the more relevant part of the question, every member will realize that the shorter the transmission lines and the closer the power-station to the heaviest use of power the more sure the supply will be. One problem regarding Port Augusta is that it must be connected to the city by long transmission lines costing several million pounds, which would be costly to duplicate. However, I shall be happy to refer that part of the question to the Electricity Trust, although I have not the slightest doubt that, as a matter of ordinary intelligence, it has considered these matters. Regarding the first part of the question, I shall see whether it is possible to get an even more complete coverage so that the honourable member will have the information.

Mr. BYWATERS: The newspaper report of the proposal states:

> Torrens Island has been chosen for this new venture because a large area of land is required. Other requirements are deep water, plenty of cooling water, closeness to the centres of population to be served, and existing transmission lines.

I appreciate the Premier's remarks, but I point out that Tailem Bend has all the requirements set out in the article, particularly in relation to the increased number of power-lines that are to serve that area, both along the River Murray and to the South-East. As those areas naturally need to be served from some location, Tailem Bend would be a good site, particularly because of the proximity of Moorlands coal and the fact that, if necessary, oil could easily be transported by road to that area. Will the Premier take this matter up with the trust to see whether, in the event of any further developments, Tailem Bend could be considered for such a site?

The Hon. Sir THOMAS PLAYFORD: Yes.

Mr. LAUCKE: Can the Premier say what fuel will be used in the new power-station at Torrens Island, and whether an atomic reactor will be installed as part of the motive power?

The Hon. Sir THOMAS PLAYFORD: The report from Sir Fred Drew was to the effect that oil and coal would be used as the two conventional fuels. There have been reports from America on this matter, and recently I had a letter from a member of the American Atomic Energy Commission which stated that substantial progress had been made in the development of atomic power. I passed that letter on to the trust. One of the trust's officers has already visited the firm concerned to make preliminary investigations, and the trust will keep closely in touch with it on the matter. I think it is correct to say that at present conventional thermal power-stations can produce electric power more cheaply than atomic power can be produced. What new developments will take place in the next five years are hard to say, and therefore I cannot answer the latter part of the honourable member's question. It will depend upon how quickly the nuclear power-station becomes a fact. From any figures I have seen I believe that the unit cost in a nuclear power-station would be at least a farthing more than it is when using more conventional fuels. That becomes an extremely important matter when related to a country's electricity bill.

VICTOR HARBOUR WATER PRESSURES.

Mr. JENKINS: Yesterday, on returning from the Strathalbyn show, I was inundated with telephone calls from people complaining about a lack of water pressure, including one from the manager of the Amscol factory. I went and saw him. He had to close down his refrigerators and compressors at midday and was unable to treat 8,000 lb. of cheese until some time during the night. He had used his 7,000 gallons of reserve water and no water was coming through. On inquiring from the department, I was told that it was due to the changing over of an old booster to a new booster, which is not completed, and to a shortage of some material. Can the Minister of Works confirm or deny that and indicate when it is likely that the department will be able to boost water so that there will be a normal supply?

The Hon. G. G. PEARSON: With the sudden onset of summer conditions this year the draw on water resources throughout the whole State has suddenly increased at a time when it would not normally be expected that such conditions would prevail. As the honourable member said, the department planned to convert the temporary booster to a permanent electrically operated booster, and it is making that conversion. Unfortunately, however, this has occurred at a time when there is a severe drain on water supplies. The programme for the conversion is well in hand, as I can assure the honourable member by reading the following report I received this morning from the Engineer-in-Chief:

> The former booster station, which was operated by means of petrol driven engines, is being converted to a permanent electrically operated station. The pumps have been installed in the new building and the pipe work will be completed this week. The contractor's electrical installation will be completed next week and it is anticipated the new booster station will be brought into operation by October 20.

NON-PAYMENT OF FARES.

Mr. LAWN: Has the Premier a reply to the question I asked on September 21 about passengers not paying their fares on trams and buses?

The Hon. Sir THOMAS PLAYFORD: The General Manager of the Municipal Tramways Trust reports:

> In prosecutions under the Municipal Tramways Act (section 89) it is necessary to prove "intent". Prosecutions are, however, almost invariably made under by-law 20 which, since the general revision in 1959, provides:
>
> > No passenger, other than a passenger who has produced to the conductor an available periodical ticket, school ticket, pre-sold ticket or pass, shall leave any vehicle upon which he has travelled without handing to the conductor the proper cash fare: Penalty £2.
>
> Seven prosecutions have been successfully made during the last 12 months. Legal action is taken against offenders when, in the opinion of our solicitors, the evidence warrants such a course. The sections of the Acts and by-laws of all Australian tramways relating to fare collections were secured and considered by our solicitors prior to the recent revision of the trust's by-laws. It will be realized that in the matter of fare collection there is a dual responsibility: (1) the passenger is obligated to pay his fare; and (2) it is the duty of the conductor to collect it.

CLEVE PROPERTY.

Mr. BOCKELBERG: About two years ago a property was left to the Department of Agriculture by the late Mr. Sims, of Cleve. I was privileged to inspect that property recently with a local resident, and I found it rather neglected. The fences were in good repair but grass 6in. high was growing along all fences and no fire-breaks were provided in any paddocks. Should there be a fire in the district, I think that much damage would be done to that property, which is well grassed all over and is probably one of the best farms in the Cleve area. Will the Minister of Agriculture say whether the department intends to do anything with the property or, if it does not, will it consider share-farming or leasing it to a local resident?

The Hon. D. N. BROOKMAN: It is not intended that the property shall be share-farmed or leased. However, I will get a full statement for the honourable member.

MOUNT LOFTY ANNEXE.

Mr. SHANNON: Last week I mentioned the Botanic Garden annexe in the Mount Lofty hills. Garden lovers in the hills hope that this venture by the Botanic Garden Board will prove successful, as some people are a little doubtful about it. Is the Premier able to make a statement about this matter, as it is of great interest to the people concerned?

The Hon. Sir THOMAS PLAYFORD: I have a report on this matter, which states:

> The amount of £3,025 provided is to meet the balance of purchase money for the area purchased from Mr. L. G. Bonython. Under the conditions of purchase this balance is to be paid on December 1, 1961. The total area held by the Botanic Garden Board in the Mount Lofty region is approximately 150 acres. Details of development of the Mount Lofty annexe are given in the board's annual report which is at present on the table of the House. In a statement provided yesterday the Director, Botanic Garden, advised that at present a senior gardener and four other men are working on the project. Three tanks with a total capacity of 70,000 gallons have been installed. Tenders are being called for an electric pumping plant. Two inch pipelines have been laid and about three-quarters of the area has been fenced. There are two nurseries and initial planting of three-quarters of an acre has been carried out. It is important to understand, however, that because of the growing time for trees and shrubs, it will probably be 12 to 15 years before the annexe will be open to the public.

PILDAPPA WATER SUPPLY.

Mr. LOVEDAY: In view of recent statements alleged to have been made by the Premier regarding a further extension of water supplies on Eyre Peninsula, can the Minister of Works say whether further consideration

has been given to extending the water supply from the Tod main to the Pildappa settlers and, if not, whether that matter will be considered again?

The Hon. G. G. PEARSON: I could not give any categorical undertaking regarding that small extension. It has been considered a number of times and the Engineer-in-Chief is not able to recommend it. True, some small additions to the supplies on Lower Eyre Peninsula are being made by utilizing the Lincoln basin, and I am pleased to say that that scheme came into partial operation at the end of last week, but a number of extensions (some large and some not so large) on Eyre Peninsula await consideration. The honourable member for Eyre has often advanced the claims of certain areas which at present have no water, and these have to be considered in the light of the water supplies available. Among these schemes are some which are feasible at reasonable cost and with a reasonable return, but some are not at all attractive from either of those aspects and would, in fact, involve the landowners concerned in much higher rating than would be economic. I am not suggesting that that applies to the scheme mentioned by the honourable member, but that scheme is one where certain services are already provided at extremely moderate cost, if at any cost at all, in one section of it, and I believe that, although it is not a complete scheme and fails at certain times, the failures are not of such an order as to suggest that it would be economic for them to go completely over to a rated scheme at the cost which would probably be involved in it. I am prepared to ask the Engineer-in-Chief to reconsider the matter, but up to the present he has considered that circumstances have not justified his recommending it.

RADIUM HILL.

Mr. HARDING: Many exaggerated and untrue statements have recently been made regarding the closing down of the mine at Radium Hill. Would the Minister of Works give the reasons for the closing of the mine, and say what, in his opinion, is the future of Radium Hill?

The Hon. G. G. PEARSON: As all honourable members are aware, the Government appointed a special committee of people of high calibre and close experience with this project to investigate and report on the possibilities of the Radium Hill project, and that report was furnished to the House, I think early last week. The compelling aspect of it, as I understand the terminology of the report, was simply that it would be impossible to produce uranium oxide as derived from the Radium Hill project at a price that would command any sale on the world's markets. That is the reason why, when the contract for the sale of uranium oxide with the authority with whom the Government had initially contracted expired, there was no possibility whatever of renewing it and the Government was faced with that hard economic fact. The committee reported in accordance with those aspects of the situation as it saw them.

Mr. McKEE: It would appear that the Government now intends to carry out the recommendation of the special committee to close the project at Radium Hill. Will the Government consider the gradual closing of these works so as to give all the employees there an opportunity to obtain other employment and suitable housing? Also, will the Government consider *pro rata* long service leave payments to employees from these works?

The Hon. G. G. PEARSON: Of my own knowledge I do not know whether it would be possible to consider a gradual closure of the activities at Radium Hill with its consequent effect on the treatment works at Port Pirie, but all the aspects that the honourable member mentions would, I think, be within the purview of the proposed re-employment committee which the Government is considering and which I think will be set up shortly. Consideration of such matters as re-employment, housing and the movement of employees to other employment would be the special function of the re-employment committee which was one of the recommendations of the project committee that examined the matter. It recommended that the Government take steps to achieve the re-employment and relocation of those persons being displaced by the closure of the mine. The appointment of that committee is being actively considered by the Government and I think an announcement will be made shortly, possibly before the end of the week.

Mr. McKee: What about long service leave?

The Hon. G. G. PEARSON: That probably would be within the purview of the committee, but I cannot answer more specifically than that at the moment.

Mr McKee: Will the Minister refer that to Cabinet?

The Hon. G. G. PEARSON: Yes, if the honourable member desires it, to see whether

that should be considered in isolation or in conjunction with the other activities of the committee.

BAROSSA VALLEY OLIVE PLANTATIONS LIMITED.

Mr. TAPPING: I believe the Minister of Education has an interim report for me on the question I asked last week about investigations into the activities of Barossa Valley Olive Plantations Limited?

The Hon. B. PATTINSON: I regret the delay in supplying a reply to the question. It has been caused by the great difficulty experienced by the police in locating the principals of this company, but the police have now contacted them and they are being interviewed and their books and records are being inspected today. As soon as I have anything further to report, I shall supply the honourable member with a further answer in the House.

BORDERTOWN HIGH SCHOOL.

Mr. NANKIVELL: In the Loan Estimates a sum of £80,000 was allocated for the extension of the solid construction buildings at Bordertown high school. Will the Minister of Works ascertain from the Public Buildings Department when this work is expected to commence and whether these buildings are expected to be ready for the commencement of the 1963 school year?

The Hon. G. G. PEARSON: I will ask for a report on that for the honourable member.

SCHOOL EQUIPMENT SUBSIDIES.

Mr. RYAN: Earlier in the session the member for Gawler (Mr. Clark) and I both raised the matter of the payment of subsidies for the establishment of canteens and ancillary equipment. The Minister of Education told us on various occasions that each case would be considered on its merits and, if considered necessary, a subsidy would be paid. Because of the establishment of a canteen in a school in my district, it has been brought to my notice that the advice of the Education Department was sought about the payment of a subsidy on certain equipment. The reply was that the payment of subsidy on equipment by the department was very tight and that only certain equipment would be subsidized. The department said that pie warmers would probably be subsidized, whereas refrigerators would definitely not be considered for subsidy. Is this true? If so, will the department seriously consider the payment of a subsidy on refrigerators as on pie warmers, because one from a hygienic point of view is absolutely essential while the other may be regarded more as a luxury?

The Hon. B. PATTINSON: I think the honourable member's statement is substantially correct. First, every application for a subsidy for the construction of a canteen is considered seriously and sympathetically. In most cases it is granted except where applications have been made for the building of a most elaborate structure which we do not think necessary and certainly cannot afford to subsidize at present when we so urgently need classrooms and like structures; but we are not prepared at present to subsidize the cost of refrigerators for canteens. The only cases where we do so are where they are in domestic arts centres, where it is part of the curriculum for the girls to be taught cooking. There, we regard refrigeration as both desirable and necessary. I am not arguing that it is not a good thing to have refrigerators in canteens. I am all for them, but I point out that canteens are wonderful money-spinners for the school committees, high school councils, and other parent bodies. Firstly, we subsidize the construction of the canteens and then we subsidize, pound for pound, the big profits the parent bodies make from operating the canteens. It is a huge outlay and I think that most of the school bodies are delighted with the large subsidy they receive on their initial capital outlay and on their annual profit.

Mr. Ryan: How about equipment?

The Hon. B. PATTINSON: That is what I am saying. At present only a limited sum is available for subsidies and if a large proportion is spent on subsidizing luxurious equipment, such as refrigeration, we will have to go short in the payment of subsidies for what I regard as more desirable and necessary items. I suppose that ultimately we will get around to subsidizing refrigeration, but at present we do not intend to do so because we cannot afford it.

CEDUNA COURTHOUSE.

Mr. BOCKELBERG: Frequent requests have been made for additions and alterations to the courthouse at Ceduna, which is used often and which is inadequate. Will the Minister of Education ask the Attorney-General whether there are any plans to enlarge or improve this courthouse?

The Hon. B. PATTINSON: I shall be pleased to do so and to let the honourable member know in due course.

DECLARED VEGETABLE AREAS.

Mr. BYWATERS: In last Friday's *Advertiser* under the heading "Water Supply Problems," the following appeared:

The State Government was anxious further to study the problems of underground water supplies, the Premier (Sir Thomas Playford) said yesterday when opening the annual conference of the Australian Vegetable Growers' Federation. Unfortunately there was too little knowledge of the capacity of the State's underground waters and the length of time required to replenish supplies after a heavy demand.

The position could become grave for the vegetable grower and the community if bores ran dry. With South Australia's population likely to double in the next 20 years and the prospect of big increases in population in other States, many community services would have to be duplicated. Expansion was posing problems for vegetable growers.

As there are large areas adjacent to the River Murray, from which it is easy to get water, will the Acting Minister of Lands inquire into the possibility of declaring certain areas for vegetable growing? I have in mind a scheme similar to that now operating in private fruit-growing schemes, which are proving popular along the river. I believe it is necessary to declare certain areas that are suitable for vegetable growing because it is obvious that our underground water supplies will not be capable of catering for the State's needs in years to come.

The Hon. D. N. BROOKMAN: I will have to examine the full implications of this question, because it has many far-reaching aspects. The setting aside of certain lands for vegetable production would involve some form of compulsion about the use of land and would, in my present opinion, introduce a new and somewhat artificial factor into a highly competitive industry. I do not necessarily suggest that the idea is bad, but I should like to seriously consider it before giving a full reply.

PENNINGTON PRIMARY SCHOOL.

Mr. RYAN: Has the Minister of Education any information on my recent question about the Pennington primary school?

The Hon. B. PATTINSON: I have no definite information. At present it is impossible for the Government to commence the construction of the many schools planned by the Education Department and, consequently, Cabinet asked the Director of Education to supply to the Director of the Public Buildings Department a list in order of priority. This was done, and the Pennington primary school is low on the priority list. In compiling the list the Director endeavoured to place high on it those areas where no school existed or where the existing school was inadequate for present and future requirements, and he was obliged to put lower on the list those areas where a school, even though unsatisfactory, existed. I regret that I cannot supply the honourable member with any positive information as to when the Pennington school will be commenced, other than to say that it will be commenced as soon as it is physically and financially possible.

RAILWAY LAND.

Mr. COUMBE (on notice):

1. Has the Railways Department any plans for the future use of disused departmental land on Churchill Road, Islington, adjacent to the Islington railway station?

2. Is it proposed to remove the few remaining migrant temporary houses from this land?

3. Is the department prepared to lease portion of this land to the Corporation of the City of Prospect or some other body for sporting or recreational purposes?

The Hon. G. G. PEARSON: The Railways Commissioner reports:

1. Retention of the land referred to is essential to projected future departmental works.

2. Yes.

3. For the reasons indicated in 1. above the Commissioner is unable to consider leasing the land for the purposes indicated.

PORT AUGUSTA HOSPITAL.

Mr. Loveday for Mr. RICHES (on notice):

1. Is the Government aware that the attention of the Hospitals Department was drawn to the need for standard air-conditioning units at the maternity block, Port Augusta hospital, on February 7 last and that, although approved, tenders were not called until August 31 and September 7?

2. Is the Government aware that requisitions for air-conditioning units were made this year on March 17 for the kitchen, on May 22 for the main theatre, and on June 6 for the outpatients theatre, and that the Port Augusta Hospital Board has been advised that specifications are only now being prepared before tenders are called, and that departmental procedure and consideration of tenders will take another four to six weeks?

3. What is the reason for this delay?

4. As the units are required for this summer and in the main are standard equipment, is it intended that this installation shall be expedited?

The Hon. G. G. PEARSON: The Director, Public Buildings Department, reports:

The air-conditioning requested for the Port Augusta hospital required investigations and

the preparation of drawings and specifications for the calling of tenders. Because of the heavy commitment of the Engineering Branch on other urgent work it was not possible to give immediate attention to the work requested at Port Augusta.

The present position is that tenders have been received for the air-conditioning in the maternity block and are at present under consideration; it is anticipated that tenders will be called for the air-conditioning of the out-patients' theatre in approximately two weeks and the main theatre in four weeks and drawings are at present being prepared for the exhaust system and evaporative cooling unit for the kitchen. Every effort will be made to complete the installation as soon as possible.

PUBLIC WORKS COMMITTEE REPORTS.

The SPEAKER laid on the table the following final reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Airdale, Brahma, Vale Park, Beefacres, Elizabeth West, Mansfield Park (Additions), Newton and Whyalla North-West Primary Schools.

Brighton and Tonsley Park Primary Schools.

Ordered that reports be printed.

ADELAIDE PARK LANDS ALTERATION BILL.

Returned from the Legislative Council without amendment.

DOG FENCE ACT AMENDMENT BILL.

The Hon. D. N. BROOKMAN (Acting Minister of Lands) 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 Dog Fence Act, 1946-1960.

Motion carried.

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

The Hon. D. N. BROOKMAN: I move:

That this Bill be now read a second time.

Its objects are to increase the maximum amount payable in each financial year by the Dog Fence Board to owners of the dog fence for the purpose of maintenance and inspection of the fence and the destruction of wild dogs; to increase the maximum that may be imposed by the board as the amount of annual rates in respect of every square mile of ratable land under the principal Act; to abolish the additional rate that the board may declare in respect of ratable land situated within ten miles of the dog fence; and to increase the limit imposed by the Act on the Government subsidy payable to the board.

By section 24 of the principal Act the board is required to pay to the owner of any part of the dog fence such amount a mile of fence as is determined by the board for that year. In 1953, Parliament limited the amount payable to an owner for every mile of fence to £16. As the cost of maintaining the dog fence has increased considerably in recent years, the Government feels that the limit fixed in 1953 should be increased. Accordingly, clause 3 increases that limit from £16 to £30. By section 26 of the principal Act the board is empowered to declare an amount of annual rates payable in respect of every square mile of ratable land. The maximum amount that may be so declared was fixed in 1953 as three shillings a square mile of ratable land. Clause 4 amends section 26 to increase that amount to six shillings.

Section 27 of the principal Act provides that the board may, in addition to the rate declared under section 26, declare a rate not exceeding one shilling and threepence a square mile of ratable land within ten miles of the dog fence. The board has recommended the repeal of this section because it feels that this additional rate is not justified as it imposes an extra charge on the person whom the Act is designed to assist. The Government agrees with this recommendation, and accordingly clause 5 repeals section 27. Clause 6 makes a consequential amendment to section 29 of the principal Act.

Subsection (1) of section 31 of the principal Act provides that the Treasurer shall pay to the board a subsidy at the rate of one pound for every pound of rates declared for each financial year, but the proviso to that subsection limits that subsidy, with respect to rates declared under section 26, to one shilling and threepence a square mile of ratable land. When the Act came into force in 1946 the Act imposed a limit of one shilling and threepence on the amount of rates declarable under section 26 for each square mile of ratable land, but, though that limit was raised to three shillings in 1953, the Government subsidy was limited to one shilling and threepence a square mile of ratable land. The Government feels that the increase in the costs of maintenance in recent years justifies an increase in the Government subsidy, and clause 7 raises the limit placed on that subsidy by the proviso to subsection (1) of section 31 from one shilling and

threepence to two shillings a square mile of ratable land.

Mr. LOVEDAY secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL.

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

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to amend the Constitution Act, 1934-1959.

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.

Consisting of only one operative clause, it amends the provisions of the Constitution Act of the State concerning the allowance of His Excellency the Governor. The reason for the Bill is that the present Act provides for an allowance adjustable according to what has been known as the C series index, a statistical figure hitherto employed by the Commonwealth as an index of price changes which has been supplanted by what is considered to be a more satisfactory formula. The Government has obtained from the Commonwealth Statistician a figure which he estimates as what might have been the C series index figure for the current year and, on the basis of that figure, introduces the present amending Bill which sets the basic figure at approximately what the application of the C series would have produced in relation to 1961, namely £7,000, sets that figure as the amount for the current year, and fixes future annual expense allowances by reference to that amount as it may be affected by the future index figures which the Commonwealth Statistician has now adopted.

Honourable members will recall that some years ago, rather than bringing in every year an adjustment to meet the expenses that His Excellency has to incur in the maintenance of Government House, Parliament passed a Bill to enable a formula to apply. However, as the C series index has now been supplanted by some other index, we have His Excellency's consent to the introduction of a Bill to effect this change.

Mr. FRANK WALSH secured the adjournment of the dabate.

HOUSING AGREEMENT 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 approve an agreement between the Commonwealth of Australia and the States of Australia in relation to housing and for other purposes.

Motion carried.

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

The Hon. Sir THOMAS PLAYFORD: I move:

That this Bill be now read a second time.

Its object is to approve a draft Commonwealth-State Housing Agreement recently negotiated with the Commonwealth and to authorize the Treasurer to enter into, execute and carry out the proposed agreement. Clause 2 of the Bill so provides. Clause 3 of the Bill applies sections 3 and 4 of the Housing Agreement Act of 1956 to the agreement executed in pursuance of that Act as it will be amended by the new agreement. Clause 4 empowers the Treasurer to provide for expenses incurred by the State under the amended agreement, clause 16 (2) of which refers to expenses in providing finance for home builders. Clause 4 is a machinery clause. Clause 5 is also a machinery clause, enabling the Treasurer to make advances to the Home Builders' Account up to £250,000 subject to payment of interest at current Commonwealth rates. This clause is included so that approvals of loans from the Home Builders' Account can be continued without occasional deferments where the account appears likely to run temporarily into deficit. Clause 5 will enable a steady programme to be carried out.

I have outlined the provisions of the Bill to which the proposed amending agreement is a schedule. It will be seen that clause 2 of the new agreement extends the operation of the former agreement for a further five years and makes certain consequential variations in the terms of the earlier agreement. Clause 3 of the amending agreement covers advances made before it comes into force, and clause 4 makes certain provisions regarding the sale of dwellings under the 1945 agreement. The terms of the agreement have been accepted by the Commonwealth and all of the States, and the Commonwealth's enabling legislation has been passed.

It may be useful to honourable members to have outlined to them the advantages to the home builder under the present legislation. The agreement does not, in point of fact, make additional money available for home building. Under the procedures which have applied and which will continue to be applied, the Loan Council considers the matters it is required to consider under the Constitution, namely, how much money can be raised at reasonable rates of interest, and it draws up a programme for the whole of the Loan works of the Commonwealth and the States for the financial year under review. For example, this year the amount decided upon by the Loan Council for the Loan programme for the Commonwealth and States was £240,000,000. The total amount is then divided between the respective Governments. I am not sure of the exact figure, but I think that South Australia's share is £32,000,000.

Mr. Bywaters: Is that worked out on a population basis?

The Hon. Sir THOMAS PLAYFORD: No, on a formula that has never been strictly insisted upon, but it operates if there is not unanimity between the States. The formula is a percentage of the money that a State has spent on Loan works during the previous five years. In fact, the formula at present favours South Australia, which has about 9.8 per cent of the total Australian population, as we get about 14 per cent of the total Loan money. As I said, the South Australian share of the £240,000,000 was £32,000,000. Under the Commonwealth-State Housing Agreement we are then permitted to nominate the amount of our Loan programme for that year which will come under the agreement. This year South Australia nominated £8,000,000 and that became the amount available to the State under the agreement. The advantage is that we get that money at 1 per cent below the long term rate of interest for the year; so, the concession to the house-builder and those who build for renting is an interest concession under this Bill.

Members will see that there is an advantage when we take into account the tremendously improved interest charges. On rental and other housing the concession is expressed in the form of an interest reduction rather than in the amount of money. One provision in the agreement is not favourable to the States, but it does not have a big bearing on South Australia. In those States where building societies operate, 30 per cent of the money (I think under the new agreement it is 33 per cent) had to be made available to terminating building societies. If terminating societies were operating in South Australia and we nominated £8,000,000, I should have to make available to those societies for their purposes one-third of the total amount. In South Australia there are no such societies. They have never been a feature of our house-building activities. We have some permanent building societies and we have made an agreement with the Commonwealth Minister which enables us to give them some support. Speaking from memory, I believe that the amount provided this year is £300,000, and that is based largely upon the amount they themselves put into their activities.

Mr. Ryan: Is the Starr Bowkett Building Society a terminating building society?

The Hon. Sir THOMAS PLAYFORD: I do not think so. I believe that about five or six building societies, including a small one at Hindmarsh, operate in South Australia. If it is of interest to honourable members, I will get what is the allocation of each of the building societies this year.

Mr. Ryan: Will you also include the Starr Bowkett Society?

The Hon. Sir THOMAS PLAYFORD: I am not sure whether it is included, but if it is I will also include its figures. The terminating building societies form a substantial part of the agreement in the other States, but they have never flourished in South Australia. In the first place, South Australia has always had advances under the State Bank as a feature of home-building and we also have permanent building societies, one or two of which are large institutions, and they have done a remarkably good job in their respective spheres.

Mr. Lawn: Does the one per cent differential rate apply to houses built by the Housing Trust for sale, or only for rental?

The Hon. Sir THOMAS PLAYFORD: It applies to the houses built by the trust where the money comes from this source.

Mr. Lawn: Whether for sale or rental?

The Hon. Sir THOMAS PLAYFORD: Yes, but it would be impossible to have two identical houses side by side for which different rents were charged. What the trust has done is to spread the benefit as regards rental houses over the whole of its field.

Mr. Lawn: What about houses for sale?

The Hon. Sir THOMAS PLAYFORD: The trust and the State Bank provide much keener rates of interest than would be provided by other institutions. The basic agreement sets

out what each society must provide the money for. The benefit obtained from the Commonwealth is passed on, under this agreement, to the house-owner or the tenant. That is why South Australia has nominated more in proportion to the size of the population than has any other State. I believe that the £8,000,000 we nominated this year to come under the agreement was the biggest amount of any State. The reason was to enable us to get the benefit of the one per cent interest reduction. I commend the Bill.

Mr. FRANK WALSH secured the adjournment of the debate.

AUCTIONEERS ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Auctioneers Act, 1934-1953. Read a first time.

The Hon. Sir THOMAS PLAYFORD: I move:

That this Bill be now read a second time.

The object of this Bill, which contains only one substantive clause, is to prohibit sales of land by auction on Sundays. Clause 3 accordingly inserts into the principal Act a provision making it an offence for anyone, whether a natural person or a company, to offer, deal in, sell or put up to sale any land or estate in land by way of auction on any Sunday. The Bill is limited to auction sales of land, the sale of goods or chattels other than exempted goods, whether by auction or otherwise, being already prohibited in shopping districts by the Early Closing Act. The Bill will not prohibit ordinary land sales on Sundays. The Government decided to introduce this legislation following representations that the holding of auctions of land on Sundays was undesirable, a view with which the Government agrees.

Mr. FRANK WALSH secured the adjournment of the debate.

HOUSING IMPROVEMENT ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Housing Improvement Act, 1940-1958. Read a first time.

The Hon. Sir THOMAS PLAYFORD: I move:

That this Bill be now read a second time.

Its object is to clarify the powers of the housing authority (which is, in fact, the Housing Trust) in relation to the erection of houses for persons or approved bodies, shops, workshops and factories. Under the present Act the specific powers of the housing authority are related to the improvement of substandard housing conditions, clearance of areas, assistance to housing corporations and, in relation to housing, the provision of housing for persons of limited means. The principal Act was amended in 1958 to enable the authority to erect on its own land, with the consent of the Governor, shops, workshops, factories, halls or buildings which, in the opinion of the authority, would beneficially provide for the requirements of persons inhabiting houses erected by the housing authority. This amendment did not cover the erection of houses generally, nor did it provide for the erection of houses on land not owned by the housing authority. Certain doubts have been expressed about the powers of the housing authority in respect of the erection of houses or other buildings on land not owned by the authority. One of the objects of this Bill is to define in clearer terms and with greater precision the functions and powers of the authority in this respect and at the same time to validate the activities of the trust in relation to the erection of certain buildings on land not owned by it.

Clause 3 of the Bill accordingly repeals the present subsection (4) of section 16 of the principal Act, which was inserted by the 1958 amendment, and substitutes a number of additional subsections. The new subsection (4) will empower the authority to erect houses on its own land for disposal, to erect houses on other land for any persons or approved bodies and to erect houses or buildings of any kind on other land for any Government department or instrumentality. Subsection (5) will empower the housing authority, with the consent of the Governor, to erect on its own land shops, workshops or buildings which, in the Governor's opinion, it is desirable to erect for the service and convenience of persons occupying houses erected by the housing authority. The same subsection will enable the authority to erect factories on its own land, subject to the prior recommendation of the Industries Development Committee. The new subsection (6) will empower the authority to let or sell any houses, shops, workshops or factories which it has erected on its own land.

Subsection (7) will require the authority to make appropriate arrangements for payment for undertaking the erection of houses on land not owned by it. Subsection (8) will require the authority in all cases to take proper security

to cover all moneys due to it. Subsection (9) defines "approved body", while subsection (10) is a financial provision. The new subsection (11) is designed to validate activities already commenced by the housing authority to the commencement of the present amending Bill. Clause 4 is designed to enable the housing authority, with the Governor's consent, to carry out works in connection with development of lands for housing purposes.

Mr. FRANK WALSH secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Prices Act, 1948-1960. Read a first time.

The Hon. Sir THOMAS PLAYFORD: I move:

That this Bill be now read a second time.

In asking Parliament to agree to a continuance of the Prices Act for a further 12 months—that is, until the end of 1962—I am influenced by reasons similar to those which I have previously submitted to members. Boiled down, they can be summed up in one simple proposition, namely, that the State continues to derive substantial and important benefits from the activities of the department. The work of the department comprises not only the control of certain prices, but the carrying out of investigations and negotiations affecting important aspects of the industrial and commercial life of the State. In both these aspects of its work the department continues to be of considerable service to the Government and the public. Members are familiar with most aspects of price control, but let me remind them of some of the advantages gained by continuing this legislation.

Regarding the effects of declarations of the living wage, I think it is correct to say that practically every declaration of a basic or living wage in recent years has increased the wage, with the result in each case that the annual wages paid in Australia are suddenly increased by many millions of pounds a year. There are roughly 3,000,000 wage earners in Australia, so that an average increase per week of 10s. adds about £75,000,000 to the annual wages bill. There is, not unnaturally, a tendency for employers to raise prices in order to pay the increases, and no doubt some of them cannot avoid doing so. But if by control the increase in prices can be kept low, the wage-earner derives a benefit from the increases which he would not get without control. The Prices Department has, in a number of cases, restrained or prevented sellers from using the increased wage as an excuse for making price rises which in fact were not justified by the rise in wages.

In respect of housing, this State is the only one which has continued to exercise control over building costs, with the result that they are the lowest in the Commonwealth. An average five-roomed brick dwelling can be built in South Australia today for about £750 lower than the same type of house built in any other State. The lower building costs enjoyed by this State have enabled the number of houses built here for the year ended June 30, 1961 (9,376), to be built for about £6,000,000 less than the same number of houses could have been built in any other State. This has also meant that semi-governmental authorities have been able to erect an additional 600 houses from funds available.

With the highly competitive export trade it is necessary in the interests of both primary producers and industry that costs be kept to a minimum. The large number of component parts which go towards making up the total cost structure covers a very wide range, and in this respect the exercise of some form of control over the range of items which are incorporated in various export costs has greatly assisted in keeping them at reasonable levels. The fact that the Prices Department has been able to keep such items as superphosphate, petroleum products, cartage rates, a wide range of building materials and services, and everyday living costs, at reasonable levels, has contributed materially in this respect.

The Prices Department has carried out a number of special investigations on behalf of the Government and in the interests of certain important sections of the community. Two separate investigations—one dealing with wine grape prices and the other dealing with low-priced wines—resulted in substantial benefits to grapegrowers in the case of the first investigation, and greatly assisted winemakers to stabilize their industry in the latter case. Other investigations of a special nature carried out by the department have been of a confidential nature but have been of great assistance to the Government and certain industries.

Restrictive trade practices can take many forms, and in a number of cases require delicate handling by a specialized staff. The Prices Act gives a fair measure of control over restrictive trade practices and in some cases the department has, by its adaptability, been able

to negotiate favourable agreements, in view of which restrictive practices in this State are by no means as prevalent as we know them to be in some other States. With a specialized and experienced staff which is able to distinguish what is a fair trade practice and what is unfair trade practice, continuation of the Prices Act will serve to keep restrictive trade practices to a minimum and to deal with them effectively where they are harmful.

Regarding hire-purchase, since the uniform Hire-Purchase Act became law in this State, the Prices Department has been policing this Act also and has already provided a valuable service to both the trade and the public. Already a number of complaints lodged have been investigated and in certain transactions the department has successfully taken action to ensure the hirer his entitlements.

Regarding exploitation the department continues to receive numerous complaints about overcharges covering a wide range of goods and services, and there are many members who, from their own experience of certain matters which they have brought to the attention of the department, have found that where exploitation has occurred, the department has acted and obtained most satisfactory results. Refunds continue to be obtained by the department for persons who have been excessively charged.

Investigations carried out by the department into individual industries alone have resulted in some very substantial savings. In a little more than the last four years there have been 12 successive series of reductions on major petroleum products without any increases. With the exception of relaxation in customs duty all these reductions have been initiated by the South Australian Prices Department and the savings over this period for South Australia alone total £8,695,000. Of this amount, customs duty totals £614,000. In effect the department itself has saved consumers in this State over £8,000,000. Price reductions over this period have been:

Petrol	5½d. per gallon.
Lighting kerosene .	1½d. per gallon.
Power kerosene ..	1d. per gallon.
Distillate	3d. per gallon.
Diesel oil	£3 11s. 6d. per ton.
Furnace oil	£4 per ton.

It might also interest members to know that the retail price of 3s. 3d. a gallon for standard grade motor spirit in South Australia is 1½d. a gallon lower than the price in all other States. It is also the equivalent of 2d. a gallon below the price at which the same octane spirit sells in San Francisco and 3d. a gallon below the price in New York. In other individual investigations the department has also effected some remarkable savings figures. In the last five years, primary producers have been saved almost £1,000,000 on superphosphate, and in the last three years users of timber have been saved a total of £600,000. I could quote many more instances of individual industry savings effected by the department, but the facts given are more than sufficient to illustrate the position.

Honourable members will realize that the prices legislation has conferred on this State a number of benefits, the nature and the extent of which have been so useful that it would be most unsound to allow this legislation to lapse. The very protective role of the department has contributed greatly in maintaining freedom from industrial unrest in this State. I therefore ask members to vote for a continuation of this legislation for a period of a further 12 months.

Mr. LOVEDAY secured the adjournment of the debate.

ARTIFICIAL BREEDING BILL.

Read a third time and passed.

SALE OF FURNITURE ACT AMENDMENT BILL.

Read a third time and passed.

CHILDREN'S PROTECTION ACT AMENDMENT BILL.

Read a third time and passed.

SURVEYORS ACT AMENDMENT BILL.

Second reading.

The Hon. D. N. BROOKMAN (Acting Minister of Lands): I move:

That this Bill be now read a second time.

Its object is to prevent damage, destruction, removal of or interference with survey marks. While section 34 of the principal Act makes it an offence to pull up, remove, destroy or injure any peg or survey mark which has been put up by a surveyor on the boundaries of any roads or property surveyed or for the purpose of defining boundaries, the whole section is qualified by the words "during the progress of any survey". Section 34 thus covers only interference with survey marks where a survey is in progress and where the marks are on boundaries or where the survey marks are erected for the purpose of fixing boundaries. While this section goes some way towards

covering the field, it does not provide for interference with survey marks after the completion of the survey.

Clause 4 accordingly makes it an offence to damage, destroy, remove or interfere with any survey mark. Clause 3 will amend section 30 of the principal Act by introducing a definition of survey mark which will mean a beacon, concrete block, metal pin, metal plaque, peg or stone cairn placed on land for the purpose of making a survey of any kind or for the purpose of indicating a boundary on any land. The effect of both amendments will be that interference with survey marks at any time will be an offence. A Bill along similar lines was introduced some years ago, but objections of kinds were raised to some of its provisions. The main objection was that the definition of survey mark was too wide in that it included not only a peg, picket or beacon but also a mark or thing of any kind for the purpose of making a survey or indicating a boundary—it was suggested that an empty bottle or tin could be used temporarily as a survey mark. In the present Bill the reference to a mark or thing of any kind has been omitted and the definition has been made more specific.

Another objection was that the former Bill did not include as part of the offence the element of wilfulness or recklessness. The words "wilfully or recklessly" have been included in the proposed new section 34 under this Bill.

Clause 4 also inserts a new subsection in section 34 making the allegation in a complaint that any beacon, etc., is a survey mark *prima facie* evidence. Without such provision unnecessary difficulties might well arise in connection with prosecutions. I would point out that the presumption created by the Bill is not conclusive.

I commend the Bill to honourable members. It is designed to make provision against what has become a very unsatisfactory position. There is a continual loss of survey marks as in particular there have been four serious cases of the loss of beacons and ground marks in connection with geodetic surveys in the past seven years. Replacement of the marks has been expensive and their removal could hardly have been other than deliberate. Other marks have been damaged or partly destroyed. It is necessary that some provision to prevent interference be taken and that the law be amended accordingly.

Mr. CLARK secured the adjournment of the debate.

LAND SETTLEMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 5. Page 1088.)

Mr. FRANK WALSH (Leader of the Opposition): I understood that we were to proceed with the Road Traffic Bill, but now I find that I have to speak on this Bill. Whereas in the past the Land Settlement Committee's activities have been confined to specific inquiries, the Bill provides that the committee, after it has been re-appointed for a further two years, may inquire into certain other matters. I think that the areas to be affected by this extension of the committee's powers should be indicated on a map to the House. Also, when its powers are extended for a further two years, the Government should be able to refer some projects now considered by the Public Works Committee to the Land Settlement Committee when they affect primary production. Such matters would more appropriately be dealt with by the Land Settlement Committee. Generally, we have to look further afield than we have done in the past. The overall total for Australia of soldier settlement over the last few years is much less than it was for the previous 10-year period. I hope the Government will be able to refer more matters concerning primary production to the Land Settlement Committee than hitherto, for it is essential to have more people engaged in primary production than we have at present. I have said many times previously that large areas of land are today subdivided which should have remained under primary production. A few roads have been built on such land, which is now covered with weeds and grass instead of being usefully used in primary production. The South Road is a good example of subdivision having taken place where the land should have been retained for primary production. This Bill is important and I sincerely trust that the Land Settlement Committee will be given plenty of references in the future—if not from this Government, then from another Government after the next elections. I support the second reading.

Mr. HEASLIP (Rocky River): In years gone by the Land Settlement Committee, of which I am chairman, did much useful work for the benefit of both South Australia and soldier settlers. On Kangaroo Island, Eyre Peninsula and in the South-East the committee has travelled extensively and reported on holdings in those areas. Despite many problems,

the South-East drainage scheme (both the eastern and the western sections) is now under way. The last big problem into which we had to inquire was the Loxton drainage scheme, which involved much money and the transfer of underground water under the river to the other side to get rid of it. That project, too, is under way. Since that time, almost 12 months ago, this committee has been practically defunct. If it is to be reappointed, it must be given something to do. It is willing to work but for the past 12 months it has had no opportunity to. Its members and I, as Chairman, do not like being inactive.

The Minister in introducing this Bill said that certain works connected with the land would be handed over for this committee to inquire into, in order to relieve the burden on the Public Works Standing Committee which is, if not over-worked, at least working much harder than it should have to, when there is another committee that could be doing much of its work. If the Loxton drainage scheme can be dealt with by the Land Settlement Committee, then surely we are capable of inquiring into problems connected with the land. Therefore, I support the second reading. I understand that the Minister has told us that this committee will not be a committee with no work to do but it will get more work soon.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

STOCK DISEASES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 5. Page 1089.)

Mr. FRANK WALSH (Leader of the Opposition): I listened to the Minister's second reading speech, have examined the Bill, and find no fault with it. I am not an authority on stock diseases, and possibly some members who are primary producers will speak to the Bill. I know that during the session foot-rot and other diseases have been mentioned, and members have referred to the danger of infected stock coming from other States. On one occasion members referred to stock coming from New South Wales by road transport along the Broken Hill to Cockburn track. In view of the seriousness of some diseases, I realize that some greater control is necessary. I support the second reading.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

WHYALLA TOWN COMMISSION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 5. Page 1090.)

Mr. LOVEDAY (Whyalla): I have much pleasure in supporting the Bill. I have had the honour of being a member of the Whyalla Town Commission since its inception in 1945 and believe that I can speak with some knowledge on the Bill. The first amendment proposes changing the name of the commission from the Whyalla Town Commission to the City of Whyalla Commission, and also alters the title of the town to the city of Whyalla. This has been occasioned by the increase in population, which has now brought the town within the category of a city. The population is over 14,000 and, as it is rapidly increasing, it will probably reach 30,000 to 40,000 in the foreseeable future. The residents of Whyalla are naturally keen to have the town named a city.

The second amendment relates to the position of the Chairman of the commission. He will have the right of appeal to the President of the Industrial Court against his removal from office. At present the Chairman, who also acts as mayor and town clerk, can be dismissed by the Governor or by unanimous resolution on the part of the members of the Town Commission for improper conduct, not that that has ever been contemplated by the members of the commission. Nevertheless, this necessary procedure was overlooked when the Act was framed initially and the amendment provides that the Chairman will have a right of appeal to the President of the Industrial Court. It was suggested in another place that this would relieve the Chairman of some anxiety, but I do not believe that the Chairman has ever been anxious about this matter at any time during his term of office. He has performed his duties very efficiently since 1945, when he was appointed.

The third amendment permits those members of the commission who are appointed by the Broken Hill Proprietary Company to exercise the rights of appointing other members, appointed by the company, to act as proxies in their absence. This privilege has been possessed by the elected members of the commission since the Act was framed. At present if a member appointed by the company is absent from any meeting another officer has to be sent in his stead and this has caused some inconvenience because the person filling the gap

has not been conversant with what has transpired earlier and has been at a loss in following debates on matters before the commission. The amendment represents a considerable improvement and the company members will be able to appoint a proxy from one or the other two members appointed by the company and the difficulty I mentioned will no longer arise. The amendments in respect of the alteration of the description of Whyalla to a city and in respect of the commissioners appointed by the Broken Hill Proprietary Company, were unanimously requested by the members of the Whyalla Town Commission.

The third matter, in relation to the Chairman, was not, to the best of my knowledge, put forward by members of the commission, but all these amendments will meet with the full and unanimous approval of the members and will be conducive to the future efficient working of the commission. I therefore have much pleasure in supporting the Bill.

Mr. RICHES (Stuart): Members may recall that it was my privilege, following negotiations between the combined unions at Whyalla and the B.H.P. Company (represented by Mr. Kleeman), to seek the approval of the public at Whyalla to the provisions of the Whyalla Town Commission Bill. One clause of that Bill provided that if the people of Whyalla, at any time after five years, desired full local government they could obtain it by petition. I mention that only because I believe the fact that no application has been made demonstrates the way in which the Town Commission has applied itself to the task that was set before it. It has established local government on a very high scale. I rose merely to congratulate all the members of the Whyalla Town Commission on the work that they have done. Not the least among those members is the member who has just resumed his seat. Mr. Loveday was one of the first members ever to be elected to the Whyalla Town Commission, and he has held office ever since. The people of Whyalla have seen fit to send him into this House. I know that he and his colleagues and the commission itself are held in high esteem.

As one who is close enough to Whyalla to look at things from the outside and to appreciate what is going on, I congratulate the Chairman and everyone associated with the commission on the magnificent job of local government that they have done.

Mr. QUIRKE (Burra): I remember Whyalla when there was nothing there and I have seen its progress over the years. I remember the day when one travelled to Whyalla on an unmade track; at that time it was 18in. deep in bull dust, and the car would strike nuggets of manganese hidden under the dust. The usual procedure when travelling to Whyalla in summer was for a person to take off most of his clothes at Port Augusta and wrap his suitcase in newspaper in order to keep the dust out. Whyalla was a small place indeed in those days, and its history was ahead of it. I have been pleased to see most of its history as I have passed through the town or visited it fairly regularly.

I, too, add my congratulations to the Whyalla Town Commission. Recently the Public Works Committee visited Whyalla and it is a pleasure to go back, even at 12-monthly intervals, to see the progress taking place there and to know that it is under the able administration of just a few men who are held in the highest esteem by the people of that town, as anyone can learn by speaking to the people there. I congratulate the members of the commission on the enormous amount of splendid work achieved over the years, on the spirit that exists in the town, and on the cleanliness and brightness of the town they administer.

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

ROAD TRAFFIC BILL.

In Committee.

(Continued from August 31. Page 687.)

Clauses 10 to 16 passed.

Clause 17—"Stop signs and give way signs."

Mr. LOVEDAY: It has been generally accepted that the Police Commissioner is the authority to decide whether a stop sign or a give way sign should be erected. Does this amendment alter that situation and place the authority in the hands of the Commissioner of Highways or of the local council?

The Hon. G. G. PEARSON (Minister of Works): Whatever the position may have been in the past, I have no explanation of this clause before me but it appears to me clear that the Commissioner of Highways or a council or the Railways Commissioner or the Tramways Trust may erect stop signs at or near their respective crossings. Apparently, it is not on a police recommendation. Under clause 16 the board's approval would operate instead of the approval of the Commissioner of Police, which has operated previously. There is complete liaison between the board and the police, because the Commissioner of Police is a member of the board.

Mr. HARDING: Does any law prohibit the building of stockyards adjacent to a railway line where the crossing is dangerous?

The Hon. G. G. PEARSON: There are certain regulations under which fences between properties or on crossings and intersections may be controlled by the authorities where such fences obstruct vision. That is the only thing I know that governs the position. A person may build what he desires on his own property. The Railways Commissioner does not have to put up stop signs, nor does anyone else, under the terms of this Bill. The public accepts the view that stop signs should be used as sparingly as possible and not, as in some other States, to such an extent that they are almost disregarded.

Mr. FRED WALSH: I oppose the erection of stop signs. I object to them not at railway or tramway crossings but on roads, where they merely add to traffic confusion. At the junction of West Beach and South Roads (one of the worst crossings in the metropolitan area) the confusion is considerable because of stop signs on the east and west sides of South Road. Traffic stops at them and the motorist barges his way across merely because he has right of way. Inspector Vogelesang of the Traffic Division is repeatedly warning motorists not to barge their way through traffic although they may have right of way. The words "erect stop signs" should be deleted from subclause (1).

Mr. Millhouse: A separate clause later in the Bill covers that.

Mr. FRED WALSH: I did not appreciate that. The clause provides that a council may erect stop signs. Will the Minister consider the question of not approving the erection of stop signs where a person would have the right of way immediately he started again after stopping?

The Hon. G. G. PEARSON: The Road Traffic Board will be the governing authority. This clause, read in isolation, would suggest that unnecessary stop signs could be erected for various reasons by various authorities, but the fact that all signs are subject to the approval of the board will ensure that they are not erected unnecessarily and that similar requirements are observed in the erection of signs throughout the State. The board's supervision, and the need to obtain approval from the board, will be safeguards.

Mr. HARDING: It is customary to have a building line declared on a house facing a street, but I understand from the Minister that if a person's backyard abuts a railway yard there is no law to prohibit him from erecting a shed within six feet of the railway line fence. Is that so?

The Hon. G. G. PEARSON: I will let the honourable member know.

Clause passed.

Clauses 18 to 20 passed.

Clause 21—"Signs near schools and playgrounds."

Mr. FRANK WALSH (Leader of the Opposition): I move:

In subclause (1) after "playground" to insert "or a pedestrian crossing marked in the vicinity of a school."

I realize that clause 23 provides that a council may mark pedestrian crossings on a road, but some schools do not abut a main road, although the children cross the main road. For instance, some schools are located close to but not on the South Road. The Marion high school is an example. Although there are crossings and lights, I am not sure whether sufficient protection is afforded. I have received a letter from the South Australian Public Schools Committees Association expressing concern that signs should indicate that a pedestrian crossing is used by school children. I realize that clause 23 provides some protection, and therefore there should be no objection to my amendment to clause 21. I have discussed it with the Assistant Parliamentary Draftsman, although I admit that he did not have much time to consider it.

The Hon. G. G. PEARSON: I see no objection to adding the words suggested by the Leader.

Mr. FRED WALSH: I suggest that the words "a pedestrian crossing" be inserted after the word "approaching". The clause would then read:

The Commissioner of Highways or a council may erect at any suitable place on a road a sign for the purpose of warning drivers that they are approaching a pedestrian crossing or a portion of a road abutting on a school or playground.

That is common practice in most other States, and I think it would read better that way.

The Hon. G. G. PEARSON: That goes much farther than does the Leader's amendment, for the words would then apply to pedestrian crossings of every kind. The Leader's amendment related to pedestrian crossings in the vicinity of schools and was therefore in a special category because of the care that was needed. I agree with that, and I think that was the purport of the correspondence members received. If we did not so define them the clause would relate

to pedestrian crossings of every kind, and frequently there are signs bearing the words "pedestrian crossing ahead" or something of that nature. To meet the Leader's request, I suggest that the clause should stand as I have outlined it. I think that meets all requirements for school crossings.

Mr. COUMBE: I appreciate the Leader's motives, but I do not agree with his suggestion. I agree entirely with the 15 m.p.h. provision near schools, but I think that under this clause pedestrian crossings in the vicinity of schools would be caught by the 15 m.p.h. provision and those not adjacent to schools would not be caught by the provision. Confusion would occur, whereas one of the main aims of any traffic code is to reduce the confusion in motorists' minds and to obtain uniformity wherever possible. I suggest that we do not proceed with the amendment at this stage but include it later in clause 49 and thereby make a general provision for a speed of 15 m.p.h. at all pedestrian crossings.

If a crossing were near a school, protection would automatically be given to the children, and at crossings not near schools the speed limit would still be reduced to 15 miles an hour, and that would not be a bad idea. In certain circumstances the motorist is obliged to stop or give way at pedestrian crossings, and if he is travelling at 35 m.p.h. he may have great difficulty in doing so. It might be better if the speed limit were reduced to 15 m.p.h. at all pedestrian crossings. Signs at pedestrian crossings have to be preceded by a certain size and type of sign stating "pedestrian crossing ahead". In addition, before the pedestrian crossing an area is marked out where cars are prohibited from parking. Certain types of line have to be marked across the roadway and certain types of light have to be installed. Therefore, adequate warning is given of these signs. Clause 49 (*d*) states:

> Fifteen miles an hour on a portion of a road between signs indicating a speed limit of 15 miles an hour.

In the interests of uniformity as well as safety, I suggest that the Leader's amendment be not proceeded with at this stage but introduced in a more suitable way in clause 49.

Mr. BYWATERS: I support the Leader's amendment, for I feel that he and the member for Torrens are dealing with different questions. The school committees are asking for the erection of signs, not necessarily speed limit signs, and they are asking for the right to erect signs on roads not necessarily abutting on a school or a playground. This has been sought for a long time. The school committees asked at one stage that the salls be recognized, but the Government refused the request. Those signs would draw the motorist's attention to the fact that there was a school and school children in the vicinity. Most motorists respect signs that let them know there are school children about. The request from the school committees is for permission to erect signs, not merely where there is a school in sight, but a street or so away where children may have to cross the highway. There is a distinct need for this, apart from a speed limit.

Mr. HALL: I support the amendment because we have not yet secured the proposed amendment and we may not get it later. We need all the protection we can get for school children. On the Main North Road flashing lights allow the traffic to proceed normally except during certain schools hours. If we have a uniform speed limit, traffic will always be slowed down to 15 m.p.h., sometimes unnecessarily, at school crossings. I accept the Leader's amendment.

Mr. RYAN: The provision gives somebody the right to erect a warning sign on streets other than those directly in front of schools. I support that. In my district I have one of the worst school crossings in the metropolitan area (at the Port Adelaide girls technical high school, where the girls have to cross the up and down tracks of the Port Road to get to their lessons in the new buildings on the other side of the road). Under the clause as it reads at present, no highway or local government authority would have the power to erect a sign on both the up and down sections of the road to indicate that it was being used by school children. This amendment gives the local authority the necessary power to have a warning sign erected, whereas at present it could be erected only provided the road was abutting or outside a school or school playground. This amendment clarifies the position. We have to be specific in these matters to lessen the uncertainty that may arise in court cases.

Mr. FRED WALSH: The member for Port Adelaide is dealing with a temporary position, but this law will be permanent. At Lockleys, the school stands back 300 yards facing side streets, and children have to cross the Henley Beach Road. A pedestrian crossing is provided there with flashing lights. The same applies at the Henley primary school which lies back one-third of a mile. We should not confuse the pedestrian crossing with the

crossing for children. I do not agree with putting a 15 m.p.h. limit at every pedestrian crossing because, while there are times when that is necessary for safety, there are also times when those crossings that are so busy during the week are scarcely used on Saturdays and Sundays. After all, pedestrians are mostly grown-up people with a sense of responsibility, and the motorist cannot be expected to stop at every pedestrian crossing unless risk is involved. Our prime duty is the protection of school children.

Mr. LAUCKE: I support the amendment and regard it as important that pedestrian crossings be made known to drivers well before they reach them. As this clause relates to signs near schools and playgrounds, I support the suggestion of the member for West Torrens to have the wording "a pedestrian crossing" immediately following the word "approaching", as that would tidy up the clause completely and relate to school crossings only. Drivers would then have forewarning when approaching a pedestrian crossing. Local drivers do not need a warning, but drivers from other parts will be assisted by this advance notice.

Mr. FRANK WALSH: Perhaps it will be advantageous to adjourn discussion of this matter so that it can be further examined with the assistance of the Parliamentary Draftsman.

Mr. Millhouse: The amendment is all right.

Mr. FRANK WALSH: If it is carried and we have made a mistake, the Legislative Council will be able to correct it. I adhere to my amendment.

Mr. COUMBE: I am completely in accord with the request of the School Committees Association, and when I spoke earlier I was trying to determine the question of uniformity. It has since been pointed out to me that this clause, as amended, will achieve my objective if clause 49 is amended. I no longer oppose this amendment.

Amendment carried.

Mr. HALL: I move to insert the following subclause:

(2a) Notwithstanding the provisions of section 16 or subsections (1) and (2) of this section, a committee, council or other board of governors or management of a school may place on a road abutting on or adjacent to a school a sign of the type commonly known as safety sall, being a sign representing a school girl and bearing the symbols "15 m.p.h." on one side thereof and the words "Thank You" on the reverse side thereof. Every such sign shall be insured and kept insured against public risk by the authority responsible therefor.

I have several motives in moving this amendment, the first being that we must be specific in this legislation if we are to achieve our desired ends, particularly as almost complete power is being vested in the Road Traffic Board. Safety salls have been an enormous success, particularly in country areas. Few, if any, country schools have marked crossings, and generally they rely on safety salls. The Two Wells primary school committee placed a pair on the Port Wakefield road.

Mr. Riches: And left them there permanently, Saturdays included.

Mr. HALL: I have travelled past that school hundreds of times, and do so at least three times a week when the House is sitting, and I have never seen them except during school hours. The signs are insured by the school committee under a public risk policy, but recently the Road Traffic Board requested their removal because they had no statutory backing and children might, therefore, rely on them falsely. The board did not suggest that the signs were inefficient or constituted a danger to traffic. My amendment is designed to provide the statutory backing. Except for flashing lights, safety salls are the best warning signs to advise oncoming traffic of a school crossing. I have never seen a motorist speed past a safety sall. I believe the signs were initiated by the Apex Club. The Mallala council, which was written to by the board requesting the removal of the safety salls, is keen for the signs to have legislative backing to enable their continued use. Four schools in my electorate have used the signs, and one is still doing so in defiance of the board's instruction. I do not know what the consequences of that action will be, but I hope that the signs will be legalized by my amendment.

Mr. Millhouse: If the amendment is carried, what will be the legal effect on safety salls?

Mr. HALL: The amendment will enable the board to approve of them. At present it cannot.

Mr. Riches: It can.

Mr. HALL: Yes, where they are used in conjunction with an approved school crossing.

Mr. Millhouse: What will be the legal effect of the amendment? What will motorists have to do?

Mr. HALL: If the amendment is accepted, the motorist will have to slow down. In any case there is a sign at the side of the road which says "school", and therefore under the Act the motorist is obliged to slow to 15 miles an hour. Unfortunately, that does not always work. The safety sall is the answer to

the problem outside country schools. This matter affects dozens of schools, and the amendment should be carried to legalize the position which has existed but which the Road Traffic Board denies.

Mr. LOVEDAY: I cannot support the amendment as worded, although I know it has some good points. Some years ago I was instrumental in moving that safety salls be provided in Whyalla, and I found from experience that they had some serious disadvantages as they were not regularly put out, they were subject to damage and they were not repaired afterwards. Consequently, they were not always there, and therefore were not reliable. I admit that they attract the attention of motorists, but if they are going to be put up with the standard sign they have the disadvantage that there are two signs and they will not always be related to the other sign; the sall will be in a different place according to the different ideas of headmasters. I think it will be acknowledged by those who have had experience with those signs that frequently school children are made responsible for putting them out. If we could incorporate the advantage of the design of the sall into the present standard sign, I think it would have some value, but I am not prepared to support it in the circumstances where it is put on the road in a place decided on by various schoolmasters, not always put out for the reasons I have mentioned, and liable to damage or to be knocked over by motorists.

Mr. LAWN: I agree with the principle of the amendment but not with its form. I think the sign should be a standard sign approved by the Commissioner of Highways. The amendment would mean that a school committee, council, board of governors or management of a school could determine the sign. I do not agree with that, and I support the member for Whyalla's suggestion. We should have a uniform standard. A motorist may miss a sign on the side of the road, whereas he would not miss one that was in the middle of the road. Clause 21 has dealt with the right of the Commissioner of Highways to determine a suitable place on a road for warnings in connection with schools and playgrounds, and I suggest the member for Gouger's amendment should include the words "subject to the approval of the Commissioner of Highways". Clause 16 does not apply to this amendment, whereas I believe that the Commissioner of Highways should be the authority to standardize these signs.

Mr. MILLHOUSE: I cannot support the amendment as at present drafted. I concur in the objections raised by the members for Whyalla and Adelaide. At present, there is no provision for placement, removal or keeping these signs in good repair. Many difficulties are involved. First, the amendment if passed in its present form would mean that safety salls would be the only things that did not come within the purview of the Road Traffic Board; everything else would. That board was set up to achieve uniformity in South Australia. If this amendment is passed, we shall be immediately and seriously abandoning the principle of uniformity. Of course, we could get over that by deleting the first phrase. The member for Gouger (Mr. Hall) has tried to define a safety sall in his amendment but I do not think any definition of a figure is suitable in the principal Act: it should be done by regulation, if at all. The honourable member has obviously not provided for colour, shape or size. A detailed specification of the figure would be needed. There is no reason why it should not be done under section 21 as it now stands, because there is no definition of the size of the sign. As long as it used the words "school or playground", it could be a safety sall or anything else.

I do not understand the import of the last sentence of the amendment. Why the sign itself should be insured and kept insured I do not know. I do not think the actual sign would be worth £5. It is the person who puts it in position who should be insured. After all, the sign itself is only a piece of cardboard. I do not know what "against public risk" means in this case. Whether the honourable member meant to cover the person who placed it in position and removed it I do not know. The sign itself has no intrinsic value. We should delete the last sentence of the amendment. However, none of these things will get over the big objection, that it is an immediate and deliberate departure from the uniformity that we are striving to get under this Bill and by setting up the Road Traffic Board. Inevitably, of course, we shall disagree with the board from time to time. We may not agree with all the powers given to it under this Bill, but they can be taken away in due course. If we stick little bits here and there into the Act when we have apparently given the overall authority to the board, we shall make a grave mistake. This is a misguided amendment.

Mr. RICHES: I sympathize with the mover of the amendment but I cannot support one or

two aspects. As the chairman of a school committee, I have observed both the present approved crossings with the flashing lights and the monitoring system, and the crossings where warnings are given by safety salls, and I have come to the conclusion that a better warning than safety salls has not yet been devised. The Road Traffic Board should adopt safety salls for schools. Children have no protection at law but, as long as safety salls are properly placed and are not left out at weekends, they are given more protection from them than from any other sign I have seen.

The Port Augusta primary school has both an approved crossing and one where safety salls are used, and not for anything would we forgo the safety salls. In spite of that, I suggest that the honourable member could not ask this Committee to agree to give every school committee the right to determine where, how and when safety salls should be placed without consulting councils or other traffic authorities. A council and those concerned with controlling traffic might suggest that a certain site would be suitable for a crossing whereas a school committee might suggest another site. This would make confusion worse confounded because several authorities would be entrusted with erecting these signs, possibly in different localities, for the same school. This matter should come within the provisions of clause 16. The board could then adopt the safety sall as an approved warning sign for schools.

Mr. HALL: This matter has been well discussed and the main objection seems to be that the amendment removes this matter from the control of the Road Traffic Board. I value the use of safety salls too much to insist on my own viewpoint at the risk of losing the amendment.

The ACTING CHAIRMAN: Does the honourable member ask leave to amend his amendment?

Mr. HALL: Yes, by deleting "Notwithstanding the provisions of section 16 or subsections (1) and (2) of this section".

Leave granted.

Mr. Clark: If that is done, there will be no need for the amendment.

Mr. HALL: There will be, otherwise the board will be able to instruct school committees to remove these signs because they have no statutory backing.

Mr. Clark: It will still have the power to do that.

Mr. HALL: The amendment will express the views of this Committee on what is a vital matter. All members agree that safety salls are good signs.

Mr. Millhouse: Will you explain the provision relating to insurance?

Mr. HALL: I believe the honourable member was facetious when he went into great detail about insuring these signs. The wording of the amendment in respect of insurance may not be as good as it could be, and I am willing to accept advice on that. However, the Two Wells school committee has insured its signs. I believe these signs should be insured against public risk, because it will relieve the school committees of responsibility in the event of an accident. If my amended amendment is accepted the Road Traffic Board will be able to determine a uniform sign, and schools will have the right to use safety salls under the supervision of the board.

Mr. LAUCKE: The safety sall sign is a first-class visual indication of an approaching school crossing. It is an effective means of causing motorists to slow down when approaching school crossings. As this Bill sets out to make our traffic laws uniform within and outside of the State, it would be wrong if school committees and councils were permitted to erect safety salls without reference to a central authority. The board should be able to determine a common policy for these signs and their erection throughout the State. The provision relating to insurance was undoubtedly designed to protect the school committees and councils that placed safety salls on roadways and to absolve them from legal liability should an accident occur.

Mr. Riches: That is another part of the amendment that needs re-wording.

Mr. LAUCKE: Undoubtedly, but the intention is to protect the body that has placed the safety sall on the roadway. The amendment indicates the general feeling of the Committee that safety salls are a good indication of a school crossing and should be used within the provisions of this new legislation.

Mr. BYWATERS: I support the installation of safety salls. One is placed in the main street of Murray Bridge but it is not adjacent to a school, and therefore would not be covered by the amendment moved by the member for Gouger. Elsewhere in Murray Bridge we had two school committees holding a different opinion about the place in which to put a safety sall. In withdrawing the first part of his amendment the member for Gouger has taken the position back to that covered by clause 16, and therefore there is no need for his

amendment. Most people favour safety salls because they believe they will be advantageous, but surely the will of members of Parliament will be noted by the board?

Mr. Millhouse: It should be.

Mr. BYWATERS: This is the testing point. Apparently the member for Gouger has an aversion to boards, but I and other members are confident that here we have an opportunity to gain uniformity. The matter of installing safety salls should be left to the board.

Mr. QUIRKE: I do not agree with the member for Murray. The board will take no notice of what we say. It will go on what is included in the Act. Even if we make mistakes in drafting legislation, irrespective of our opinions a judge will act according to what is written in the Act. He will not read what members have said about the matter. If safety salls are wanted it should be mentioned definitely in the legislation. I do not think the amendment moved by the member for Gouger will be accepted. Although members are unanimous about the need to have safety salls I think that this amendment is a mess and needs tightening up. Perhaps it could be included after we have gone right through the Bill. It could be done on recommittal.

The flashing pedestrian crossing sign has been only about half successful. I travel a great deal on the Main North Road and I know every crossing along that road, but when a large truck is ahead a motorist cannot see any sign along the road. Today I followed a Tramways Trust bus in King William Street. We pulled up at an intersection. I could not see the traffic lights ahead. When the traffic ahead moved the bus went with it, and so did I, which meant that I crossed the intersection against the red light, but I had taken my cue from the bus. This is the sort of thing that happens with flashing signs.

The only effective flashing sign is the one that is placed over the roadway. It is used in other States and the light winks continuously. Some are used outside Sydney where main arterial roads cross. When the motorist is a mile away from the crossing the winking light tells him that there is a crossing ahead. If there were a suspended light over a pedestrian crossing it would not matter what obstruction was on the road in front of the motorist. We must put up signs in some position other than on the near side of the road. The 35 m.p.h. sign at the approach to a built-up area is effective only at night when the motorist can see it reflected in the glare of his headlights. It can hardly be seen during the day. On the other hand, the stock crossing sign, which is 2ft. wide and placed 4ft. high, is most effective. Flashing lights, as used at present, are not effective to denote pedestrian crossings.

The Hon. B. PATTINSON (Minister of Education): I favour the principle of the safety sall sign and sympathize with the member for Gouger in his aim. I have given much time and consideration to this type of safety device because I was Chairman of the State Traffic Committee when safety salls first came into vogue. Secondly, as the member for Glenelg, I represent the most heavily populated electorate in this State and it includes roads such as Brighton Road which have a heavy density of population. I have seen these signs in action on Brighton Road outside the Glenelg and Brighton primary schools and the Brighton high school and I believe they are the best signs that have operated in my district. As the Minister of Education I have probably entered, left, and passed more schools than has any other member and I have always most carefully observed the types of safety warnings to motorists approaching and passing schools. My considered opinion, in those three capacities over a number of years, is that the safety sall is the most effective warning of any that I know.

Although that represents my personal view it does not necessarily follow that I agree that this amendment is worded correctly or that it will achieve the objective which the member seeks. When Parliament passes road traffic legislation that must be obeyed by both motorists and pedestrians, it should aim at uniformity and simplicity in the framing of the rules. The rules should also be capable of clear legal enforcement and this amendment should be examined in that way. That is why I was pleased when the Government recommended that Parliament should appoint a Road Traffic Board. With all the imperfections of boards and the disabilities Parliament suffers in delegating its powers to boards, in this case the over-riding advantages of setting up the board are overwhelmingly in favour of the better provision of road safety for South Australia.

It would be a bad thing if, right at the outset of setting up this board, we were to hamstring it by laying down that it must adopt this or that sign. If we have sufficient confidence to set up a board of outstanding men charged with the enforcement of the general law of the State and the law of different districts, surely we should give it the time and opportunity to sort itself out and to make its own rules and

regulations. I do not believe that the board will object to the safety sall as a warning device.

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

Mr. HALL: I seek leave to withdraw my amendment with a view to moving another amendment.

Leave granted; amendment withdrawn.

Mr. HALL: I move to insert the following new subclause:

(2a) A committee, council or other board of governors or management of a school may place on a road abutting on or adjacent to a school a sign of the type commonly known as a "safety sall".

This amendment is to meet the wishes of members who have already spoken and to give safety salls statutory backing. It removes any objection about lack of uniformity, as it leaves the definition of a safety sall to the Road Traffic Board. I feel that insurance can be left to the board, as it could become a condition of the use of these signs according to the demand of the board. I hope the amendment will be accepted.

Mr. LOVEDAY: For the reasons I gave earlier, I do not support the amendment. Although the honourable member has attempted to bring it within the wishes of most members, leaving it to a school committee or governing body to place these signs on the road is still open to objection about their not being standard signs.

Mr. Hall: That comes under clause 16.

Mr. LOVEDAY: Even if it gets over that difficulty, the amendment does not meet the objection I raised earlier, that on occasions, for various reasons, these signs are not placed on the road. It is not always left for adults to do this job, and I have known occasions when the signs have been damaged and have not been replaced for two or three weeks. I oppose the amendment.

Mr. SHANNON: This proposal is good, as the figure of the small girl draws the attention of a motorist to the sign. However, we have enough hazards on the road without adding to them, and this is another hazard. Although motorists are supposed to know what is on the road, these signs are placed in the middle and motorists could possibly have trouble with approaching vehicles. These signs are just as effective if placed on the footway adjacent to signs indicating the presence of a school. If a person swerved to avoid a safety sall and collided with another road user, I do not know what the legal position would be. I would support the amendment if it provided for these signs to be on footpaths. On the approach to Murray Bridge, a safety sall can be placed in the centre of three main wide thoroughfares. I cannot see any great harm in them in those circumstances, but that does not apply in many instances. A safety sall in the middle of a straight thoroughfare becomes a hazard.

Mr. Hall: That is for the Road Traffic Board to say now.

Mr. SHANNON: I direct the board's attention to what I have said; it should take into account what the legislation provides when it finally leaves us. The duty of members is to frame the legislation in such a way that the board will not be embarrassed through not knowing what is intended. I should prefer the Committee to say straight out what it intends, and I think a provision for these safety salls to be on the footpath would serve the purpose admirably. If we merely make the provision permissive, as the member for Gouger suggests, it may never be used at all for the reason he himself has envisaged, namely, the dangers that might arise through these things being in the centre of the road and the possible litigation.

Mr. Harding: At 15 m.p.h.?

Mr. SHANNON: If the other fellow is doing the same speed, the aggregate speed is 30 m.p.h., even though both motorists are obeying the law. The opportunity for avoiding something that a person has not seen until he is almost on it is not very great—a matter of a fraction of a second. Under the member for Gouger's amendment there is the possible opening for a motorist to make the excuse, "Well, I tried to avoid the safety sall and got into this bother." I do not think it would make a scrap of difference if the safety sall were put near the sign on the footpath indicating that a school was in the vicinity and that a motorist had to reduce his speed to 15 m.p.h. If the honourable member would include that in his amendment I would not object to it.

Mr. HEASLIP: I sincerely hope that this amendment is carried. The safety sall very quickly draws the motorist's attention to the fact that he is approaching a school and school children. Putting a safety sall on the footpath is not the answer. As has been said, one can easily pass signs without seeing them, and if there is a caravan in front of a sign on the footpath one does not see it at all. If a motorists runs into a safety sall in the middle of the road he is breaking the law, because he should be on the left side of the road. Such a sign would draw attention to the fact that

children may be passing there at any time, and on seeing it in the middle of the road a motorist would realize the danger and break down his speed.

Mr. Shannon: On that line of argument we should put all signs in the middle of the road.

Mr. HEASLIP: Of course not. However, a motorist looks straight ahead and not up in the trees for a sign or over to the side of the road for a red flag; he looks straight ahead watching for oncoming and passing traffic. The more signs we have painted on the road the better.

Mr. Loveday: The safety salls are not always in the middle of the road.

Mr. HEASLIP: That is where they have to be. There is such a sign on the Brighton Road, and that sign immediately draws the motorist's attention to the fact that he is approaching a school. No motorist wants to exceed 15 m.p.h. past a school if he knows there is a school there, and the safety sall is the best means of drawing his attention to the presence of a school.

Mr. QUIRKE: As traffic is increasing in density these left-hand signs are becoming less valuable. Safety salls on the footpath have been advocated, but that is where people are accustomed to seeing such a sign when it is out of use. That sign was designed for the middle of the road, to divide the traffic and to slow it down, and it works well. I know it is subject to human frailties, but we cannot legislate all the time for all the human frailties. The middle of the road is the best place for this sign, and if it is properly policed by the Road Traffic Board I do not think we will have much trouble. We have middle of the road signs now where excavations are taking place, and they are there for the express purpose of slowing the traffic down and directing it into one traffic stream. The idea of it is that the motorist will not be trying to pass where men are working over half the width of the road, and it is effective.

The most effective signs of all are the amber lights over the middle of the road where there is a pedestrian crossing, not the fool things on the side of the road that the motorist cannot see when a caravan is passing them. They have these centre amber lights in more enlightened States. Overhead lights also divide main roads into arterial thoroughfares, and one may find on a wide thoroughfare a row of six lights which change morning and afternoon. In the morning there may be four green lights showing four lanes going into the city, and on the other side two red lights indicating that there are only two lanes coming out of the city, and it works like a charm.

Mr. Shannon: Where are they?

Mr. QUIRKE: Right across the road, slung from one side to the other, and the motorist cannot miss them. They are higher over the road and can be seen for a quarter of a mile; they divide according to the peaks of the traffic. They divide the traffic into one, two, three, or four lanes going in, and only two coming out, where there is less traffic. The process is reversed in the afternoon, and it works well. I do not like these flashing lights on the left side of the road in heavy traffic. Often, they cannot be seen until a motorist is right up to them. Coming down the Main North Road I know where they are, but thousands do not. They can be obscured so that motorists are right on the traffic lanes before they know they are there.

The words "traffic lights ahead" painted on the road are no use in dense traffic. One cannot read them. The words "ahead lights traffic" at North Adelaide are a waste of time and money. Silly things like that are of no use. I support the amendment moved by the member for Gouger (Mr. Hall). I have seen a lot of this sort of thing in other States. I like the middle of the road sign. Many of our present signs can be dispensed with. Words painted on the roads are valueless. The safety sall on the Brighton Road works admirably. Monitoring is done there but, when the traffic is running through and is not stopped by the monitors, the safety sall takes over and the traffic flows evenly at 15 m.p.h. or less, with no hold-ups. It is well looked after. The little mechanical ladies in the middle of the road have not yet been hit by motorists.

Mr. JENKINS: I support the amendment. The safety salls should be placed in the middle of the road. After all, they are outside a school where a speed limit of 15 m.p.h. operates and a motorist should not be going so fast as to hit one of them.

Mr. HARDING: I should not be too keen on a permanent sign of this sort. In the South-East the bush fires signs are not permanent; they can be changed. The taking away and replacing of a sign in the middle of the road catches people's eyes.

Mr. SHANNON: The member for Burra (Mr. Quirke) mentioned signs indicating that road works were being undertaken and restricting motorists to 15 m.p.h. as an argument for

the safety sall in the middle of the road, but those two cases are not comparable. One is a hazard to a motorist, who might hit a workman or go into a ditch. On the other hand, if overhead lights were recommended I should not oppose them. Generally, the motorist has his attention focussed down the roadway he is approaching and an overhead light would be much more apparent to a motorist than one on the left side of the road. A safety sall hung on a line over the road I should not object to, but a safety sall on the roadway is a hazard. In fact, anything put on the roadway is a hazard, no matter how one looks at it. If a motorist had an accident because of some obstruction on the road and he used that obstruction as an excuse for the accident, I should not like to say which way the case would go. Movable articles especially are hazards on roadways. The human error is always present. If school children do not put the safety sall on the site allocated for it, who is to blame?

Mr. Clark: The poor old head master!

Mr. SHANNON: Yes. He would be told: "You didn't tell little Tommy where to put it." The head master will be the Aunt Sally who will come in for it. We are worrying too much about this. After all, the traffic committee came down with an excellent piece of traffic legislation. I pay a tribute to Sir Edgar Bean. If we tinker about with this, we shall give a headache to those who will actually carry the baby.

Amendment carried; clause as amended passed.

Clauses 22 to 27 passed.

Clause 28—"Review of Traffic Board's decisions."

Mr. RYAN: I move:

In subclause (2) to strike out "Board" first occurring and insert "Minister".

This is the first of several amendments I have to this subclause. If they are all accepted the subclause will read:

(2) The said authority may within twenty-eight days after receipt of the Board's reasons apply to the Minister to review the Board's decision. Upon such a request the Minister—
  - (*a*) shall give the authority an opportunity of submitting information and arguments; and
  - (*b*) may obtain further relevant information; and
  - (*c*) may affirm or reverse that decision or approve of any alternative proposal submitted by the authority.

This Bill has been considered by the various councils, which are authorities under the legislation. The Port Adelaide City Council recommended certain amendments, including those I propose to this subclause. I am moving them not because the council suggested them, but because they have much merit. At present clause 28 provides that if the board makes a decision and an authority wants that decision considered further it must appeal back to the board. The board gives written reasons for its decisions, but an objector must appeal to the board for reconsideration. I disagree with the principle that the board, having given a decision, should be the body to hear an appeal against that decision. At present the board will have two opportunities to consider its decision and it can refer the matter to the Minister. No other authority can make representations to the Minister. The Minister also has two opportunities to consider a matter.

My amendments provide that a local authority can ask for the reasons for the board's decision and, if not satisfied, can then make direct representations to the Minister. The Minister will hear the case and refer it back to the board. There is nothing wrong with that, but I object to the board's having two bites at the cherry before forwarding it to the Minister and then having it referred back for a third consideration. At present an appeal against a magistrate's decision is referred to the Supreme Court, not back to the magistrate. My amendment provides for an appeal to the Minister and not back to the board.

Mr. SHANNON: We are tinkering with something that has been envisaged by the framers of the legislation. No doubt they saw what the member for Port Adelaide envisages—an impasse between an authority and the board, but that position is covered by paragraph (*d*). The board is closely in touch with all road traffic matters and if there should be a dissension between it and an authority the board shall report to the Minister, who may re-affirm or reverse the decision, or approve of any alternative proposal submitted by the authority. The final power in a dispute is with the Minister and I do not think we should go farther than that. The board will comprise men above suspicion and it should be the proper authority to take the matter to the Minister. I cannot imagine that the Minister would fail to consult the authority.

Mr. Riches: The matter would not reach the Minister unless it went through the board.

Mr. SHANNON: If the board is not competent we shall be making a horrible blue from the start. If there should be dissension between it and an authority the member for Stuart suggested that the board would not go to the Minister.

Mr. Riches: I said that if the board did not pass it on the Minister would not hear about it.

Mr. SHANNON: If that happened, the matter would soon be raised in Parliament. I do not think, whatever the wording, that the board would avoid consulting the Minister. The member for Port Adelaide need not think that his local council would be arbitrarily overridden by the board if it objected to certain action being taken. I am sure there would be the consideration that he hopes to get by his amendments. If the matter is to go to the Minister, why have the board? I think we are thoroughly safeguarded by the clause as framed and I support it.

Mr. COUMBE: I appreciate the anxiety shown by the member for Port Adelaide but all the authority and provision needed for an appeal are already in the clause. The whole thing hinges on the word ''shall'', which is mandatory. Under the clause, on an appeal any authority shall be given the opportunity to resubmit its case. Then, having reconsidered the case, the board shall report the matter to the Minister and it shall give to the Minister the view of the appellant. The board will be the administrative body dealing with the appeal, and it shall refer the matter to the Minister. The clause is as simple as it can be and it meets all the difficulties envisaged by the member for Port Adelaide. The member suggested that the board was hearing the matter twice, but that is not so because the board is an administrative body hearing the views of the appellant and passing them on. It shall pass the views on to the Minister and that is all that is required. The provision is simple and should not be made complicated.

Mr. BYWATERS: I sympathize with the member for Port Adelaide but ''shall'' should be sufficient to cover the purpose of the Bill. However, I am not happy with the word ''Minister'' in the clause. I believe if ''Court of Appeal'' were substituted for ''Minister'' that would be better. Some criticism could be levelled at the Minister if he supported a board set up by Parliament. I do not suggest that the Minister may have leanings but this must not only be right; it must appear to be right.

Mr. LAWN: I agree with the member for Murray that, rather than the Minister being the tribunal to determine appeals, it would be better to have some other tribunal. I cannot visualize the present Minister of Roads altering the board's decision. He would approve its decision and would not give much consideration to any representations made to him. That applied to some other Ministers we have had. All members know of the improvement in the Education Department since the present Minister has been in office. The Bill states that an appeal may be lodged and the Minister shall call for a report from the board and may affirm or reverse a decision or approve of any alternative proposal submitted by the authority.

Both the Bill and the amendment set out to make the Minister the authority, but the amendment suggests that the Minister should hear the appeal and give the authority the right to meet him and submit anything in favour of its claim. In many cases, such as the Electricity Trust and the Housing Trust, the Minister should have the final say, but to appoint a Minister to be an appeal tribunal is wrong. That is imposing too much responsibility.

Mr. Dunstan: You do not suggest the present Minister of Roads is overburdened?

Mr. LAWN: I would not suggest that he is overburdened either with work or ability. However, Cabinet must meet, Ministers have to run their departments, and appointing a Minister to be an appeal tribunal would be asking too much of him.

Mr. RICHES: I support the amendment of the member for Port Adelaide because it streamlines the machinery set up in this matter. The member makes the procedure more easily understood and his amendment will give greater confidence to the other authorities referred to in the clause. Nothing more is involved in the clause than in the amendment except the machinery of approach. The clause provides for an appeal in cases where there is division of opinion. In a State like South Australia, when an executive of three men domiciled in the metropolitan area is called upon to deal with traffic matters as far removed as some of our traffic centres are from Adelaide, there could be two schools of thought on matters arising under this clause. That has been envisaged by Sir Edgar Bean and any advisers he may have had when drafting this clause.

Local authorities should apply to the board, which must give reasons for its decisions. Having had the reasons, the local authority has 28 days in which to lodge an appeal to the board that made the first decision. The board then considers the appeal, obtains any further

evidence that is available, and submits a report to the Minister. What is wrong with streamlining the procedure and allowing the authority to go straight to the Minister? The board has reached its decision, there has been an appeal, the local authority has the right to appeal to the Minister, and, if necessary, the board may also appeal. That is all the member for Port Adelaide asks for and in the final analysis that does not affect the position, except that most applicants like to have the right to appeal to a tribunal directly instead of having to appeal through the body they are appealing against. I favour having the appeal to the Minister, as he is answerable to Parliament. Like the framers of this Bill, I visualize things intended to bring about uniformity that could cause hardship in certain areas, and I believe the board would have regard to them. However, as there could be two schools of thought, no harm could be done by allowing the appeal to be to the Minister, who would give a decision in the full knowledge that it could be examined in Parliament.

Mr. RALSTON: I support the amendment. An application is made to the board and, after considering the reasons advanced by the authority when the application is submitted, it makes a decision. Following on that decision, within 28 days the authority may apply to the board to review its decision. Upon a request for review, the board shall reconsider its previous decision. The authority applying for a review could advance certain information. It is unlikely that any substantial reasons other than those advanced in the first place could be put forward, so the board would, in effect, be reviewing the principles already decided on. After reconsideration, the board would report to the Minister, and would summarize its reasons for both decisions and the reasons submitted by the authority. However, there is no provision for the authority to present its case to the Minister. The member for Port Adelaide has made a sincere attempt to give the appellant the right to ensure that its reasons are presented directly to the Minister. I do not agree with the member foı Adelaide that this is too great a burden on the Minister; that is why we have Ministers.

The Hon. B. PATTINSON: As a Parliamentarian with a long and wide experience, I strongly favour retaining the Constitutional principle of the supremacy of Parliament. I believe that Parliament is (or should be) the highest court in the land, and, as a consequence, favour any legislation that retains wherever practicable the final or ultimate decision for the Minister in charge of any particular legislation. I think that that is what this Bill seeks to do in subclause (*d*). Under this subclause the ultimate decision is for the Minister, who is subject to the will of Parliament; therefore Parliament is retaining its supremacy over any board or other outside body. However, I do not think it is either necessary or desirable that the Minister should be dealing with every decision right from the very inception.

Mr. Shannon: Many of them will be resolved without his seeing them.

The Hon. B. PATTINSON: Yes. I think the time of a busy Minister should be devoted more to matters of principle and broad administration. I assure honourable members that any Minister of the Crown, even though he is not compelled to do so—and I hope he will not be compelled, as by the honourable member's amendment—will open his door to any council or council officer or any other responsible person.

Mr. Ryan: They cannot submit their case to him; it has to go through the board.

The Hon. B. PATTINSON: Under paragraph (*d*) of subclause (2) it is mandatory on the board to report to the Minister, but that does not shut out the right of any responsible body to apply to a Minister to state his case. What member of this House can truthfully say that he has been denied any right of access to Ministers? None can say that he has been denied any right of access to me, and I am sure that no council or other responsible body could claim that. Paragraph (*d*) does not say how the Minister shall inform his mind: it simply says that he may affirm or reverse the decision of the board or approve of any alternative proposal submitted by the authority.

Mr. Shannon: What does "submitted" mean? The member for Port Adelaide does not understand.

Mr. Ryan: I do not understand you.

The CHAIRMAN: Order!

The Hon. B. PATTINSON: I am confident that the Minister would be ready and willing to receive written submissions or, if necessary, oral submissions. Indeed, I think that, in many instances, in order to inform his mind he would seek them out without waiting to be asked.

Mr. Riches: What would be wrong in giving councils the right of approach?

The Hon. B. PATTINSON: I think they have that right of approach. I do not think the member for Port Adelaide is seeking to

streamline the procedure; I think the Bill seeks to do that by handing over the ordinary administrative duties to this expert board. We should not be cluttering up a busy Minister with all these minor details, but merely reserving to him the final decision. I am sure that any aggrieved body or person would have a ready right of access to the Minister. I can sympathize wiith the honourable member's desires, but I do not think it is necessary or desirable to alter the clause, and I think it would be a retrograde step to do so.

Mr. RYAN: Apparently some members do not understand the power that now exists. Under the existing set-up, the police can make certain recommendations to the Commissioner of Highways, and a local authority has the right of appeal against the decision of the Commissioner of Highways. Under section 358 of the Local Government Act they have the right of appeal direct to the Minister, so there is no difference between what I am suggesting in the amendment and what already exists. It does not place any additional duty on the Minister, because if anybody disagrees with the opinion given by the board he has to appeal back to the board. I recall that in a recent debate members were up in arms about the person next door to this House deciding what an assessment should be and then hearing appeals against his assessment. They said it was not just. The same thing applies here. The board makes the decision, a person appeals to the board, and the board then reports to the Minister. According to the Parliamentary Draftsman—the highest legal opinion available to the members of this House—representation cannot be made to the Minister but must be made to the board. The member for Onkaparinga spoke of the necessity for the Act to be in plain language.

Mr. Ralston: Did you say that the board could present its case to the Minister and the Minister could then make his decision?

Mr. RYAN: Yes, the board could submit its case in its own way to the Minister. The Minister of Education knows that officers of the Education Department frequently make decisions but that when he is approached direct by a deputation he obtains a vastly different picture. We have every confidence in the board, but it would be most unusual for a body that makes a decision in the first place to be persuaded subsequently to alter it. It would not do it, otherwise it would not have made the decision in the first place. The Minister of Education would be the first to object if a case were heard before a special magistrate and the right of appeal were to the special magistrate who had heard the case. That is not British justice. Is not going back on the second occasion just wasting the time of the board? Would it not streamline the procedure to go to the Minister who heard the case and then let him submit his opinions to the board for further consideration? I agree with Mr. Ralston that the Minister is there to administer his department. Mr. Millhouse says that we shall probably have disagreement. If we do, then have a separate body to which to appeal, and let it be the Minister. People should have the democratic right of appeal to the Minister.

Mr. LAUCKE: In modern society it is necessary to delegate powers to different bodies away from Parliament, but such delegation may take away too quickly the Minister's authority or the right of members to approach a Minister in a particular matter. I agree with this amendment. If the board, having had a matter brought to its notice, has given to the appealing authority a reply, and the authority that has received it is not satisfied, then it should be competent to go to the Minister for a review of the decision of the authority. There is an easy trend towards delegation of power which removes from the control of Parliament the actions of a person or authority given undue power, without easy and quick recourse by the member to the Minister. I support this amendment.

Mr. SHANNON: The members for Port Adelaide and Barossa have not realized what they are doing to the Minister: they will unload on to his desk every little thing that comes before the board.

Mr. Laucke: Only after rejection by the board.

Mr. SHANNON: I suggest that 90 per cent of those things will be resolved amicably between the authority and the board, which will comprise reasonable people. The Minister will not even be called into conference. If "Minister" is substituted for "board", then everything has first to go to the Minister; objections will be directed to the Minister and not to the board. The Minister of Education put this matter clearly. In the event of there being an impasse between an authority and the board, it shall report to the Minister and any alternative proposal shall be submitted by the authority. Obviously, the Minister's door is open. The authority may submit any alternative to what is in dispute between the board and the council. It goes through the Minister, not through the board.

Mr. Ryan: No.

Mr. SHANNON: Then the honourable member cannot read the clause as it is drafted. He fails to appreciate the very point envisaged. It could happen that a council encountered peculiar circumstances putting a particular case outside the realms of routine work, where the board would make a routine regulation about certain signs but a council would want it varied and had trouble in getting the board to agree to that. In that case, the matter shall be referred to the Minister direct, not to the board. What does ''any alternative proposal submitted by the authority'' mean?

Mr. Ryan: After the board has considered it.

Mr. SHANNON: Of course the board has considered it. I hope that a decision would be reached by the board and the authority without the matter ever going to the Minister, thus saving his time. Any Minister of the Crown has an important job of administration to do and he does not want to be cluttered up with too many minor matters that should be resolved at a much lower level. If there is an impasse, the Minister shall be called in; that cannot be avoided. I do not think that the framers of this Bill intended that the board should go to the Minister and tell the Minister what it wanted to tell him without a hearing of any other party concerned. I do not think the wording of paragraph (*d*) implies that; it implies the opposite. It states clearly that they may submit anything they wish to the Minister.

Mr. HALL: I agree with Mr. Shannon. Although the amendments have been moved in good faith, the clause has obviously been misinterpreted. It is possible that a council in applying to erect a sign may not state its case fully and after receiving an adverse decision from the board may present additional relevant information. The board would probably change its decision, but if not it would then go to the Minister. That is definitely stated in the clause.

Mr. McKEE: It is ridiculous that an appeal against a decision should be directed to the body making that decision. Paragraph (*c*) provides that the board shall reconsider its previous decision, but why should an authority have to appeal to the board that scrubbed it initially?

Mr. RICHES: I point out that Mr. Shannon and the Minister of Education have agreed in principle with what the amendment seeks, namely, that the local authority should have the right of appeal to the Minister. Indeed, the Minister said that if he were the Minister concerned his door would always be open and local authorities would have the right of direct access to him. He recognizes that that is the proper procedure, and all members would agree. All the member for Port Adelaide is asking is that that be written into the clause so that the local authorities should have the right to approach the Minister, and not be permitted to do so at the good graces of the Minister. The amendment will improve and streamline the legislation and clarify the position.

Mr. QUIRKE: I do not agree with the amendment. Subclause (1) already establishes a dangerous procedure, namely, that the board shall, if requested, state its reasons for a decision. That will be a sufficient safeguard to ensure that the board is careful in arriving at its decisions. It is not necessary to streamline the clause. An authority will apply to the board and, if its application is rejected, will get from the board the reasons for the decision and if the authority is still dissatisfied it can ultimately appeal to the Minister. If the board has to give its reasons, there will be few appeals. Parliament should have access to supernumerary authorities through the Minister, but I do not favour forcing every appeal on to the Minister. If every appeal against the Railways Commissioner's decisions had to go to the Minister—

Mr. Ryan: You would be pleased.

Mr. QUIRKE: As a special appeal board is constantly operating it is not necessary. There are sufficient safeguards in the clause.

The Committee divided on the amendment:

Ayes (15).—Messrs. Bywaters, Clark, Dunstan, Hughes, Jennings, Laucke, Lawn, McKee, Ralston, Riches, Ryan (teller), Stott, Tapping, Frank Walsh and Fred Walsh.

Noes (14).—Messrs. Bockelberg, Brookman, Coumbe, Hall, Harding, Heaslip, Jenkins, Millhouse, Nankivell, Nicholson, Pattinson (teller), Pearson, Quirke and Shannon.

Pairs.—Ayes—Messrs. Casey, Corcoran, Loveday and Hutchens. Noes—Mrs. Steele, Mr. King, Sir Thomas Playford, and Sir Cecil Hincks.

Majority of 1 for the Ayes.

Amendment thus carried.

Mr. RYAN moved:

After ''review'' in subclause (2) to strike out ''its'' and insert ''the Board's''.

Amendment carried.

Mr. RYAN moved:

After ''request the'' in subclause (2) to strike out ''Board'' and insert ''Minister''.

Amendment carried.

Mr. RYAN moved:

To strike out paragraph (*c*).

Amendment carried.

Mr. RYAN moved:

In subclause (2) (*d*) to strike out "shall report to the Minister who".

Amendment carried; clause as amended passed.

Clauses 30 and 31 passed.

Clause 32—"Speed zones."

Mr. FRANK WALSH: I move:

In subclause (2) to strike out "resolution" and insert "regulation which it is hereby empowered to make".

I shall later move to delete all the words after "zone". If my amendments are agreed to, subclause (2) will read:

The board may, by regulation which it is hereby empowered to make, fix a speed limit for any zone.

Mr. LAUCKE: I am interested in this matter of determining speed limits and it is best that the determinations shall be made in such a way that they may be submitted to Parliament for review. Variations of limits in various areas should be resilient and quick in their action but there is no impediment in acting by regulation rather than by resolution.

Amendment carried.

Mr. FRANK WALSH moved:

In subclause (2) to strike out all words after "zone".

Amendment carried; clause as amended passed.

Clauses 33 to 37 passed.

Clause 38—"Questions as to identity of drivers."

Mr. FRANK WALSH: The clause would adequately cover an accident, but what is the position regarding a speed breach? I was once ordered to stop by an officer who asked whether I had my driver's licence. I took the licence out of my wallet and handed it to him. The officer made certain comments and notes and, when passing the licence back to me, asked whether that was my licence. I believe that procedure resulted in unnecessary duplication and some people may take exception to being asked whether a licence was theirs after they had produced it out of their wallet.

The Hon. B. PATTINSON: That is only a matter of questioning leading to the identification of the person who may be driving the vehicle. There is nothing more than that involved.

Mr. MILLHOUSE: I move:

After "driving" to strikt out "the" and insert "a".

The clause contains a slight drafting error: the article in the last line is incorrect. It reads "who was driving the vehicle on any occasion". I think it should read "a vehicle"—the indefinite rather than the definite article.

Amendment carried; clause as amended passed.

Clauses 39 to 42 passed.

Clause 43—"Duty to stop and report in case of accident."

Mr. MILLHOUSE: I cannot understand the purport of the definition of "animal"; in this clause it includes a dog. What does this definition aim to do? The present law is that if a dog is knocked over it is a reportable accident, but that does not apply if a cat is knocked over. Surely the definition in this clause does not exclude a cat?

The Hon. B. PATTINSON: Clause 5 provides that "animal" means animal of any sex or age belonging to a species to which any of the following animals belong: namely, horse, cow, mule, donkey, camel, sheep, pig or goat. That general definition applies to all parts of the Bill, but, in this case, to make the matter clear, an offence is created in relation to a dog.

Clause passed.

Clause 44—"Using motor vehicle without consent."

Mr. FRANK WALSH: I move:

In subclause (1) to strike out "on a road or elsewhere".

The clause would then provide:

A person shall not drive, use or interfere with a motor vehicle without first obtaining the consent of the owner thereof.

Section 53 of the present Act provides:

Any person who drives or uses or interferes with any motor vehicle without first obtaining the consent of the owner thereof shall be guilty of an offence.

What does "elsewhere" in this clause mean? If it means "anywhere", why have these words in the clause?

Amendment carried.

Mr. RYAN: I move:

After "force" in subclause (3) to insert "or any officer of a council".

I have another amendment to this clause on members' files, and the effect of the two amendments will be to make subclause (3) read:

Subsections (1) and (2) of this section shall not apply to a member of the police force or any officer of a council in the execution of his duty under this Act or any other Act.

I think it is plain that a member of the police force is given a certain exemption under this clause if carrying out

certain duties in accordance with his occupation. If a member of a council interfered with a motor vehicle in the execution of his duty he could be charged under this clause, whereas under section 666 of the Local Government Act he has legal authority to so interfere with that vehicle in the execution of his duty. That section states:

If any vehicle of any kind is left upon any part of any street or road or public place for a period of not less than 24 hours, the council or any officer authorized by the council may cause the vehicle to be removed to such place as the council or officer, as the case may be, thinks fit.

The exemption should apply also to a member of the council acting in the execution of his duty, because various parts of the Act state that the provisions shall apply notwithstanding the provisions of any other Act.

Amendment carried.

Mr. RYAN moved:

After "Act" in subclause (3) to insert "or any other Act".

Amendment carried.

Mr. BYWATERS: I raise the point of a motor mechanic who takes a car out on to the road. The clause states that if any damages are incurred the cost of those damages can be recovered.

Mr. Clark: The mechanic may have an accident.

Mr. BYWATERS: Yes. What is the position if a mechanic takes a car out of the garage and has an accident? Would he be compelled to pay for the damage if, as sometimes happens, the vehicle is not comprehensively insured?

Mr. Stott: Would he have the consent of the owner?

Mr. BYWATERS: That is the point. There may be a sign in the garage stating that a car is left at the owner's risk.

Mr. Millhouse: The notice usually says "stored and driven in the premises".

Mr. BYWATERS: It may not have been necessary to take the car out of the yard to test it, but if a lad is instructed to take the car out on the road to test it he will do so. This raises a doubt in my mind, and even legal men disagree on this sort of thing.

The Hon. B. PATTINSON: I think the honourable member has perhaps raised a fine point here. The clause states:

A person shall not, on a road or elsewhere, drive, use or interfere with a motor vehicle without first obtaining the consent of the owner thereof.

I think that if an owner leaves his motor vehicle at a garage for the purpose of repairs, overhaul or renovations there is an implied consent on his part that the person in charge will be able to drive the vehicle or use it. I think that we cannot lay down any hard and fast rule in this legislation. It is a question of common law. There could be a discrepancy between the statements of the owner and the garage proprietor or mechanic, but that is a thing that I do not think we can finally decide by any clause in this Bill; it would be a matter of evidence whether any consent to take the car out of the garage and drive it was, in fact, given. Normally, I would think there would be an implied consent.

Mr. DUNSTAN: I would respectfully concur in the advice that has been given by the Minister. I should think that in the case of any accusation against a mechanic in a garage he could say that there was an implied consent and, in the absence of some specific instruction to the contrary, he reasonably believed that he had the consent of the owner to take the car out. I do not think liability for his negligence would arise under this clause, but, except where the garage could prove that some notice was put up in such a way as to come to the attention of the owner of the car, he would be liable for negligence at civil law in the driving of the car. I could point to cases where this has been found in South Australia, and mechanics and people engaged in garages who have driven cars and had accidents in which they have been found negligent have had to foot the bill. However, that is a matter of civil law, and I do not think it arises under this clause.

Mr. LAUCKE: Under this clause the penalty for the illegal use of a motor vehicle is imprisonment for not more than 12 months for a first offence and, for a subsequent offence, imprisonment for not less than three months or more than two years. These penalties are subject to the Justices Act under which they can be reduced. However, no mention is made of a set penalty for what amounts to the theft of vehicles. I believe that it is rather incongruous that we have penalties for minor thieving but that so-called joy-riding or taking a car for a run around the block is not regarded as stealing, even though the car may be its owner's most important asset and his means of earning a livelihood, and the resultant penalty can be much less severe than that imposed for a minor thieving offence. This underlines the lack of adequate penalty for what is really stealing, and not just the illegal use for the time being of an asset.

Mr. Millhouse: What do you think the penalty should be?

Mr. LAUCKE: Greater than in the past. The penalty for people charged with the offence of illegally using a car has been in no way commensurate with the degree of wrong involved in the stealing of such a valuable asset.

Clause as amended passed.

Clause 45—"Careless driving."

Mr. RALSTON: The prescribed penalty is £50. There is no mention of "up to £50". Can the Minister say whether the £50 will be subject to the Acts Interpretation Act, and mean "up to £50"?

The Hon. B. PATTINSON: The power to reduce the penalty below £50 is under the Justices Act. It would arise in a court of summary jurisdiction and the penalty would be up to £50. The court would have power to reduce it below £50.

Clause passed.

Clause 46 passed.

Clause 47—"Driving under influence."

Mr. HALL: I move:

In subclause (3) to strike out "five" and insert "ten".

I do not intend in any way to alter the severity of the penalties proposed, but this clause tends to reduce the deterrent effect that we are endeavouring to secure by this legislation. Substituting "ten years" for "five years" would have no effect on the first offender because his penalty would not be affected by any previous misdemeanour; but, once a man is convicted of a serious offence of this sort, he should at least have to be careful for 10 years. As the position is now, he knows that in five years he will have a clean slate. With the great increase in traffic on our roads, the need is greater than ever for something to be done about increasing the deterrent, and the easiest way to do it, without foisting heavy penalties on the public and filling our prisons (although, ideally, the offender should be removed from the roads), is to make him much more careful.

Western Australia has by far the most severe penalty for this type of offence. A first offence there carries a fine of up to £50 or up to three months' gaol, and three months' suspension; a second offence carries a fine of £100 or six months' gaol, with 12 months' suspension; a third offence carries a fine of £200 or 12 months' gaol, with a life suspension. Since Western Australia brought its Act up to date in 1947, all offences have been taken into account (there is no five-year, 10-year or 15-year limit), and they must all have been committed after the Act came into force in 1947. Victoria has a fine of not more than £50 for a first offence, and for a subsequent offence a fine of not less than £100 or more than £250, or seven days' to one month's imprisonment. In New South Wales there is a fine not exceeding £200 or not exceeding six months' imprisonment, or both. That, apparently, is for each offence, not taking into account any previous ones. The object of this amendment is to make the penalties more effective without increasing their severity, by increasing the period in which a driver must be careful after being first convicted.

Mr. MILLHOUSE: I cannot support this amendment. We could argue all night about penalties for drunken driving. I am against it, but the penalties prescribed in subclause (1) of this clause are already severe. There is a wide discretion for each one of them. Perhaps the member for Gouger would not have been aware of this had it not been for the consolidating Bill: that this subclause (3) has been the law of South Australia for the last 10 years. This provision was inserted in 1951. The five-year period is sufficiently long. The honourable member's suggestion is out of all proportion. This provision has worked well for 10 years and the member has not made out a case for altering it.

Mr. DUNSTAN: I am unable to support the amendment. The present penalties, even for a first offence, are considerable. A term of imprisonment can be, and often is, ordered for a first offence. The amendment does not say that a magistrate is not to take into account, in assessing the penalty for a second offence after the five-year period, the fact that a man has been previously convicted of an offence of this type. A magistrate always takes it into account. What the honourable member suggests is that he must take the first offence into account to provide the statutory minimum penalty for a second offence. That can work a hardship in some cases and can deprive a magistrate of a discretion he would want to have. I can point to cases where magistrates have been forced to convict persons of this offence.

I know a man who was under a physical disability that he did not know of. He had had to have a lumbar puncture and the pressure of his spinal fluid was abnormally low. Consequently, although he did not know it and no-one

had ever told him to that stage, he was temporarily intolerant of alcohol. He took a small amount, which would not have affected him normally, but its effect was so immediate and severe that he was considerably under the influence and was unable to exercise any sort of judgment. He got in his car and drove it. He was guilty of an offence under this Act because he drove in those circumstances. The magistrate said that it was extremely unfortunate that he had to convict the man. He imposed the minimum penalty in the circumstances. However, Mr. Hall wants to deprive the magistrate of the right to use his discretion in those circumstances in the event of a man having had another conviction in a 10-year period. That is not satisfactory. Magistrates should be allowed to have a fair discretion and the Act already binds them to minimum penalties that are sufficiently severe in the circumstances set forth. I hope that the discretion will be left to the magistrates to investigate. It is not the case that magistrates do not, even beyond the five-year period, take into account the fact that a man has previously been convicted of an offence in assessing a penalty, but they should be allowed a discretion in those circumstances.

Mr. HALL: In all our laws, unfortunately we sometimes catch the wrong fish. However, I seek to afford greater protection to the public. I was recently talking to a reputable doctor in my district and he asked me when Parliament was going to tackle the problem of drunken drivers because many of our accidents were due to this problem. I do not want to deprive people of their rightful pleasures, but seek to provide greater protection to the public and a greater deterrent to driving under the influence of alcohol.

Mr. LAWN: I am inclined to support the amendment. I know that the members for Mitcham and Norwood were expressing the viewpoint of a driver in special circumstances. I do not like to see injustice to any persons, such as the man described by Mr. Dunstan, but I am not sure whether the Police Offences Act or some other Act does not give magistrates discretionary powers in special circumstances. I understand that we have legislation that invests magistrates with power in special circumstances to convict without penalty. I am not looking at this from the viewpoint of a driver who is entitled to sympathy, but from the viewpoint of men, women and children involved in accidents.

Mr. Riches: The amendment would not apply to a first offence.

Mr. LAWN: That is so. It refers to the number of convictions in a 10-year period. I regard this question from the viewpoint of the suffering caused to innocent persons in an accident. We frequently read in the press reports of persons killed or maimed in accidents caused by drunken drivers. The public believes that our present law regarding drunken driving is not sufficiently severe. Mr. Millhouse said that the present provision has operated for 10 years.

Mr. Millhouse: The provision, not the penalty.

Mr. LAWN: Let us examine the penalties. For a first offence provision is made for a minimum fine of £30 and not exceeding £100 or imprisonment for not more than three months, and for disqualification for holding a driver's licence for such period as the court thinks fit, but in no case less than three months.

Mr. Riches: According to subclause (4) that can be reduced.

Mr. LAWN: I do not know whether the case described by Mr. Dunstan could not be held to be trivial.

Mr. Dunstan: It was not. The definition of trivial is very severe.

Mr. LAWN: If within five years a driver commits a similar offence the second offence penalty applies, but if it is 5½ years or six years the second offence becomes a first offence and is subject to the penalty for that offence. I do not think the proposal by the member for Gouger is unreasonable. Over the past 10 years the penalty has been increased, yet the number of offences is still increasing. I support the amendment.

Mr. LOVEDAY: I have no sympathy for the drunken driver and I feel as strongly about this matter as does the member for Gouger, but after hearing the member for Norwood I think the member for Gouger is adopting the wrong approach to the matter. It would be better than the proposal before us if magistrates were given greater latitude in dealing with the first, second and third offences. If they had that latitude they could deal with the type of case mentioned by the member for Norwood. It would also be possible to deal with the very bad case, for which I do not think the penalty is high enough. I have no kind feelings for the person who drives a motor vehicle whilst under the influence of liquor. The penalties should be severe but I do not think the amendment deals with the matter in the right way.

Mr. HALL: I appreciate the remarks of the member for Whyalla, but the more discretionary power we have the greater will be the legal expenses of people who go to court. I know of the heavy expenses incurred by one of my constituents in this way and if there were a wider discretionary power the legal expense would be greater.

Mr. RICHES: I support the member for Gouger. There are circumstances in connection with a first offence which the courts would be justified in considering. I cannot see that there should be greater leniency for a second offence, or for the third offence merely because the second offence was more than five years old. I can concede leniency for the first offence, but there is no excuse for the drunken driver who comes before the court for the third offence.

The Committee divided on the amendment:

Ayes (7).—Messrs. Bockelberg, Bywaters, Hall (teller), Hughes, Lawn, Nankivell, and Riches.

Noes (24).—Messrs. Brookman, Clark, Coumbe, Dunstan (teller), Harding, Heaslip, Jenkins, Jennings, Laucke, Loveday, McKee, Millhouse, Nicholson, Pattinson, and Pearson, Sir Thomas Playford, Messrs. Quirke, Ralston, Ryan, Shannon, Stott, Tapping, Frank Walsh, and Fred Walsh.

Majority of 17 for the Noes.

Amendment thus negatived; clause passed.

Mr. FRANK WALSH: I move that progress be reported.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 10.23 p.m. the House adjourned until Wednesday, October 11, at 2 p.m.