HOUSE OF ASSEMBLY.

Wednesday, October 11, 1961.

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

QUESTIONS.

TRANSPORT PERMITS.

Mr. FRANK WALSH: I understand that in some cases where a permit is refused by the Transport Control Board, the applicant does not receive information concerning the refusal. Will the Premier ask the Transport Control Board, when a permit is refused and the applicant makes representation to the Board, to supply the reasons for refusal?

The Hon. Sir THOMAS PLAYFORD: I do not know why the board has not provided that information, but I will take the matter up with the board to ascertain the position and will inform the honourable member in due course.

STRATHALBYN ROAD.

Mr. JENKINS: On Monday I noticed that the road from Strathalbyn to the Finniss River was in bad condition, the bitumen having been broken away from the edges almost to the centre of the road in 20 or 30 places. Will the Minister of Works draw the attention of the Minister of Roads to the condition of this road so that it may be investigated by the Commissioner of Highways?

The Hon. G. G. PEARSON: Yes.

SUPERANNUATION.

Mr. DUNSTAN: The Premier announced in a broadcast on September 21 that the value of public servants' superannuation would be increased so that all units would be worth £1, subject to the condition that the highest paid officers would not be able to receive a pension greater than 50 per cent, and others 66 per cent, of their salaries. That condition clearly involves a reduction in the number of units that some present contributors will be entitled to take out or retain. Also, some retired public servants fear that it may apply to them as well. Can the Premier assure the House that former public servants, now retired, will be paid £1 a unit for all units for which they have contributed?

The Hon. Sir THOMAS PLAYFORD: As this is a technical matter, I am not able to give this information now. The recommendations approved by the Government have been put into a Bill that will take into account the respective superannuation schemes in this and other States. Although I do not want the honourable member to take this as definite information (this is a technical matter and I have not the full details in my head) I understand that the South Australian superannuation scheme has been less generous to contributors in certain respects than have the schemes in some other States. In some other States each unit is worth £1, whereas public servants not yet retired in South Australia will receive 17s. 6d. a unit. Last year we increased the value of units for officers who had retired to £1, but I understand there was the compensating advantage in this State that public servants had the right to take more units than officers in other States. I am not sure how my advisers recommended that we deal with this matter. I hope that the Bill will be available for consideration this session, but I assure members that the Government desires to see that no injustice is done to any section.

TAPEROO DUST NUISANCE.

Mr. TAPPING: This morning I received a letter referring to reclamation, levelling and top-dressing being carried out on LeFevre Peninsula in an area bounded by Lady Gowrie Drive, Railway Terrace, Moldavia Walk and Wandana Terrace. For about 14 months this work has been proceeding and in the last three or four months severe duststorms have caused much inconvenience to residents. The writer of the letter said:

I would like to bring to you, on behalf of the people of Taperoo, a picture of the dust situation which has been brought about as a result of the levelling programme in this area by the South Australian Harbors Board. Over the course of the past 16 months we have been plagued with frequent and extensive dust storms which are borne over the vacant land held by S.A. Harbors Board and Housing Trust in the area generally bounded by Lady Gowrie Drive, Railway Terrace, Moldavia Walk and Wandana Terrace. The dust, when air-borne, can reduce visibility to something less than 40ft. at its height, which is quite prevalent. The dust filters into sealed houses and covers all surfaces with a very heavy coating of red-black dust which makes a housewife's work a never-ending task. In many ways this dust must affect the health of young and old alike as it enters the eyes, ears and mouth and into any food not completely protected. It causes irritation to people in the district who suffer with chest complaints, and a small boy of six years of age who has an asthmatic condition is affected to such an extent that his education is being disrupted. The area which is causing this condition was the first section levelled by the Harbors Board and it is felt that the trouble has its origin in the Port River silt used to top the surface of the levelled area. Due to its apparent high salt content, suitable binding grasses have not grown over this prolonged

period and hence the surface becomes powdery when subjected to the slightest of warm weather, and wind from any direction causes immense discomfort to all in the area. It is felt that this condition could be corrected if a better type of topping, as used in the newly levelled areas, was graded over the existing silt to allow the growth of suitable binding grasses. Hoping that our Parliament can soon find a suitable solution to this urgent problem before the summer season begins . . .

Will the Minister of Marine obtain a report from the Harbors Board to see whether this menace, which I have observed first-hand, can be eliminated?

The Hon. G. G. PEARSON: I did notice in the press, or I heard it reported over the air, that in the recent heavy blows certain areas had been subjected to dust problems, and I intended to discuss the matter with the General Manager of the board on his return from leave early next week. The question of how best to deal with reclaimed areas is a difficult one. I know the Harbors Board has been exercising its mind ever since the programme began as to the best means of stabilizing newly levelled areas. As the honourable member and his correspondent suggest, the control of such areas is difficult because of the nature of the soil and the difficulty of covering a large area with soil which may have to be brought some distance to make a satisfactory covering. I have discussed this matter with the board on various visits to the area, and I will discuss it again with the General Manager to see whether any improvement can be effected. The cost of levelling these areas is substantial, and wind erosion undoes much of the work the board has tried to do in levelling them, so apart from any other interests the honourable member has mentioned it is not in the board's interest to allow a condition to remain which has a detrimental effect on the work it has done. Therefore, the honourable member can accept my assurance that the board will do all in its power to alleviate the problem.

GASTRO-ENTERITIS AT ANDAMOOKA.

Mr. LOVEDAY: Has the Premier a reply from the Chief Secretary regarding my request that the Central Board of Health investigate the question of sanitation at the Andamooka opal field?

The Hon. Sir THOMAS PLAYFORD: The Director-General of Public Health reports:—

A medical officer and a health inspector from the department visited Andamooka in July, 1961. The general health of the population at that time was good, but there were reports of outbreaks of intestinal infections in recent months and last summer. Advice was given to individual citizens and officials of the Andamooka Progress Association regarding sanitation, refuse disposal, fly control, and food preparation, which are the main measures to combat the infections involved. This has been followed up by written instructions and advice on sanitary facilities. However, in this and similar areas it is difficult to ensure proper use of facilities by the whole population. Further visits are planned.

SMOG.

Mr. HALL: I was pleased to learn of the proposed establishment of another power-station in the metropolitan area to cater for the future power needs, but I am alarmed at the prospect that, unless precautions are taken, Adelaide may become a victim of much smog and the resulting difficulties of undesirable dust precipitation over the metropolitan area. Can the Premier assure the House that the latest machinery will be installed in the new power-station to ensure that Adelaide will not become a smog-covered city?

The Hon. Sir THOMAS PLAYFORD: I will forward the honourable member's question to the Electricity Trust which is considering that matter, and when I receive a report I shall be able to tell the honourable member the precise matters the trust intends to deal with.

RADIUM HILL EMPLOYEES.

Mr. CASEY: Will the Premier see that the employees retrenched from the Radium Hill project are provided with a full medical examination, including an X-ray and blood count, before they leave the field? This will ensure that employees forced to leave will be provided with a clean bill of health.

The Hon. Sir THOMAS PLAYFORD: I know that it has been the practice of the department to examine the health reports in this matter. I will bring the honourable member's request to the notice of the Minister of Health.

MANNUM-ADELAIDE MAIN PUMPING.

Mr. LAUCKE: I recently asked the Minister of Works how much water could be pumped daily into the metropolitan reservoirs and the Warren reservoir through the Mannum-Adelaide main, and I was told 42,500,000 gallons could be discharged through this main in off-peak pumping time. Can the Minister say what is the full capacity of the pumping system on that main and whether the present level of our reservoirs with this intake from the River Murray is expected to be sufficient to obviate the necessity for restrictions later in the year?

The Hon. G. G. PEARSON: The Government does not intend to allow the level of our reservoirs to fall to the point where restrictions are likely during the coming summer and, as I have previously outlined to the House, the position is carefully watched from day to day to see that there is in our reservoirs at any given date a supply of water sufficient to keep the metropolitan area satisfied and to meet all requirements. The Engineer-in-Chief reported to me last week that because of the rather heavier than normal consumption of water during the last few weeks he thought it would be prudent, so as to ensure the position, to pump at on-peak as well as at off-peak times, and that has been done, to some extent at any rate, during the last 10 days. I cannot, from memory, say just what the difference would be between the present off-peak pumping and full-time pumping capacities, because the off-peak hours are arranged in collaboration with the Electricity Trust so as to use the pumping load at a time when the loads on the normal electrical system would permit it. Those vary from time to time, but, roughly speaking, I think the honourable member can expect that the consumption would be at least 35,000,000 gallons more available from on-peak pumping than from off-peak pumping. The Engineer-in-Chief is watching the position carefully and the position will not be allowed to deteriorate to a point where any restriction in supply is necessary.

BLUEBIRD RAIL SERVICE.

Mr. McKEE: During the debate on the Address in Reply I asked the Premier to ascertain the reason for the unsatisfactory Bluebird service between Adelaide and Port Pirie. On August 20 last the Premier gave the House a report from the Railways Commissioner stating that in general the railcar service to Port Pirie was operating as originally instituted. Since the Premier gave this report to the House, the rail service to Port Pirie has deteriorated further. Over the last three weeks we have had only three Bluebird services (that is, one a week). I was under the impression that it was to be a daily service to and from Adelaide, but that has not been the case. As the information the Premier received from the Railways Commissioner was incorrect, will he now take up this matter further with the Commissioner to obtain a full report on why the Bluebird service has been taken away from this run?

The Hon. Sir THOMAS PLAYFORD: Yes.

GOVERNMENT BUILDING AT PORT AUGUSTA.

Mr. RICHES: I refer to a reply that the Minister of Works gave me on August 31 about the building of a Government building at Port Augusta. He stated then:

Sketch plans for the proposed new Government office block at Port Augusta, which will incorporate the Engineering and Water Supply, Education, Children's Welfare and the Agriculture Departments, have been completed and an estimate of cost is now being prepared. When this is available the matter will be submitted to Cabinet for consideration.

Has that matter been submitted to Cabinet for consideration? If so, what is Cabinet's decision?

The Hon. G. G. PEARSON: I have not yet received from the Director of Public Buildings his report of the estimate of costs and, therefore, the matter has not yet been submitted to Cabinet. As the honourable member has raised the matter again, I will ask the Director when the estimates may be forthcoming so that the matter can be determined.

UNIVERSITY LECTURER.

Mr. CLARK: Last week, on the suggestion of the Premier, I asked the member for Norwood (Mr. Dunstan) if he could give information, as a member of the University Council, to the House about Mr. Brenner's appointment as Lecturer in History. In his reply, the member for Norwood outlined the position and the knowledge of the university in the matter. Later, in reply to a question by the member for Gouger (Mr. Hall), the Premier said that his information was completely at variance with that given by the member for Norwood, and that he was concerned that the situation should arise where the member for Norwood would give incorrect information to the House. I have carefully perused the statement by the University Council read to the House by the Premier yesterday, and I think it completely supports what the member for Norwood told the House last week. In consequence, I ask the Premier whether he is prepared now to withdraw, as a matter of courtesy not only to the member for Norwood but to the House, the imputations he made concerning the honourable member in his reply last week.

The Hon. Sir THOMAS PLAYFORD: No. There is nothing in it I desire to withdraw. In fact, I thought the report from the university supported what I had stated.

Mr. Dunstan: What nonsense! You love to make offensive statements, don't you . . .

The SPEAKER: Order!

Mr. DUNSTAN: I rise on a personal matter. What the Premier has just stated is an offensive untruth, and I do not intend to put up with it.

The SPEAKER: Order!

Mr. DUNSTAN: It is not a funny matter. You come into this House and . . .

The SPEAKER: Order! The honourable member must seek leave to make a personal explanation.

Mr. DUNSTAN: I seek leave to make a personal explanation.

Leave granted.

Mr. DUNSTAN: Last week I gave a statement to this House which was completely correct and truthful. The statement made by the University Council was in exactly conformable terms with my statement. The Premier saw fit to rise in this House last week and make an imputation concerning me, that I gave an incorrect statement to the House. He cannot point to one thing I said that was incorrect—not one thing. That statement received considerable publicity in this State—on television, over the air and in the papers—that I, in fact, was guilty of misinforming this House. His statement is completely untrue.

The SPEAKER: Order! The honourable member was granted leave to make a personal explanation. He is going beyond an explanation.

Mr. DUNSTAN: Apparently the Premier is to be allowed to make offensive imputations concerning the veracity of members of this House.

The SPEAKER: Order! I ask the honourable member to be seated.

MURRAY BRIDGE ROAD BRIDGE.

Mr. BYWATERS: On several occasions I have raised the matter of the painting of the road bridge over the River Murray at Murray Bridge and the Minister of Works has from time to time kept me informed on that. I understand he has a further reply now?

The Hon. G. G. PEARSON: My colleague, the Minister of Roads, informs me that Messrs. Burt & Rankine are the successful tenderers for the painting of the road bridge over the River Murray at Murray Bridge. The contractors are required to complete the work within a period of 46 weeks from October 3, 1961.

NORTHERN WELFARE OFFICER.

Mr. RICHES: Has the Premier received a report from the Chief Secretary regarding the appointment of a welfare officer to serve in the Port Augusta, Port Pirie and Whyalla magisterial district? I said earlier that this appointment had been recommended by Mr. Marshall, the magistrate for that district, and I understand that something has been going on in connection with it. If the Premier has a report from his colleague, will he make it available to me?

The Hon. Sir THOMAS PLAYFORD: The Chairman of the Children's Welfare and Public Relief Board states that a position of district officer, Port Augusta, in his department has been created. The officer will represent the department in that area mainly in probation work but also in other activities. A selection has been made from those who applied for the position and it is expected that an appointment will soon be made. Owing to the need for training in departmental procedures, the appointee will not proceed to Port Augusta immediately.

TAXATION ALLOWANCES.

Mr. McKEE: Has the Premier a reply to the question I asked some time ago about rail concessions for people attending an Adelaide specialist for treatment, and also allowable taxation deductions for those people who have been referred to an Adelaide specialist?

The Hon. Sir THOMAS PLAYFORD: I have received the following reply from the Prime Minister concerning the latter part of the question:

I have received your letter of September 20, 1961, relative to deductions from income tax in respect of the employment of an emergency housekeeper. I have arranged for consideration to be given to the question posed by Mr. McKee and will advise you in due course.

RAILWAY OVERCROWDING.

Mr. CLARK: Has the Minister of Works, representing the Minister of Railways, a reply to my recent question about overcrowding on Gawler trains during the Royal Show?

The Hon. G. G. PEARSON: My colleague, the Minister of Railways, has received a report from the Railways Commissioner, to the effect that the normal consist of the 11.53 a.m. train from Gawler is a single diesel railcar, and this provided adequate accommodation for passengers during the Royal Show week excepting on September 8, when the car received unexpected patronage and was consequently overcrowded. The Railways Commissioner understands this came about because the school holidays did not cover the full Royal Show period, as formerly, which resulted in unanticipated patronage of the train on the day in question.

CONSTITUTION ACT AMENDMENT BILL.

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such amounts of the general revenue of the State as were required for the purposes mentioned in the Bill.

HOUSING AGREEMENT BILL.

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

INDUSTRIES DEVELOPMENT SPECIAL COMMITTEE.

Adjourned debate on the motion of Mr. Frank Walsh:

(For wording of motion, see page 1040.)

(Continued from October 4. Page 1041.)

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): When the late Mr. O'Halloran, as Leader of the Opposition, introduced the motion that resulted in this committee investigating decentralization, he requested the appointment of a Royal Commission. In moving this motion, the Leader of the Opposition stated more fully the reasons why he believed a Royal Commission should be appointed. He said:

Consequently, I am in accord with the request contained in the interim report of that committee which is being printed and which indicates firmly that it desires the standing of a Royal Commission to be incorporated in its terms of reference. If this were done it would give to the committee the status to which it is justly entitled.

Later he said:

It may be desirable to have powers to subpoena a witness to appear and submit valuable and important information which may be excluded from the committee's present inquiries.

I find that that statement is not in accord with the report of the Industries Development Special Committee which states:

The committee has taken an opinion from the Crown Solicitor to the effect that it has no power to require witnesses to give evidence. Some difficulty could thus be experienced in obtaining witnesses who could give valuable evidence. Members consider that their investigations would be aided if they had that power.

That was not a firm request, but a statement that the committee had obtained an opinion from the Crown Solicitor that it had not the power to compel witnesses to attend, and that it believed that such power could assist its investigations. I have some knowledge of the factors that led to this statement in the report. I understand the committee asked a Commonwealth department to submit evidence and that that department said, in effect, "No, we cannot give verbal evidence, but we will be prepared to consider giving a written submission on matters that may come before you and upon which you may desire information." The Commonwealth department did not refuse to co-operate, but it did not wish to give verbal evidence.

I point out that if this committee had the powers of a Royal Commission it could not compel a Commonwealth department to appear before it to give evidence. It could only require evidence from individuals of a Commonwealth department on matters associated with the exercise of their business. In other words, the grounds upon which this motion was submitted do not provide a solution to the problem and I hope the House will not accept it. It will not assist the committee's investigations. If members examine the voluminous evidence already tendered to the committee and its wide scope they will realize that there is no difficulty in obtaining evidence. The difficulty is in finding a solution to the problem.

Mr. BYWATERS (Murray): I support the motion. When the late Mr. O'Halloran proposed the appointment of a Royal Commission the Opposition wanted a committee of people well qualified to examine all the ramifications of decentralization of industry. We wanted a committee outside of Parliament. All members of the Opposition are fully aware that there are difficulties associated with decentralization; that is why they asked that a committee be formed. Although individual members can make suggestions, they do not have concrete evidence to put before a committee or the Government about decentralization, which I feel is one of the main topics of the present day, particularly in country areas. This problem has existed for many years, not only in South Australia but in other States as well. The whole Commonwealth has seen the bulk of the population settle around the coastline; that has happened in this State. Because of this, the late Leader of the Opposition moved several motions in an attempt to solve the problem. The motions specifically asked that a Royal Commission be appointed, for the very reason that the Opposition felt that a committee would need to have the powers of a Royal Commission to call evidence. After

several motions had been introduced and debated, the Government eventually saw fit to do something about it (if only to put the people at their ease), and amended the motion. The Opposition naturally felt that, as it did not have sufficient numbers in this House to get what it wanted, it should accept the amendment as a step in the right direction.

I am most happy about the personnel of the committee. I congratulate the member for Mitcham on the active part he has taken in its work. My associations with the committee have at all times given me confidence in its work. However, we asked for a Royal Commission. When the Premier moved an amendment to the motion last year we naturally assumed that all he had in mind was that the committee would be a special committee of the Industries Development Committee, with the same personnel. The debates on this subject over the years show that the Opposition specifically requested that the committee have the best evidence available. We felt that, although the amendment was not what we wanted, it was a step in the right direction and that the committee would have the powers of a Royal Commission: we felt that because under the old Act the committee had the powers of a Royal Commission. I may be wrong in that, but that was my impression, and I think it was the impression of other members. We all thought that the committee would be able to call witnesses who wished to give evidence, but found to our dismay that that was not the case. Instead, as reported in the committee's interim report, it was advised by the Attorney-General that it did not have this power. The present motion is designed to correct this position. We desire that this committee should have power to call witnesses before it.

As usual, the Premier has drawn a red herring across the trail. He referred to an isolated instance of a Commonwealth officer's not wanting to appear or give written evidence, although he wished to co-operate. That is only one angle, although he is using it as the main reason for his opposition. I have the utmost confidence in the Industries Development Special Committee. It has been insinuated in another place, and in this House on some occasions, that I have criticized it; I wish to make it clear that I have not. I criticized the fact that the committee was not able to go as far as the Opposition wanted, but I felt that it was a genuine committee and that through its investigations it would be able to make a worthwhile contribution to solving the problem of decentralization. I am aware that the committee faces problems, and that is why I thought the matter would have been dealt with better by an outside committee of experts. However, I do not reflect on the present committee. Mr. Carey, the Treasury officer on the committee, from the knowledge he has acquired through his investigations, has come a long way in his thinking about the need for decentralization. I do not say that he did not have thoughts in this direction before, but he now looks at the matter differently. I congratulate him on being big enough to be able to look at the matter differently; he is a worthy member of the committee.

The main need for this motion is to meet the problem that arises if anyone does not wish to give evidence, and it must be remembered that there could be good reasons for not wanting to give evidence. I appreciate the committee's invitation to give evidence about the Tailem Bend railway workshops; I shall do so in a week or two. I have asked people associated with the railways whether they are prepared to give certain evidence and they have said they could not because, if their evidence got back to the authorities, they might be penalized. That is a genuine fear in the minds of most railway employees. They would know that the head of the department might have been called to give evidence and they would think that, if it became known that they had appeared before the committee and given evidence, it might be considered that they had given evidence against the Commissioner. Certainly, this is hypothetical, but it could happen. If an employee in a fairly high position at Murray Bridge, Tailem Bend or elsewhere gave evidence contradicting what the Commissioner said, he would jeopardize his chance of future promotion. He would put himself in a spot. Whether or not it would jeopardize his position, the thought would be in that man's mind that he would not want to go before that committee and give evidence. If the committee were to ask the superintendent at Peterborough, Murray Bridge, or Port Lincoln to allow that man to come and give evidence it would find that the employee would be loth to do so when he knew that the Commissioner had gone before, but if he were subpoenaed, as he could be by a Royal Commission, he would be compelled to go and would feel no obligation to anyone; he would know that he had the necessary backing and that he was compelled to appear.

That is the main point associated with the need for a Royal Commission. I support the motion, feeling that, as we have appointed a committee, we must not hamstring it in any way but give it the opportunity to do the best it can, at least as well as a Royal Commission would have done had it been appointed and had the Government agreed to our motion instead of bringing in the amendment as moved by the Premier. This is a genuine attempt to help the committee obtain all the evidence necessary so that it can bring down the best possible report to this House. In doing that I feel that we as a Parliament will be granting it the conditions and opportunities to do the best within its ability as a committee. I trust that the House will reject what the Premier has said, because he has not answered our case: he has merely introduced a red herring by saying we are concerned only with one person who, in effect, has refused to give evidence when required to by the committee. I ask the House to accept the motion as a genuine attempt to help the committee and the cause of decentralization, so that we, as a Parliament, will not be responsible in years to come for cluttering up the city with population to the detriment of the country areas.

Mr. MILLHOUSE (Mitcham): As one who has the honour to be a member of the Industries Development Committee, and therefore also of the special committee on decentralization, I feel obliged to speak briefly to the Leader's motion. I am not surprised that the Opposition has brought it forward, because at present it seems to be clutching at any straw to find something to bring before this House on Wednesday afternoons, and this is one of the flimsiest straws it has clutched at.

Mr. Lawn: What about all your stuff from the Subordinate Legislation Committee?

Mr. MILLHOUSE: I cannot support the motion, either as it stands or at all. What I am surprised about—and this shows what a straw it is and how the Opposition is clutching at anything it can—is that a few weeks ago we had another motion on decentralization regarding electricity tariffs, and during that debate the special committee was all but ignored, although that is one matter into which the committee is inquiring at present. But now we have this tender regard—quite the contrary to the previous position—for the powers of the special committee, and the fear that it may not be able to do its job with the powers it already has. The Premier has already referred to the text of the interim report on this matter. That is a good thing, because I am afraid that it does not bear out the assertions made by the Leader in moving his motion last week, when he said:

> Consequently, I am in accord with the request contained in the interim report of that committee which is being printed and which indicates firmly that it desires the standing of a Royal Commission to be incorporated in its term of reference.

With the greatest deference to the Leader—and I always pay him due deference—I am afraid that the report does nothing like that at all, and this is just another example of a regrettable inexactitude in his phraseology, because if members care to look at the paragraph in the report (which was phrased very carefully, as the member for Stuart will remember) they will see what it says. We spent much time in getting this right, to the satisfaction of all members of the committee.

Mr. McKee: Tell us why you don't wish the committee to have these powers?

Mr. MILLHOUSE: If the member for Port Pirie will bear with me with his usual patience, I am merely pointing out that the Leader's assertion is not in accordance with the terms of the interim report, because that report states:

> Some difficulty could thus be experienced in obtaining witnesses who could give valuable evidence.

It does not say that that difficulty has been experienced, nor does it say that it necessarily will be experienced.

Mr. Riches: Neither did the Leader.

Mr. MILLHOUSE: Oh, yes, he did; I have just read it out. The report goes on to say:

> Members consider that their investigations would be aided if they had that power.

Of course, I suppose the more power a committee has the more it can be aided, but there is no definite request there at all for the powers of a Royal Commission.

Mr. Riches: What did you understand the purport of that to be?

Mr. MILLHOUSE: I will remind the member for Stuart of what transpired when this report was being prepared, and what action the members of the committee took on it. He will remember, as well as I do, that this matter came up, and I will mention in a moment how it arose. This matter was discussed at some length, and the careful phraseology was the result of our discussions and the consensus of opinion of all members. Once that had been agreed upon in those terms—

Mr. Riches: Tell us what you understand it to mean.

Mr. MILLHOUSE: It means exactly what it says: that in the future these powers could be needed. There is nothing there, however, to suggest that we have needed the powers up to the present or will necessarily need them in the future. The interim report uses the word "could": it does not say that we have experienced difficulty but says that we could experience difficulty.

Mr. Riches: What does the last sentence mean? You signed it.

Mr. MILLHOUSE: What I meant by that when I signed it was this: if we had the powers of a Royal Commission this could never possibly arise by any stretch of the imagination, except that—and this is what, of course, brought it up in the first place regarding Commonwealth servants—no matter what powers this Parliament gave the committee we still would not be able to bring those Commonwealth public servants before us. We could not touch a Commonwealth public servant or a Minister in any event.

Mr. Riches: I hope to give my version of it shortly, and it will be different from yours.

Mr. Loveday: When you signed it you thought it was worthless?

Mr. MILLHOUSE: No, I did not. Once we had hammered out this form of words, it was I, as a member of the committee, who moved that this paragraph in the interim report relating to our committee's lack of power to require witnesses to give evidence should be forwarded to the Premier, together with a copy of the Crown Solicitor's opinion. It was I who moved that, and it was seconded by Mr. Edward Carey of the Treasury, the non-Parliamentary member of the committee. That motion was put and passed, and this paragraph was sent on to the Premier. But, Sir, that motion which I moved and which was agreed to by the committee does not contain, by any stretch of the imagination, a request that we should be given these powers. It was merely pointed out to the Premier, as head of the Government, that we did not have them. That would have been the members' opportunity and the opportunity of the committee as a whole to request those powers if they were felt to be necessary for the carrying out of our duties. But it is not there in the report itself or in the motion which was subsequently agreed to and which I moved. That is the position, so the Opposition is obviously clutching at any straw to try to embarrass the Government. What has been the history of our investigations in the last 12 months or so?

Mr. Riches: First of all, you promised to tell me what you understood by the last sentence.

Mr. MILLHOUSE: That, in fact, if we did have the powers of a Royal Commission, this could not by any stretch of the imagination arise, except in the case of Commonwealth officials. What else can it possibly mean? The committee's investigations would be aided if it had that power, but the report does not say that the committee would not be able to carry out its investigations without that power, and never, as a committee, have members ever asked for these powers. That paragraph does not ask for it. The motion agreed to by the committee sending on this paragraph to the Government does not ask for it, does it? Of course not.

Mr. Clark: Why did you bother to put it in, then?

Mr. MILLHOUSE: We merely pointed out the facts. I am trying to give the House a lucid and interesting explanation. I remind honourable members of what has happened during the course of our investigations over a period of nearly 12 months. Honourable members have no doubt all studied with great attention the interim report laid on the table of the House. If so, they will have noted that 81 witnesses have given evidence so far, their evidence running into many pages.

Mr. King: Have any witnesses refused to give evidence?

Mr. MILLHOUSE: I am coming to that. What is the position as regards witnesses we have asked to come before us? The first one who was invited to come before us was the late Leader of the Opposition, Mr. O'Halloran, but he replied verbally that he had said everything he wanted to say in moving his motion in the House.

Mr. Lawn: And he asked that all that he had said in the House be taken as evidence.

Mr. MILLHOUSE: Yes; but, before it could be carried any further, most lamentably Mr. O'Halloran died. He was the first person invited to come before us who did not come before us.

Mr. Clark: His words are recorded in *Hansard*.

Mr. MILLHOUSE: Yes; that is fair enough. I am not criticizing him; I am merely giving a history of those persons who have been invited to come before us and who have not come.

Mr. Clark: That is one instance that could well have been omitted.

Mr. MILLHOUSE: I always accept the honourable member's schoolmasterly rebukes.

Mr. Clark: The honourable member at least gave me the opportunity to recognize a childish mistake when I heard it.

Mr. MILLHOUSE: Then witnesses in the South-East were written to and asked whether they would give evidence. They replied that they did not desire to give evidence, and that was left on one side. The third body (of particular interest to members opposite) that was approached over a period of months to give evidence before us was the United Trades and Labor Council of South Australia. That was one of the first bodies we approached. For a long time there was prevarication and then the council said it had nothing to put before us.

Mr. Jennings: You mean "procrastination", not "prevarication".

Mr. MILLHOUSE: Yes. The honourable member, as always, is a purist.

Mr. Clark: And he was not a schoolmaster, either!

Mr. MILLHOUSE: No; but he has that native wit we all appreciate. The United Trades and Labor Council said, first of all, "Yes, we should like to come along", but the council was waiting on an interstate communication. We waited and continued to wait and, eventually we were informed through the secretary of the committee that the council had no submissions to make to us. The Railways Commissioner came along and answered everything asked of him; he gave comprehensive and valuable evidence. The Trades and Labor Council was third on this list. Perhaps members opposite would like us to have the power to subpoena representatives of that body—I do not know. The fourth body contacted was the Australian Primary Producers' Union. When approached, it said, "Yes; we will refer the matter to our local branches, get a case together and then come along." Finally, however, the union said that it had had no response from its branches and did not want to come. That was the fourth. The fifth body or person on the list that refused to come was the Commonwealth Department of Labor and National Service—and this, as the member for Stuart (Mr. Riches) remembers, is how this whole question arose.

Mr. Riches: No.

Mr. MILLHOUSE: What did the Regional Director of that department say? He said, "I cannot come before your committee in person to give evidence, but, if you care to submit to me any question on any topic, I will obtain an answer for you and reply in writing." In fact, as yet (I am not committing the committee one way or the other) we have not asked him in writing to answer any questions at all. That is the whole position. It would not matter what powers this committee had, we still would not have the slightest chance of getting the Regional Director of that department before us because he, as a Commonwealth civil servant, would not be bound to disclose certain information.

The Hon. Sir Thomas Playford: Not in respect of anything dealing with his own department.

Mr. MILLHOUSE: He would not be obliged to disclose any information in relation to his own department.

Mr. Riches: Everybody knows that; that is a red herring.

Mr. MILLHOUSE: It is not. The honourable member knows as well as I do that that is how this question first arose in the committee. It was then that we asked the Attorney-General to get an opinion from the Crown Solicitor, which he did. There we have the five cases. If any member can spin out of those any hampering of our activities as a special committee, I will "go he", because by no stretch of the imagination can he do so. We have not been hampered one iota in our investigations by the refusal of these bodies to attend. We have not pressed the Department of Labour and National Service for written answers on anything we want to know.

Members opposite have asked what was meant by the statement on page 4 of our interim report. I do not believe that the powers of a Royal Commission are at present required by the committee, going on our experience over the last 12 months, but if in the future—and this will not be a short inquiry because it is a difficult, although fascinating, inquiry—we do encounter difficulties, that will be the time to seek these powers. We have not sought them yet either in the report or in our minutes. When we do seek such powers we shall have good reasons for doing so. If we are to be given the powers of a Royal Commission, I assume it will require a special Act of Parliament. Why go to that trouble when the powers are not yet required and may never be required?

Mr. Lawn: Do you suggest that the proper time to learn to swim is when you are drowning?

Mr. MILLHOUSE: That is not the point at all. I will leave it for the member for Gawler to deal with that interjection.

Mr. Clark: Why pick on an innocent bloke like me?

Mr. MILLHOUSE: Because the honourable member has had more experience with children than anybody else. I regret that I am unable to support the motion.

Mr. TAPPING (Semaphore): I wholeheartedly support the motion. I was disappointed with the weak contribution by the member for Mitcham. Since he has been a member of this House I have been impressed with his desire to expound sound cases. Generally he is a keen debater, but this afternoon his opposition to the motion was extremely weak. In fact, in his opening remarks he referred to clutching at a straw. Any motion any member moves that has as its purpose the object of assisting all sections of the community must be commended. For years the Labor Party has been advocating the need to decentralize industry. Our metropolitan population is increasing to the detriment of the country and this motion is an attempt to see whether something cannot be done to stop that alarming drift of population. It was wrong for Mr. Millhouse to suggest that the motion was weak and savoured of politics.

Every State is faced with the need to decentralize industry. It is a national problem and, consequently, this committee should be soundly based so that its investigations can proceed effectively to benefit the State. It is the duty of the Opposition and its Leader to take every opportunity to put forward suggestions that could benefit the entire State. If we believe the Government has failed in its duty it is our duty to point out the Government's mistakes. For years we have tried to get the Government to realize that this drift from the country must be stopped. I regret that Mr. Millhouse resorted to poor tactics in presenting his case. He made excuses and in concluding his remarks he referred to page 4 of the committee's report which, incidentally, he signed with his committee colleagues. Let us examine that part of the report. It states:

> The committee has taken an opinion from the Crown Solicitor to the effect that it has no power to require witnesses to give evidence. Some difficulty could thus be experienced in obtaining witnesses who could give valuable evidence. Members consider that their investigations would be aided if they had that power.

The fact that this statement is embodied in its first report indicates that the committee believes this lack of power is a weakness. The Leader has asked that this committee be placed on the same basis as the Public Works Committee, which is empowered by Parliament to call witnesses. I was a member of that committee for five years and I know that witnesses attended readily and made valuable contributions to the committee's investigations. Originally the Opposition sought the appointment of a Royal Commission, but our motion was whittled down. Obviously the Government is not prepared to stand by the present committee. I appeal to the Government to do something to aid the decentralization of industry. The Public Works Committee has had as witnesses public servants, industrialists and representatives of commerce who have presented much valuable evidence. The Industries Development Special Committee, however, has not had that experience. One or two witnesses who should have given evidence have not done so and others gave evidence only reluctantly. On page 2 of its report, under the heading, "Matters referred to the Government", the following appears:

> When taking evidence in country towns there have been occasions when witnesses have stated that certain matters needed instant attention rather than consideration . . .

This committee is obviously faced with a task of national importance. Witnesses have said that country areas want relief, not consideration. The Government's attitude on this and other occasions when this matter has been debated is one of political expediency. As many industries are coming to the city and are increasing traffic and population problems, it is abundantly clear to me that the Government is not sincere in its professed desire to relieve congestion in city areas and assist people in the country.

The personnel of this committee has been mentioned in this debate. I agree with other speakers that its members are men of integrity and business acumen, and I consider they have every desire to do something, not connected with politics, to improve the position. When this matter came before the House it was generally felt that the committee to be appointed would carry out the policy of bringing about decentralization and assisting country districts and the State generally. Government members and Independent members supported the motion. If it were necessary to have a Commonwealth public servant appear before the committee to give evidence, I think he would appear at the request of his superiors. As this matter is of national

importance, I think that a Commonwealth officer would be able to give evidence without fear.

I appeal to all members to support this motion. Above all, let us view it in this light: the motive of the Leader in moving it is to place the committee in its true perspective and give it the status it deserves. If it has the powers of a Royal Commission, there is no doubt that it will be appreciated and respected more. If it is given this power, I am sure that, whenever anybody in any sphere is requested to attend, he will come forward and give evidence to help bring about decentralization.

Mr. RICHES (Stuart): I, too, support the motion. As one of the signatories to the interim report submitted by the Industries Development Special Committee, I place a different construction on the report that I signed from that which the member for Mitcham, who is a valuable colleague on the committee, placed on it this afternoon. I do not agree with his recital of the events that led up to the inclusion of this paragraph in the interim report. For several years members of the Opposition have asked for an inquiry at the highest level into the possibility and practicability of decentralizing industry and establishing industries in country districts. At no stage have members asked for an inquiry to be conducted by a committee that would have no more power or status than a committee of an ordinary sub-branch of any organization in any part of the State: they wanted the inquiry to be on the level of a Royal Commission. That was the request made every time a motion on decentralization was submitted and, when the Premier suggested that the inquiry should be conducted by the Industries Development Committee sitting as a special committee rather than by a Royal Commission, this was accepted by the House and by members of the Opposition, through their Leader, who said that in fact the committee was a Royal Commission and had the powers of such. So it had, but not in connection with this inquiry.

The inquiries by the special committee proceeded, evidence was called, and the witnesses, the organizations sending them and the members of the committee felt that the Government had given the committee the standing of a Royal Commission. It was not as a result of the committee's not being able to obtain the appearance of certain witnesses that this request arose. The Commonwealth Government decided not to allow a witness to attend to give information about the employment situation and, so that the committee could understand what its powers were, it sought an opinion from the Crown Law Department, which advised that it did not have the powers of a Royal Commission, of an ordinary Select Committee of this House or of the Industries Development Committee: in fact, the wording of the opinion was that the committee did not have any powers other than those normally exercised by any ordinary committee of citizens, such as, for instance, a committee appointed by the Royal Automobile Association.

That was the opinion the committee sent to the Premier, saying that its work would be aided if it had the powers of a Royal Commission. That is why this clause was placed in the interim report, and it is the basis of the report that has come to the House. The committee does not possess the powers that members thought they were giving it. Members may call that a request for power if they like. When I signed the report I thought it was a request for the powers of a Royal Commission, and I am still asking that Parliament give this standing to the committee. If the committee asks for the appearance of a Commonwealth officer to help it in relation to the availability of labour and the incidence of unemployment, the Commonwealth department is likely to say, "Here is a request from a committee for the appearance of a departmental officer. What standing has the committee?" Do members think that a subcommittee of the Port Augusta council would get the same response or consideration as they would expect a committee with the powers of a Royal Commission to receive?

I disagree with one or two other statements made by the member for Mitcham. He stressed that the whole object of the motion was to compel witnesses to attend, and spoke about the number of witnesses who had not appeared. He also spoke about the late Leader. As I understand the attitude of the late Leader, he would have been happy to attend, but he suggested that that was not necessary because his complete arguments in favour of decentralization of industry had been given not once but every time he had submitted a motion on the matter to the House. He had framed these specific terms of reference with which the committee was dealing. The next people who did not come, as the honourable member said, were representatives of the Trades and Labor Council. The reply was

not that the council was seeking information in other States; it was that it would be happy to help but the secretary was in another State and it could not give us a decision until he came back. After the secretary had returned and the Trades and Labor Council had had a good look at the standing of the committee and the evidence that it could give it said it doubted whether at that stage it could give any evidence that would help the committee in its inquiry. There was no refusal at all. The Chamber of Commerce came before the committee. It was co-operative and said that it would circularize its branches throughout the country and have a case for us within a fortnight. We waited for them for months and months, and then we received a reply that the chamber had not received any satisfactory response from its branches in the country and would have no further evidence to give.

Mr. Hall: They did not have a case, either.

Mr. RICHES: How seriously are these people taking this committee? We have been told that it has the standing of a committee set up by the Royal Automobile Association. Those are the words used in the opinion given by the Crown Law Office. I think this committee should have a higher standing than that, and I think Parliament expected that this inquiry would be taken seriously by everybody and conducted at the highest level. In an earlier debate this year I referred to another organization. I have expressed the opinion that we could not go to Port Pirie and get a complete picture of the industrial set-up there without at some time or another consulting the Broken Hill Associated Smelters. Although officers of that company have not refused to appear before the committee, they still have not appeared because they do not think this is the right time to appear. If we only have the standing of a committee that could be set up in Port Pirie itself, what inducement is there to come, and how seriously are they going to go about preparing information to help us? If information is to help it must be prepared carefully. The situation has to be taken seriously.

Mr. Millhouse: Are you suggesting that any of the witnesses who have come before us have not taken the committee seriously?

Mr. RICHES: I have said what I wanted to say about the Chamber of Commerce, and will say no more. Members can place their own construction on how seriously some people are taking the work of this committee.

The Hon. D. N. Brookman: Aren't you writing your own committee down?

Mr. RICHES: I think the Government has written us right down by refusing to lift our status. The Premier's attention was drawn some months ago (before this report was drafted) to the Crown Law Office's opinion that the committee had the status of a committee appointed by the Royal Automobile Association, and he has been asked in this House whether he has read the interim report and whether he intends to confer on the committee the status it is seeking. He has been asked that question twice, and I spoke at some length on the matter on August 22. This is the last move the Opposition has made as a result of the Government's failing to recognize the position. The Leader has moved that we should keep faith with the understanding that everybody had when the committee was first set up. It does not give me any joy to have to speak along these lines, but those are the facts. I had hoped that all that need be said was contained in the four lines included in the interim report.

I visualize that if this committee is to get anywhere it will have to go to other States. People at Penola are most anxious that a full investigation be made into the possibility of establishing an abattoirs in the South-East, and they are asking that that establishment should be on the same basis as the abattoirs at Wagga, financed by the Government or provided with some Government assistance, but controlled and managed locally. One proposal was submitted to the Industries Development Committee, and the committee supported it and recommended to the Treasurer that finance could be made available with advantage to the State and that the abattoirs could get under way, but for personal reasons that has never eventuated and the people are still looking for an abattoirs. It could well be that this committee will have to follow its investigations to Wagga, and when it goes there and when it asks for co-operation from other Governments, what standing will it have?

The Hon. D. N. Brookman: If you sent a copy of your remarks ahead of you they would not take much notice of you.

Mr. RICHES: Quite frankly, if the Government is not prepared to take this committee seriously and vest it with the standing we are asking for, I do not know that it should bother to go to other States or worry other Governments.

Mr. Millhouse: That is a very small outlook.

Mr. Loveday: The committee was only set up as a sop.

The DEPUTY SPEAKER: Order!

The Hon. G. G. Pearson: What standing would a Royal Commission have at Wagga?

Mr. RICHES: No-one is suggesting that if we had the powers of a Royal Commission we could compel witnesses in other States to give evidence. That is not the reason for this motion or the reason for the inclusion of the unanimous recommendation in the interim report; it is a matter of standing and importance, and the level upon which these investigations are being conducted. I suggest to the Minister that if a committee came from another State to South Australia and had the standing of a Royal Commission appointed by, say, the Victorian Government, he and his officers would treat it differently and go to more care in making information available to it than it would to a committee which had no more powers than a body of ordinary citizens in Victoria. It would make all the difference to his attitude. When this committee seeks information a terrific time is taken in compiling the information asked for. That is necessary if the evidence is to be authentic and acceptable, and if it is to be used as a basis for a recommendation to this House or to industries.

Mr. Millhouse: Don't you think the members themselves are the best advertisement the committee could have?

Mr. RICHES: I am afraid I am not an advertisement for toothpaste, nor have I the same publicity complex as has the member for Mitcham. The value of the committee will be assessed, firstly, by the information that it can gather, secondly, by the soundness of the recommendations that it can make, and, finally—and this is the most important consideration of all—by the importance the Government attaches to the work and recommendations of the committee. If the Government attached the importance we think it should to the work of this committee, then it should have at least the same powers as the Industries Development Committee has. The same personnel are operating under the other Act, and that committee has the powers and the standing we are asking for here. This special committee that is investigating the decentralization of industries has not the status or the standing of the Industries Development Committee.

I do not believe that evidence compulsorily given will help a committee. I am prepared to believe that it may not be necessary for these powers ever to be exercised by the committee, provided everybody knows that they reside in the committee. If the people of the State know that the Government regards a certain inquiry as important and views it seriously, then members will help and work in a spirit of helpfulness; but, if the Government persists in writing down the committee and refusing to give it the status of a Royal Commission, the rest of the community will do likewise and we cannot expect anything but that the work of the committee will be hampered accordingly. Because of this, I signed the report and discussed with the other members of the committee the final drafting and redrafting of that paragraph, drawing Parliament's attention to the fact that the committee did not have these powers and that its work would be assisted if it had them. That is the truth of the matter—there is no question about it. Neither the Premier nor the member for Mitcham (Mr. Millhouse) would deny it. For the life of me, I cannot understand their attitude in opposing this motion.

There can be only one possible reason for their opposing it—not in the interests of the State, of decentralization or of the work of the committee, but because it emanated from the wrong side of the House, because of Party considerations. There is no other conceivable reason for opposition to this motion, which I hope will be carried.

Mr. RALSTON (Mount Gambier): I support the motion. Its purpose is to give the committee that was appointed by this House the powers that it should have. Those powers are what we thought it did have at the time it was appointed—namely, the powers of a Royal Commission. There was no doubt about that position. When the motion of the late Leader (Mr. O'Halloran), as amended by the Premier, was being debated in this House in 1960, the late Leader said that the amendments as proposed by the Premier and agreed to by this House were of a very minor nature and would have exactly the same effects as the motion he himself had moved—that a special committee, the Industries Development Committee acting as a special committee and with the powers that it had as an Industries Development Committee, would have the powers of a Royal Commission.

The Premier, at the time the Leader said that, did not deny that the committee would have those powers. There was nothing at the time when the then Leader of the Opposition

said that to suggest that there was any lack of power in the special committee. As it went along with its investigations, it soon discovered that it seriously lacked power. It reported to the Premier that it required more power, but he did very little or nothing about it. I doubt whether he wanted to inquire into it. The member for Mitcham decided something should be done about it. What did he do? As a member of that committee, he saw fit to draft a resolution for its consideration. He moved it in the committee and was successful in convincing the committee of the need for this added power of a Royal Commission. The motion was carried by the committee of which the member for Mitcham was a member. He drafted it; it is here in the interim report. It says:

The committee has taken an opinion from the Crown Solicitor to the effect that it has no power to require witnesses to give evidence. Some difficulty could thus be experienced in obtaining witnesses who could give valuable evidence.

They were not appearing before the committee and he was concerned about it. The report continues:

The members consider that their investigations would be aided if they had that power.

If that is not a plea for more power, then I have never read a plea for power. The member for Mitcham drafted that motion and moved it in the committee. He convinced the committee that it was necessary, and he is now trying to tell us that that power is not necessary. Did you ever see such a performance of Tweedledum and Tweedledee? I doubt it. The honourable member said that Opposition members were "clutching at straws" but, if ever a person was clutching at straws and drowning in his attempt to grab them, it was the member for Mitcham. When I think of his arguments this afternoon and compare them with the magnificent performance he put up not so long ago as Chairman of the Subordinate Legislation Committee, when he was on safe grounds and knew the foundations of his arguments were sound (there was no doubt about his ability to present an argument then), that performance left his performance today for dead.

When moving his amendment to the motion in 1960, the Premier, at page 648 of *Hansard*, said:

The reason I move these amendments is that I doubt very much whether a Royal Commission is the best method of dealing with this matter. Such an authority would be appropriate to obtain information on intricate matters . . .

He agreed that a Royal Commission would be the appropriate authority, but he continued:

. . . but I believe this is a matter largely of political considerations.

Have members every heard anything further from the mark? Any investigation into industry must be of an economic nature, but the Premier's reasons for altering the constitution of the committee—and limiting its powers—were that it would provide for a proper investigation and that the amendment was based on political considerations.

The Hon. D. N. Brookman: Don't be silly!

Mr. RALSTON: That is what the Premier said and for the information of the Minister I will read it again.

The Hon. D. N. Brookman: He did not mean "Party political".

Mr. RALSTON: The Premier said that he believed this was a matter largely of political consideration. He still means that. Don't make any error about it! The people believe he means that. Three weeks ago the Penola council moved a motion, which was published in the press, expressing concern about statements made by the Hon. L. H. Densley, M.L.C. (Chairman of the Industries Development Committee). I am not concerned with whether those statements were misleading, but the Penola council was concerned and wondered about the opinions expressed by the Chairman. Why did the Premier say that he believed this was a matter largely of political consideration? The member for Adelaide has frequently spoken of the gerrymandering of electorates, and I believe there is some gerrymandering on this matter, too.

If this committee is to be effective it must have the powers it has sought in the resolution contained in its report, a resolution drafted by the member for Mitcham as a member of that committee. The committee obtained a Crown Law opinion to ascertain whether it had power and it is obvious that the committee requires the power otherwise it would not have included this resolution in its interim report. If, as Mr. Millhouse suggests, the committee does not need that power, why was the resolution drafted? Why did the committee go to the Crown Law Office for an opinion? When the Opposition sought the appointment of a Royal Commission to inquire into the decentralization of industry it realized that something had to be done to assure country children of employment. The committee has requested, in well chosen words, additional powers to enable it to make a proper investigation, and the Leader

of the Opposition in this motion has presented that request to the House. I hope the House will accept the motion.

Mr. JENNINGS secured the adjournment of the debate.

GLENELG BY-LAW: TRAFFIC.

Adjourned debate on the motion of Mr. Millhouse:

That by-law No. 31 of the Corporation of the Town of Glenelg in respect of traffic, made on November 8, 1960, and laid on the table of this House on August 22, 1961, be disallowed.

(Continued from October 4. Page 1047.)

The Hon. B. PATTINSON (Minister of Education): As member for Glenelg particularly, and as a Parliamentarian generally, I take this earliest opportunity of publicly expressing my indebtedness to the member for Mitcham, Mr. Millhouse (Chairman of the Joint Committee on Subordinate Legislation), for moving this motion on behalf of himself and the other members of that committee. I do so for two reasons. Firstly, because it gives members of Parliament another opportunity of considering the vexed question of the parking of motor vehicles—this time in the metropolitan area as compared with the more recent one in a country district. It is a question that affects the rights and privileges of thousands of constituents whom members of Parliament have been elected to represent. The second reason is that in my opinion it gives Parliament the opportunity, which was freely availed of in this House last Wednesday, of considering whether the Subordinate Legislation Committee is usurping the rights entrusted by the Legislature under the Local Government Act to local governing bodies. It is this larger aspect of the question to which I desire to devote some preliminary attention.

In this House last night I stated that as a Parliamentarian I strongly advocated the retention of the Constitutional principle of the supremacy of Parliament I take the opportunity of repeating that statement this afternoon with all the force at my command, because it is a conviction I held as a very young man and, instead of its disappearing with the first flush of youth, it has matured and ripened with the passage of the years. I have always been of the opinion that Parliament should be supreme over both the Government and local government. That is why, many years ago, I moved in this House for the appointment of a committee on subordinate legislation, and the Government appointed such committee "to consider the powers of subordinate legislation exercised by or under the direction of the Governor in Council, Ministers of the Crown, local governing bodies, and other public or local authorities, and to report what additional safeguards are desirable or necessary to secure the constitutional principle of the supremacy of Parliament."

The personnel of the committee was myself as chairman; the Hon. Hermann Homburg, then a member of the Legislative Council and a former Attorney-General; Mr. A. V. Thompson, the then State member for Port Adelaide and now Commonwealth member for Port Adelaide; Mr. G. S. Reed (now Sir Geoffrey Reed, a judge of the Supreme Court of South Australia); and Mr. J. A. Riley, secretary of the Adelaide Chamber of Commerce. On his appointment to the Supreme Court bench, Mr. Reed tendered his resignation and in his stead Mr. Ernest Phillips (later a Queen's Counsel) was appointed. Disregarding myself, I think the House will see that that was a committee of outstanding importance.

It held many meetings and took evidence from witnesses of outstanding importance: Mr. E. L. Bean (later Sir Edgar Bean), Parliamentary Draftsman; Mr. J. P. Cartledge, Assistant Parliamentary Draftsman, and Chairman of the Local Government Advisory Committee; Mr. H. Mayo (later Sir Herbert Mayo, a judge of the Supreme Court); Brigadier-General Leane (later Sir Raymond Leane), Commissioner of Police; and Messrs. J. Hendry, A. E. Clarkson and R. K. Wood, representing the Chambers of Commerce and Manufactures. The witnesses tendered evidence on behalf of the Law Society and the two chambers. Having considered the evidence and the position regarding subordinate legislation in this State generally, the committee unanimously made certain recommendations. I shall not weary the House by dealing with them at length; the document is voluminous, it was ordered by the House to be printed, and it is available. However, the document contains one or two aspects that are peculiarly relevant to the by-law at present being discussed. The committee reported:

The main defects of the system of subordinate legislation as applied to South Australia are:

(*a*) There is usually a lack of publicity associated with the framing of subordinate legislation.

(*b*) Unless vigilance is exercised by Parliament, there may develop a tendency to frame legislation drafted merely from a departmental point of view.

(*c*) In certain few instances—to be mentioned later—there is a lack of complete Parliamentary control over subordinate legislation.

(*d*) There is no convenient method provided whereby the public at large may object to the policy of any regulations.

In the definition, "regulations" include by-laws. I think that these propositions are relevant to the by-law now under discussion. The report later reads:

In the framing of regulations dealing with any section of the business community, the committee considers that there should, wherever possible, be consultation with that section. This practice has been followed in some instances with advantage, and should be availed of whenever practicable.

It would not be possible to have anything more relevant to this by-law and the method of its making than that observation made by this most influential committee: that in framing regulations (including by-laws) dealing with any section of the business community, there should, wherever possible, be consultation with that section. The report continues:

The next matter for consideration concerns the manner in which Parliamentary control is to be made effective. At present, regulations are merely laid before Parliament, and it is then incumbent upon individual members of Parliament to take any steps necessary to challenge them. It is essentially the duty of Parliament to scrutinize regulations and to disallow any which are harsh or unnecessary. Under the present method, however, it is possible that some regulations could escape this scrutiny. The committee is of opinion that there should be some body entrusted with the duty of informing Parliament whether there are grounds for objection to any regulations.

Mr. Riches: This is all about regulations.

The Hon. B. PATTINSON: I shall come to that in a moment. Continuing:

The committee considers that this body should be a joint committee of both Houses, with power to sit whether Parliament is in session or not, and with power to call and examine witnesses. The joint committee should report to both Houses as to the following matters in respect of any regulations: (*a*) that they are in accord with the general objects of the statute; (*b*) that they do not trespass unduly on personal rights and liberties; (*c*) that they do not unduly make the rights and liberties of citizens dependent upon administrative and not upon judicial decisions; and (*d*) that they are concerned with administrative detail, and do not amount to substantive legislation which should be a matter for Parliamentary enactment. The functions of this joint committee should not be limited merely to regulations then under consideration by Parliament, but should extend to any regulation whatever, which, in the opinion of such committee, calls for a report to Parliament. If at any time when Parliament is not in session the joint committee is of the opinion that any regulation should be reconsidered by the promulgating authority, it should have power to make recommendations direct to such authority, and, if necessary, to publish the same. It is recommended that the necessary provisions for the establishment of a joint committee should be made by amendment of the Standing Orders.

In answer to the member for Stuart, I point out that, in order to avoid repeating the words "regulations, by-laws, Orders in Council", etc., the committee adopted the tidy method of giving a definition of "regulation". It said:

In these recommendations the word "regulations" is intended to include regulations, by-laws, rules, orders, and other forms of subordinate legislation.

The committee finally unanimously recommended:

That the Standing Orders be amended to provide for the establishment of a joint committee to examine all regulations, and to report to both Houses when Parliament is in session, or, when Parliament is not in session, to the authorities promulgating such regulations; that legislation be enacted to provide that the period within which and for which regulations are tabled be uniform, and conform to the practice laid down in section 38 of the Acts Interpretation Act, 1915; to provide that all regulations not now subject to disallowance by Parliament should be made so subject; to provide for the revocation of any regulation upon resolution of both Houses of Parliament after the time for disallowance upon tabling has expired; to provide that every regulation promulgated under any Act of Parliament must be certified to by the Parliamentary Draftsman, or some duly qualified legal practitioner in the Crown Law Office, as being in his opinion correctly drafted, and not *ultra vires*; and to provide for giving notice of the intention to make regulations in the manner provided by the Imperial Rules Publication Act, 1893.

I have read the recommendations of this committee which, as I have said, included some famous names in South Australia. It was unanimous, and the Premier (then Mr. Playford, as a back-bencher) took the opportunity when the Constitution Act was being amended of putting into legislative effect some recommendations of this committee. He did no get them all in; I do not think he moved to get them all in. He did not move to provide for the revocation of any regulation upon resolution of both Houses of Parliament after the time for disallowance upon tabling had expired. That has never become law. The second recommendation he did not move to provide was:

The giving of notice of intention to make regulations in the manner provided by the Imperial Rules Publication Act.

That is the law in the United Kingdom, where notice of intention to proclaim must be given. I think that as a result of the Premier's action on that occasion much order and system has been created out of chaos, because in the years before that amendment was carried everybody's business was nobody's business in relation not only to regulations but to by-laws and all other forms of subordinate legislation. It was a sort of hit-and-miss method. A member of Parliament might be interested in some regulation or by-law, and he would make it his business to investigate and raise the matter in the House, but the big mass of this important subordinate legislation went unwept, unhonoured and unsung, so to speak, and I think much mischief was occasioned by the neglect of Parliament, as an institution, to properly supervise this system of subordinate legislation.

I think this committee, like so many others, has improved with experience, and that it has been of tremendous assistance to this House, to the Parliament and to the State, but I think there are one or two weaknesses in it; those weaknesses are not in the personnel of the committee as such, but I think the time has arrived when some serious consideration could be given to clothing it with some further powers, either additional or alternative. I think we might well consider, when we have a little leisure, giving the committee power to refer a by-law or a regulation back for further consideration and re-drafting or amendment. Very often a regulation or a by-law is perhaps 90 per cent good and would meet with the approval of the overwhelming majority of the citizens of South Australia.

Mr. Fred Walsh: I think that has been done in some cases, although not officially.

The Hon. B. PATTINSON: I understand that is so, but that is where it is done with the co-operation of the parties concerned. It has been done over a period of years. However, the committee has no legislative power to do that, and I should like it to be clothed with these powers, for I think much benefit would accrue as a result.

Mr. Clark: I suggested that a few weeks ago.

The Hon. B. PATTINSON: That is so, and I strongly agree with the suggestion. I also think it would not be out of place to further consider the unanimous recommendation of the earlier committee that Parliament as a whole—that is, both Houses of Parliament by a sort of double resolution—should have the power to disallow a regulation or a by-law even though it had passed the necessary fourteen sitting days in each House, because 14 days is not long sometimes in a busy session, and some flaw in the regulation or something that had not been scrutinized sufficiently by all sections of the community could pass unnoticed and then it would be too late to move for disallowance.

Mr. Riches: The necessary action could be taken by introducing an amending Bill.

The Hon. B. PATTINSON: Yes, but it would be much easier for us to have a simple resolution of both Houses than to have to negotiate a separate Bill for one purpose. If we had the general power, by resolution of both Houses, to disallow after the prescribed lapse of time, it would be of general operation; it could be invoked on any appropriate occasion, and it would not be necessary to invoke specific legislation for one subject matter that might be of only minor consequence to most people.

Having made those general observations I should like to say a few words about this by-law because some difficulties envisaged by that committee many years ago have happened almost precisely in this case. I call attention again to the observations of the committee, that "in the framing of regulations dealing with any section of the business community the committee considers that there should be, whenever possible, consultation with that section". There was consultation, I presume, of a sort in this case. The problem of the parking of motor vehicles, in Jetty Road, Glenelg, particularly, is very serious. I know I will be accused of being parochial when I make this statement, but it is my considered opinion that apart from Rundle Street (Adelaide), Jetty Road (Glenelg) is the most popular shopping street in South Australia and it probably has the most competitive prices obtaining in any part of the State. That is why many judicious buyers and would-be buyers flock from all parts of the metropolitan area and, in fact, from some country districts, to Jetty Road, Glenelg, where they get value, friendly service, and competitive prices.

As a result, the business premises are very attractive and the goods displayed in them are of sound quality and at comparatively low prices. There is not sufficient parking room for all the vehicles whose owners desire to

avail themselves of the facilities at a given time. I think that most residents in South Australia are reasonable people, and even if there is no legal compulsion on them I think the vast majority endeavour to do the right thing by their fellow citizens as they see it, but there is always a selfish minority, however small, who are not prepared to do that, and unfortunately there is a selfish minority of people, either residents of Glenelg or people who come from other districts, who desire to take the opportunity of parking their vehicles in Jetty Road very close to the trams or buses. We have an excellent tram service between Glenelg and Adelaide and an excellent bus service, both operating from Jetty Road or from a spot adjacent to Jetty Road, and people sometimes leave their cars there in the morning, go to the city to business or for other purposes, and collect them later.

Some shopkeepers—business people and assistants—also park their cars, not outside their own premises but outside those of their business competitors, thus taking up their space. That is a selfish practice that is availed of, not intermittently but regularly. I must confess that that sort of thing comes mainly from outside Glenelg. Most permanent residents of Glenelg, who are my constituents, are sensible and law-abiding citizens, exercising excellent judgment; they do not do these things. Only a small minority of people are responsible for this.

It is interesting to note that last year the Glenelg Corporation had a survey taken of the habits of motorists generally in Jetty Road, Glenelg. It was found that the vast majority of them were law-abiding and did not park their vehicles for long. But, to make assurance doubly sure, the corporation had a traffic survey of Jetty Road and Moseley Square carried out by the Highways and Local Government Department on Friday, May 12, 1961, between the hours of 8.30 a.m. and 5.30 p.m. It is interesting to observe (and this bears out my confident statement about the popularity of Jetty Road) that during that brief period the number of vehicles parked in Jetty Road during the day was 1,896. Of these 1,284 (or 67.7 per cent) parked for half an hour or less; and 1,637 (or 86.3 per cent) parked for one hour or less. This survey indicates that the percentage of motor cars that will be affected if the by-law is confirmed is 13.7 per cent, representing 259 vehicles out of a total of 1,896.

The one hour or less parked vehicle occupies 47.8 per cent of the available space hours, indicating that the over one-hour parkers (13.7 per cent) absorb no less than 52.2 per cent of our vehicle space hours. Thus, by imposing a one-hour limit, more than twice the number of cars can be parked during a normal day. That is a significant conclusion. The Glenelg Corporation assures me that it is concerned with the shopkeepers and the business people generally, but it has an overall responsibility to see that the ratepayers who desire to come to Glenelg have space available. Of course, that is my responsibility as the member for the electorate of Glenelg. I am responsible for about 32,000 electors and members of their families to see that justice is done as nearly as can be to all sections of the community.

Glenelg is geographically well off with lateral parking, and those who desire to stay for a longer period can do so without any interference, provided they park off the main centre. The corporation does not intend to make one-hour parking universal, but intends to impose it in Jetty Road, Moseley Square and one or two other centres where the problem is acute. As members know, under the by-law it is intended to make the restricted parking areas from 8.30 a.m. to 5.30 p.m. on Mondays to Fridays, and 8.30 a.m. until 12 noon on Saturdays. At all other times there will be unrestricted parking.

It is relevant to indicate here that the following councils have either half-hour or one-hour parking limits at shopping centres: Adelaide, Burnside, Enfield, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, West Torrens, and Woodville. I cannot vouch for the accuracy of that statement; I have not investigated it myself, but that is information supplied to me from the Glenelg Corporation, which assures me that it has investigated the position that every one of those councils that I have just listed has either half-hour or one-hour parking limits at their shopping centres. So it can be claimed (forgetting for the time being the argument about two-hour, one-hour, or half-hour parking) that some restriction on the unrestricted privileges enjoyed at present in parking would be in the interests of the vast majority of shoppers at Glenelg, whether residents or not, and the great majority of people desiring to use the Queen's highway in Jetty road and Moseley Square for legitimate purposes, within reason.

Mr. Jenkins: The corporation will not be receiving any revenue from it?

The Hon. B. PATTINSON: No. In contrast to the attitude of the Adelaide City Council (I do not criticize it at all), the Glenelg Corporation does not intend (nor has it clothed itself with the powers) to install parking meters or to obtain revenue from the parking restrictions if they are granted by Parliament. All it desires to do is to obtain some order and system from the chaotic conditions at present applying as a result of the selfish and unreasonable behaviour of a small minority of the people using these facilities. The only real matter in dispute is whether the limit should be two hours or one hour.

Mr. Clark: Over how many streets would this right be exercised?

The Hon. B. PATTINSON: It would give the corporation a right over the whole of the municipality of Glenelg, in the same way that Parliament has given the Corporation of the City of Mount Gambier the right over the whole of the city of Mount Gambier, even though the argument was only over the main street. But there is the definite assurance given in the evidence taken before the Subordinate Legislation Committee that the power shall apply in the first instance only to Jetty Road and Moseley Square, and perhaps later to one or two additional areas.

As far as I can ascertain the vast majority of the residents of Glenelg—whether they be business people or private residents—favour some orderly system of parking in Jetty Road and Moseley Square. I am one of them. Perhaps it might be said that I am the leader of the band because I said so at a public meeting convened by the Chamber of Commerce at which hostile people moved hostile resolutions against the corporation (and no doubt against the Government, because it seemed that motions were being moved against all and sundry). I stood up and said clearly and unequivocally that I was in favour of parking and completely against any member of the audience or any Glenelg shopkeeper who was prepared to flout the ordinary decencies of civilized behaviour by using up space for an unreasonably long time, thereby depriving other legitimate users of the highway of their opportunities to park.

I suggested to the meeting that the chamber should meet with representatives of the corporation to resolve their differences between the two-hour parking, which the Chamber of Commerce advocated, and the one-hour parking, which was the subject of a by-law. An approach was made for a conference and it was held. I was invited to attend and I was an interested listener. In fact, I made a few observations and it was agreed, as I understood it, after a full, free, frank and friendly discussion that the matter would be adjourned for that summer and that the parties would meet again in about six months to further consider the position, and that in the meantime the by-law would not be laid before Parliament and, therefore, would not be promulgated.

I heard nothing further about the matter, but I naturally assumed that there would be a further conference. I was not perturbed about it because I was only an invited guest so to speak at the last conference and had no right of access. I thought that perhaps a further conference had been held in my absence, but apparently no such conference was held and the next thing was that this by-law was laid before Parliament. The Subordinate Legislation Committee called evidence from the Chamber of Commerce and from the corporation. I have had the opportunity of reading the evidence and, more particularly, of reading a copy of the minutes that were prepared by a representative or officer of the corporation. They confirm my definite recollection that a conference was to be held between them.

The fact is that the dispute has narrowed down to whether there should be parking for two hours, which the Chamber of Commerce desired, requested and initiated, or whether there should be one-hour parking, which is the subject matter of this by-law. Once again I made a friendly suggestion of a compromise and, consequently, last night at a special council meeting a resolution was carried that provided Parliament did not reject this by-law an undertaking would be given that the corporation would not enforce the one-hour parking ban until the end of the 1961-62 summer. The corporation has given an undertaking that the by-law will not be enforced during the whole of this summer if Parliament allows it to go through now. The corporation lost last summer because of my suggestion that a conference should be held and now it is prepared to forgo this summer. What is more important is that the corporation has reiterated what His Worship the Mayor stated at the conference last November (and this is in the minutes) that a certain degree of tolerance would be allowed in the administration of the by-law.

The two aspects are that the corporation carried a specific resolution giving an assurance that if this House allows the by-law to proceed it will not enforce it during the 1961-62 summer and, what is more important, that if and when it does enforce the by-law next year, it will allow a reasonable degree of tolerance. The corporation is not after parking meters, revenue or a strict enforcement of one-hour parking. It will allow any reasonable degree of tolerance, but it is concerned about getting rid of the selfish all-day parker.

What I have suggested is by no means an ideal compromise, but it will enable ample opportunity for the parties to meet again. If Parliament agrees to the allowance of the by-law on the corporation's undertaking, it will give the Chamber of Commerce the opportunity to further negotiate with the corporation. Another interesting thought that crosses my mind is that a by-election was held a few months ago at Glenelg, caused by the lamented death of a councillor, and although perhaps not openly or ostensibly fought on that occasion, the question of one-hour parking was a vital issue. That was an election for only one councillor, and if the implementation of this by-law is delayed until next May, and if sweet reasonableness does not prevail between the two opposing factions, there will be ample time and opportunity for an organized contest between these two bodies for the positions of mayor, a couple of aldermen and several councillors.

Mr. Jennings: Which side will you be on then?

The Hon. B. PATTINSON: I will be on the side of justice and sweet reasonableness. I put that forward not as any ideal solution of the problem, but as the best and most practical one which sensible men and one very sensible woman might adopt in the circumstances now before them.

Mr. JENNINGS secured the adjournment of the debate.

KENSINGTON AND NORWOOD BY-LAW: ZONING.

Adjourned debate on the motion of Mr. Millhouse:

That by-law No. 30 of the Corporation of the City of Kensington and Norwood in respect of zoning, made on October 3, 1960, and laid on the table of this House on June 20, 1961, be disallowed.

(Continued from September 20. Page 808.)

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I obtained the adjournment of this debate some time ago. Before this matter came before the House I had had some discussions and had received some representation on it. It seemed to me that the by-law, which covered the whole district, was intended to deal with only one or two small places. As a result, it may be possible to solve the problem without disallowing a zoning by-law which has obviously taken a long time to prepare, which covers the whole of the district, and about which there have been only small complaints in minor instances. I agree with the mover that it is important that we remember the rights of minorities but, when a council has done a tremendous amount of work in zoning an area, it seems to me that it is desirable to avoid, if possible, a disallowance on the cases stated.

Mr. Shannon: The principle involved in this by-law is sound, I take it?

The Hon. Sir THOMAS PLAYFORD: I am told by the Town Planner that the principle is good. Difficulties always arise in zoning an area where factories or industrial undertakings have been established. I had a conference with the Corporation of the City of Kensington and Norwood and, as a result, received a letter that removed any doubts I had about the matter. I think the member for Norwood has some knowledge of this letter, which states:

Following on the recent conference representatives of the council had with you on the above matter, I now confirm the assurance given, that the council has no intention of prohibiting existing industries in the areas which have been re-zoned from industrial to business areas, from expanding in the vicinity of the present areas occupied by them. With regard to the premises of Messrs. Moulds and Tippett, you are advised that the council is prepared to consider any reasonable proposition submitted to it during the next 12 months for the use of these premises for commercial or industrial purposes. It is understood that the Town Planner (Mr. Hart) would be available to arbitrate in any case where agreement cannot be reached.

I did not ask the council for the latter, but it said it would do anything reasonable; I said that I was happy to accept this, and that I thought the House would be happy to do so. The council said there would be no doubt about what was reasonable, but asked if it would be possible to have Mr. Hart available in any doubtful case and I said I thought the Government would not object to that.

This assurance given by the council is to the effect that existing industries will not be interfered with or stopped from occupying, or increasing their occupation of, the land

they own. In other words, if one of the industries concerned wanted to make some additions on the land it owned, the council would not stop it simply because of re-zoning. Obviously, the council could stop additions if the building were undesirable in other directions, but it would not stop additions merely because of re-zoning. The council said that, in relation to the two premises that led to this motion, it would consider any reasonable proposition within the next 12 months. I think the House may be well advised to support the council in this by-law, and I think that probably the mover, now that these assurances are available and have been publicly stated, will be willing to withdraw the motion. I support the corporation in its re-zoning.

Mr. DUNSTAN (Norwood): I am glad that the Premier has read to the House the letter from the Corporation of the City of Kensington and Norwood. I was, by his courtesy, shown the letter when it was received from the council. I have consulted with the council, and its negotiations with the Premier on this matter, and the assurances it has given, are in accordance with the general practice and attitude of the council, and are entirely reasonable in the circumstances. The only purpose in the council's re-zoning certain industrial areas as business areas has been to ensure that it will have some control over the kind of building erected for industrial purposes within the area (which is substantially a residential area) so that where there is any expansion of industries within the area it shall be within buildings that will be in conformity with the general tenor and existing use of the area. I think all members will agree that that is a perfectly reasonable course; indeed, that course has been followed by the council in other areas zoned as residential even now. For instance, the business of R. J. Nurse Ltd. has been allowed to expand in a residential area, but in a manner that will not upset the residents within that area.

Mr. Quirke: That is not a noisy industry.

Mr. DUNSTAN: No, it is not. Indeed, I can point to many small industries in the Norwood district that were allowed reasonably to expand in the same way. I think the attitude of the council to the two objectors who came before the committee was reasonable. In fact, so far no proposal has come from Colonel Moulds for the erection of a factory on his premises. The Tippett family has made a proposal to erect a factory, and it has been acceded to by the council. However, the factory has not been proceeded with and Mr. Tippett has acquired premises in the Edwardstown district (in the Mitcham council area). I checked with the Corporation of the City of Mitcham, and found that Mr. Tippett purchased premises already in existence that had been built as a speculative venture as a factory in that area, and that his business was being carried on there. I had some personal knowledge of the negotiations of the Tippett family in the erection of those premises, and I was well aware that they did not, for reasons which in fact do not seem to have been before the committee, intend to go ahead with building the premises at Kent Town. If they want to go ahead with premises at Kent Town in a reasonable manner—and the council had already acceded to their request to set up a factory there which would not be against the interests of the residents in that area—then the council will allow them to do so.

In consequence, I think the rights of Messrs. Moulds and Tippett are safeguarded as far as they are entitled to be safeguarded because, Mr. Speaker, I would hope that the House would never say that a zoning of an area conferred upon people within that zone a permanent proprietary right to have that zone continued in the fashion in which it was first set up. I do not think that that is a continuing proprietary right at all. However, at the same time, so far as one can one tries to see that the rights and the interests of every citizen within an area are protected as far as possible, and I think that the undertaking of the council in this matter is entirely conformable with that aim. In consequence, I hope that the honourable member who has moved for the disallowance of this by-law will accede to the Premier's request to withdraw his motion.

I feel sure that there will not be difficulties within the area, because a satisfactory method of zoning has been adopted. Mr. Hart, the Town Planner, has pointed out what a good job the council has done in re-zoning the area at Norwood in the interests of the residents there, and that fact is borne out by the large petition taken up of all residents in the immediate area, about which there was some trouble before the committee. Many other districts could take a leaf out of the book of the City of Kensington and Norwood on zoning. The council has been careful, responsible and far-sighted in the zoning it has undertaken and put forward in this by-law. I therefore hope, with some confidence, that the motion for disallowance will be withdrawn.

Mrs. STEELE (Burnside): I wish to make only one or two comments on this matter and to say how pleased I was to hear the assurance, read by the Premier, of the Corporation of the City of Kensington and Norwood regarding the disallowance of this by-law. I am interested in the matter because part of the municipality falls within my electorate, and the relevant facts were placed before me by that corporation. The area under discussion is only a small portion—a little triangular piece—and it is in a very old area of the City of Kensington and Norwood. Because of my interest in the matter I spent some time inspecting the site. I wonder about the position of the Moulds, who own one of the properties within this disputed area. In good faith, I understand, they purchased the property because it was in an industrial area; they purchased it with an eye to the future, with the idea that probably they would be able to realize on it later. In fact, approaches were made to them by a firm which wished to purchase the property and, using the existing building, to build commercial premises on to the front of it. I wonder, regarding the assurance the council has given to the Premier as the result of the negotiations that have taken place, whether this right will still be safeguarded to them, and whether they will be able to realize on this property which they purchased with that idea in mind.

Regarding the Tippetts, I understand, on the best authority I could get, that the premises they purchased at Edwardstown were only temporary ones until this matter had resolved itself. I do not know whether the position is different from what the member for Norwood has told us, but I was given to understand that that was the case and that once this matter had been resolved they intended to pursue their original plan to build on the Kent Town property. That is the only doubt in my mind, namely, whether this assurance provides them with the security that they would be able to realize as they had originally hoped to do. The member for Norwood has said, of course, that people cannot have a sort of continuing proprietary right in the circumstances. That was all I wished to say on the matter.

Mr. MILLHOUSE (Mitcham): The Premier was kind enough to let me know before today of the letter he had received from the Corporation of the City of Kensington and Norwood, and I therefore had the opportunity of consulting with the members of the Subordinate Legislation Committee on what should be done regarding it. I thank him for that courtesy. I was able to discuss the matter with the other members of the committee, and I will presently seek leave to withdraw the motion standing in my name regarding this by-law. This letter entirely changes the position which I outlined when I moved the motion, and it is, if I may say so, a complete justification for moving it, for on that occasion I emphasized that the most important aspect of this matter was the position of Colonel Moulds and Mr. Tippett. It was for that reason, and for that reason alone, that this motion was moved. I do not think the member for Burnside need worry about the assurance that has been given by the corporation, for it is plain and unequivocal. It reads:

Regarding the premises of Messrs. Moulds and Tippett, you are advised that the council is prepared to consider any reasonable proposition submitted to it during the next 12 months for the use of these premises for commercial or industrial purposes.

That is dated October 3. That means that these two persons are now protected. The rest of the by-law, to which no exception had been taken at all, is preserved and everybody's rights are safeguarded. I thank the Premier for intervening in this matter, discussing it with the corporation, and arranging this very satisfactory outcome. I think I can go so far as to say that nobody in this House could have possibly arranged so satisfactory a compromise, whereby the rights and interests of all parties have been safeguarded, and I am sure that all members very much appreciate the Premier's intervention in this way. I am sure that all the parties to what was a dispute will appreciate what he has done. It now gives me the greatest of pleasure—because I never take any joy in moving for the disallowance of any by-law, and it is only for the gravest and weightiest of reasons that a recommendation is framed by the Subordinate Legislation Committee—to ask leave of the House to withdraw this motion, as so satisfactory a solution has been reached.

Leave granted; motion withdrawn.

INDUSTRIAL CODE AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 27. Page 922.)

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): This is one of the most important matters submitted to this Parliament this year. It covers the vital question of the industrial relationship between

employers and employees. When we remember just how important that is to the economic welfare of any community I shall not apologise for the length of my remarks this afternoon in discussing this matter. The Leader's amendments that he moved and explained clearly may be divided into four types. The first type is amendments that the Government could accept as they are set out in the Bill. Three amendments can fall into this category. There are six other amendments that the Government could accept with some amendment, but which I believe are unnecessary. There are a further 20 sections of the Code to which amendments are proposed that could well be the subject of amendment, but not in the form proposed in the Bill. Some of the amendments included in the Bill could be accepted with slight alteration; with others, however, substantial amendments to the proposals in the Bill would be necessary. The majority of the amendments proposed (totalling 33) are not acceptable to the Government.

Leaving aside the clauses of the Bill that seek to alter the headings and those that are consequential on other amendments, there are, in all, 62 subject matters dealt with in the Bill. It can be seen from the above that more than half of these matters are unacceptable to the Government. The principal alterations sought which fall into the latter category are: Clauses 5 and 12 of the Bill give the Industrial Court and industrial boards jurisdiction to make awards and determinations in respect of persons engaged in agriculture. The effects of clause 5 (*c*) and (*d*) of the Bill would be to provide that "labour only" contractors or persons working "substantially for labour only" are to be regarded as employees, and further to regard the principal contractor undertaking work on buildings as the employer of subcontractors. However, *bona fide* contractors would be excluded. (I point out that the phrase "*bona fide*" is that used by the Leader.) There is no indication how it would be ascertained whether the person was a *bona fide* contractor or not. It has been held in many courts, including the High Court, that a person who engages in a contract where the relation of master and servant does not exist is not an employee.

Clause 6 is designed to give the Industrial Court power to prescribe preference for unionists. The Chief Inspector of Factories is authorized by sections 31 and 224 of the Code to grant a licence for aged, slow, inexperienced or infirm workers to work at a wage less than the wage fixed by the appropriate award or determination. Clause 7 of the Bill, if accepted, would mean that the Chief Inspector would be permitted only to grant these licences with the approval of the appropriate union. How he would ascertain "the appropriate union" is not stated. There are numerous cases of more than one union claiming members in the same industry. The approval of the "union" is sought in the Bill. Whether that can be given by the executive or would require the approval of the annual general meeting of the union is not known.

The effect of clause 10 would be to make all strikes and lockouts legal. That clause seeks the deletion of all provisions in the Code relating to strikes and lockouts. The combined effect of clauses 20, 21, and 22 of the Bill would be to give the right to union officials empowered by the court to make inspections of premises subject to determinations of industrial boards; it would require employers to furnish the means required by these union officials for the exercise of their duties and powers (there is no indication what those "duties and powers" would be) and would provide that every order, requisition or determination made by such a union official should be in writing and served on the employer.

The new provision sought in clause 32 (*b*) of the Bill is that the occupier of every factory shall install suitable and efficient fans or air-conditioning plants to keep the air moving and at the lowest possible temperature, which shall be brought into operation when the shade temperature exceeds 85 degrees. When it is remembered that factories include garages in which one or two persons are employed, foundries, blacksmith shops, etc., it appears that this provision is quite impracticable. Clause 39 of the Bill seeks to require that at least two persons shall be in attendance in any factory, or part of a factory, where power-driven machinery, apart from hand tools, is in use. This is similar to a clause contained in a Bill introduced by the late Leader in 1955, which was not accepted. This clause appears to be very wide in its application.

Last year, Cabinet authorized the Secretary for Labour and Industry to confer with representatives of the United Trades and Labor Council and employer organizations to see if any agreement could be reached in respect of amendments to the Code. At three conferences that were held, unanimous decisions were made concerning 30 amendments to the Code, which are not included in the Bill before the House.

These conferences were adjourned to enable the various parties further to consider other sections that were discussed at the conferences, but no requests have since been made for these talks to be resumed.

The Secretary for Labour and Industry is giving careful and detailed consideration to the Code and will report on amendments which he considers necessary to be made to the Code. It is my opinion that this Bill should not be proceeded with at this time. It contains so many controversial clauses that I, personally, would not support it in its present form. The work that has already been undertaken and in which there has been complete agreement by both the employers and the Trades and Labor Council, for many amendments, should be the basis of the alterations to the legislation which will, I hope, be given effect to at some later stage.

Mr. Jennings: Could not the Premier accept some clauses that are unexceptionable?

The Hon. Sir THOMAS PLAYFORD: I said that I did not want to take up too much time. I have set out the ones that were completely unacceptable to me. As I have pointed out, there are a number of other matters which, with amendment, the Government would possibly be prepared to consider but, as more than half of the total material in the Bill is completely unacceptable to the Government, I could not in those circumstances suggest amendments that could make it acceptable now. I have gone into some detail in referring to the proposed amendments, but the Industrial Code is extremely complex legislation and almost every amendment would necessitate many consequential amendments, and I should not be prepared to undertake them at present. As I have stated attempts have been made to bring the Code up to date but, unfortunately, it has not been possible for the Secretary of the Department of Labour and Industry to produce a complete list of the amendments on which full agreement has been reached. Further discussions that were to have been held have not taken place and, consequently, the recommendations have not been received.

This is extremely important legislation, but I cannot accept the Bill because I cannot support so many of the amendments, particularly those on vital principles on which the Leader and I hold different views. This is not a conditional offer, but if Parliament does not pass this Bill, when the Secretary for Labour and Industry forwards me the list of proposed amendments on which agreement has been reached I shall be prepared to examine any submissions the Leader or any of his Party submit to see whether they can be included.

Mr. Ryan: Will that be this session?

The Hon. Sir THOMAS PLAYFORD: No. A Bill could not possibly be introduced this session. Apart from whether or not Parliament passes this Bill, next year the Government will introduce legislation. We are not in a position to introduce it this session. It will not contain the provisions that I have objected to this afternoon. Next session the Leader of the Opposition will have the right, on private members' day, to introduce his own legislation, and I hope we will maintain the tradition of seriously considering matters introduced by private members. I will ask Mr. Bowes to resolve the questions that are outstanding at present. Next session, if any worthwhile suggestions are proposed by the Leader or members of his Party, they can be incorporated in the legislation and I will show my usual courtesy by acknowledging their source.

The Leader stressed the fact that the Industrial Code has not been amended for a long time. His words, in that respect, were interesting. He did not know whether to say that the Code was good or bad. I think I should refer to his actual words. He said:

> The Industrial Code is really a set of rules for the orderly conduct and regulation of industry, and the fundamental principles should be a just determination of all matters which come within its scope. It often happens, however, that the spirit of the legislation is avoided because some imperfection in the original drafting makes evasion possible, or because times have changed and the relevant provisions, although perhaps quite fair and reasonable when enacted, have ceased to be the safeguard they were originally intended to be.

Then he made this rather surprising comment:

> I point out also that the Industrial Code was first enacted by an anti-Labor Government and, as a result, many of its provisions were unacceptable to Labor members and they strenuously opposed them at the time.

He first admits that the provisions were fair and reasonable when enacted, and he went to some trouble to suggest that the Code was good. However, when he discovered that it was originally introduced by a member from this side of the House, he suddenly discovered many imperfections in it. However, disregarding that aspect, although the Industrial Code has not been amended frequently, I believe it is the most effective industrial legislation in Australia today. Statistics prove that almost

since its inception, South Australia has had the least industrial unrest of any State in the Commonwealth. I do not hesitate to say that the South Australian unions have been most capably led by, generally speaking, reasonable men who know their jobs. They have not had to resort to direct action to obtain reasonable justice for their members, which proves that the machinery exists in our Industrial Code for industrial peace and fair conditions. It is interesting, too, to note that at present 49 per cent of our industrial workers are covered by State awards, and not Commonwealth awards. They continue to work under our awards because the Industrial Code is sound, particularly its provisions relating to wages boards which bring the employer and employee together quickly when there is a dispute or misunderstanding or when there is some need for an adjustment to be made. There is no need for arbitration hearings extending over months. Our Industrial Code has been positive and direct and, consequently, beneficial. Its effectiveness has been a factor in attracting substantial industries to South Australia. As an indication of the industrial peace in South Australia, there are industries here that have been established for 100 years in which the employees have not lost even a day because of industrial stoppages. That speaks well for both parties—the employee and the employer.

I do not underrate the Leader's motives in introducing this Bill. It is important legislation dealing with important topics, and if the Bill is not carried this year, I assure the Leader that the amendments that have been unanimously agreed upon by the South Australian Trades and Labor Council and the employers will be the subject of legislation at a more appropriate time. I oppose the second reading.

Mr. FRED WALSH (West Torrens): I support the Bill and agree with the Leader that the Code is sadly out of date. Few worthwhile amendments have been made to it since 1920, except perhaps those that provided for amenities for female workers (and I regret that they have not been policed properly) and the acceptance by the Government of the Commonwealth basic wage as the living wage for South Australia. To some extent that streamlined the position until 1953 when quarterly adjustments were suspended. It will be recalled that in 1948 or 1949 the State accepted the Commonwealth basic wage for Adelaide as the State living wage for South Australia, expecting at that time that quarterly adjustments would continue. However, the Commonwealth Arbitration Court saw fit in 1953 to suspend the operation of the system of quarterly adjustments which meant that South Australia was pegged to the wage level of 1953. When I say "pegged" to that level, that is not entirely correct because there has been a considerable difference resulting in changes in money values over that period. The Commonwealth basic wage is still the living wage for South Australia.

Despite what the Premier said about acceptance by 49 or 50 per cent of the workers in South Australia who work under State industrial laws, there is much discontent about the operation of the Industrial Code because it has not been altered to fit in with present day industry. The changing conditions of employment and methods of production should bring about amendments to industrial laws, but that has not come about. Although it is true that we have a lower level of industrial disputes than other States, employees, and some employers, are discontented with our present set-up: perhaps not so much because of the present set-up but because they are not able to get what they feel they would be able to get from the Commonwealth Arbitration Commissioner system—a system of which I am not entirely enamoured.

The industry with which I have been associated is a federated body and not registered in the State court. However, all sections of this industry worked under the jurisdiction of the State Industrial Court and wages boards. The only section that has been taken from State jurisdiction was taken away by act of the employers who, because they could not get their desires in respect of the employment of females and the working of shift work, saw fit to approach the Commonwealth court to have the union bound by the Commonwealth (eastern) award. The net result was that, although they failed in their first attempt through the system in South Australia of applying to the wages board for the right to work females and to employ workers on shift work, the wages board rejected the application for reasons best known to itself. The industry was carrying on well without it; therefore, it was only a source of cheap labour and of avoiding penalty rates provided in the determination for those who worked after 5 p.m. The employers appealed to the State Industrial Court against the determination of the wages board, but the court rejected the appeal. They then applied

to the commissioner associated with the industry in the Commonwealth sphere to be bound by the Commonwealth (eastern) award, but he rejected the application. They then appealed to the Commonwealth Conciliation and Arbitration Commission against the commissioner's decision, and the commission upheld the commissioner in rejecting the application.

Mr. Ryan: Where are they going to go now?

Mr. FRED WALSH: Where they have gone is the trouble. If there had been, as the Premier tried to point out to the House, that happy relationship that has existed for so many years among certain sections of employees and employers in industry, they would have accepted the decision. Last year they entirely side-stepped the State industrial machinery and went direct to the Commonwealth Commissioner seeking the same thing, that is, to be bound by the Commonwealth (eastern) award. The commissioner—on this occasion a different commissioner from the first one, who had retired—agreed to their application. We in turn appealed to the commission but lost. How they changed their views I do not know and cannot explain, because obviously they had accepted the position that they were fully and properly covered under the State industrial machinery. However, on this occasion they reversed their previous attitude and accepted the commissioner's decision to have a section of the industry bound by the Commonwealth (eastern) award.

I refer to that only to show that it is not all on the side of the employees. That is why I referred the other day, when speaking on another matter, to the right of people to increase the price of their particular commodity because of what they considered increased cost of production, when actually they had the opportunity to produce at a cheaper rate. I refer to the question of the female rates of pay. This matter has not yet been finally determined, but it can be taken that females will receive 75 to 85 per cent of the male rate. All these years they have seen fit to work under the State industrial machinery, with good relations between the two sides. They could not expect any advantage in making the change, but they saw fit to do so, I think because of the big influential parties who were responsible for their move, and as a result only time will tell whether these good relations will continue.

I mention that to show that the relationship that the Premier has referred to is not broken always by the one side. I point out also—and I speak with some authority on the subject—that I fully agree with what the Premier has said about the wages board system, because I personally believe that it is a good system. I have always advocated it, and I am sorry that one section has seen fit to break away from it. However, two other sections of our industry are still working under it, and I am one of the representatives on the board. I have been a representative, since 1924, on the board that the employers have just broken from, and I have also for many years been a representative on the wine and spirits and distillery board. There we have a different set-up, and a different feeling altogether exists from that existing in the aerated waters industry. That is a good system, and it is accepted by all those who work under State jurisdiction as one that creates better facilities for the employers' and employees' representatives getting closer together and discussing matters that they are both competent to discuss, because of their knowledge of the particular industry. No matter what industry is covered by the wages board, they are composed of men who have direct knowledge of the industry, and therefore there could not be any better method or system. That is what makes the system so attractive compared with other States.

However, I would not like to say—and I would contradict the Premier in this—that this State's industrial machinery (that is, apart from the wages board system) compares favourably with the industrial machinery of other States. Perhaps there are many who do not agree with me in my advocacy of the wages board system, but for the reasons I have mentioned I do advocate it. It creates that facility for representatives of the employers and the employees getting together, because the Code provides that only one representative on either side can be a person who is not actually engaged in the industry. It means that on a board constituted of six members, excluding the chairman, only one out of those three employees' representatives may not be actually working in the industry or associated with it. Usually, of course, that employees' representative is a union official, and in the case of the employers it is sometimes the manager and sometimes the secretary of their association. The union member is always a man who is competent to speak and to have a knowledge of the particular industry and the matters that come before the wages board. I regretted the Premier's remarks that there were five amendments that

he could accept and others that he could accept with amendments. It would not have been remiss, in my opinion, if he had told the House just what those particular amendments were, for it would have then given us an opportunity of summing up or assessing the possibility of succeeding with some of the proposed amendments.

Mr. Bywaters: He could have supported the second reading.

Mr. FRED WALSH: Yes, he could have allowed the Bill to go into Committee and then accepted what he believed was acceptable to the Government and perhaps amended the other things. We know that with the numbers he has on his side he could have rejected those that were not acceptable to the Government. The Premier has now left us like Mahomet's coffin, suspended between heaven and earth. We have no idea of just what is acceptable to him or the Government, and we will just have to tackle the thing as we see it.

Mr. Clark: We will know when he prepares his policy speech.

Mr. FRED WALSH: No, he will not mention any of these things in his policy speech. That would not be tactics, and we know that the Premier would not include anything in his policy speech that was not tactical. He said that a conference had been convened by the Secretary of the Department of Labour and Industry, and I think he said that unanimous agreement had been reached on 30 amendments to the Code. However, I can assure the House that all those amendments were of a very minor character. Where the conference more or less broke up between employees and employers was on the question of preference to unionists, certain matters affecting agricultural workers, and one or two other matters of vital importance to the trade union movement. That is more or less where the conference ended. It would not have been of any value to us to have put those matters into this Bill without knowing for a fact that they were going to be accepted by the Government, despite what the Premier has said today about their being acceptable to the parties and possibly to him.

I come now to section 5 of the Act dealing with the interpretation of "agriculture." Section 5 (1) reads:

> "agriculture" (without limiting its ordinary meaning) includes horticulture, viticulture, and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry, or bees, and the growth of trees, plants, fruit, vegetables, and the like.

I do not think there is any need for the words "and the like", because that definition is fairly wide. Certain things could be excluded from the provisions of the Code, but agriculture and horticulture are doubtful. As long as I have been in this House, repeated attempts have been made from this side to have this section amended. The word "agriculture" is so wide. An argument may be made out for the ordinary isolated farmhand working on a small farm, but it is more difficult to deal with agriculture in the wide sense of the word, when it covers many people employed particularly in horticulture and viticulture (which may include nurseries which, too, need many employees to look after them). I have had some experience of this section and suggest there is no justification whatever for the exclusion from the Industrial Code of persons working in vineyards. No excuse can be advanced for their exclusion. Although people employed in vineyards work for most of the year there, for the rest of the year they often work inside wine cellars, doing work for the winery or distillery. The established and recognized employers in this field do accept the position, and their employees are paid in accordance with the provisions of the wine and spirit and distillery determination or the wine and spirit award. There is no discrimination there: the employees get all the conditions and privileges within the provisions of that award, including appropriate wages. The grape-pickers on the River Murray are covered by the Australian Workers' Union but in other parts of South Australia we do not bother about them much because our union cannot do anything for them. Therefore, we are concerned only about the persons employed on ordinary work in the vineyards—hoeing, pruning and such like work and then going on to work in the cellar or distillery for the rest of the year. Nobody would suggest that these people should get a lower rate of pay and work under worse conditions than those obtaining for the ordinary employees of those firms or companies. Agricultural workers are not actually excluded from the provisions of the Commonwealth Conciliation and Arbitration Act. It is competent for a Commonwealth organization (I think the A.W.U. does it in some States) to cover this type of employment. It does it with the pastoral employee. I do not know whether it applies in any other State, but it applies here. Even in old conservative England the agricultural workers are protected by labour regulations. As far back as 1934 the relevant Act in England was passed granting protection and minimum rates of pay for agricultural workers. Incidentally, it was the

farm workers in England who were really responsible for the establishment of the trade union movement there. A few such workers gathered together in a village called Tolpuddle to discuss their employers' intention to reduce their wages from 7s. to 6s. a week. They immediately struck and held meetings. The result was that they were charged with unlawful assembly and convicted and six of them were deported from England. Two went to Tasmania and I think the rest went to Canada. I know that two went to Tasmania because of a photograph that was given to me at the time of the celebration of the "Tolpuddle martyrs".

This type of worker has been recognized for a long time as being entitled to protection in wages and working conditions. In 1953 the International Labour Organization carried a convention relating to agricultural workers. It was then provided that adequate machinery should be created and maintained by the member States for the provision of wages and conditions for agricultural workers. The I.L.O. is not some body that one can just brush off with no regard for it at all; it is a world-wide organization established by the peace treaty with Germany in 1919. The conference, in accordance with the covenant of the then League of Nations established under the peace treaty, first met at the end of 1919. I have been to three of the conferences, as a delegate from Australia, and I know something of its operations. It is a tripartite organization, in so far as there are Government representatives, employer representatives, and worker representatives. They can have up to 12 advisers to each delegate for each item on the agenda. The convention is one instrument that has to be submitted back to the member States for their consideration and decision within 18 months. They are not bound to ratify it but it is expected, naturally, that it will be seriously considered. The other instrument is the matter of recommendation, which of course, by its name, is only a recommendation. The convention relating to agricultural workers was never brought before the Commonwealth Government, except possibly as a report by the delegates. In any event, the Commonwealth Government never referred it to the States. The Commonwealth Government's attitude to I.L.O. conventions is that generally they are matters for the States, although it does consider conventions relating to seamen and others employed on a national basis. Australia's reputation is poor, so far as its ratification of I.L.O. conventions is concerned.

The House should well consider the amendment dealing with the interpretation of those bound by the Code. Section 5 of the Code defines "industry" as:

(*a*) means craft, occupation, or calling in which persons of either sex are employed for hire or reward.

I. in any business, trade, manufacture, or calling carried on by way of trade or for purposes of gain (except agriculture); or

II. by any employer referred to in paragraph (*b*) of the definition of "employer" contained in this section . . .

It refers to persons employed in the Public Service, by the Railways Commissioner, the Fire Brigades Board, the council of any municipality, the Board of Trustees of the State Bank of South Australia and the Board of Trustees of the Savings Bank of South Australia. However, I am concerned about some institutions that are not operating for gain, and certainly not at a loss. As the Premier pointed out, certain benefits can accrue to the districts in which these institutions are situated. I am particularly concerned about community hotels. I referred to this aspect a couple of years ago, and I thought then that I had the sympathetic ear of the Premier because he intended to examine my suggestion closely and to bring it before Cabinet. I should like to discuss this more fully, but I have not sufficient time now. I ask leave to continue my remarks.

Leave granted; debate adjourned.

THE PARKIN TRUST INCORPORATED ACT AMENDMENT BILL (PRIVATE).

Adjourned debate on second reading.

(Continued from October 4. Page 1056.)

Mr. DUNSTAN (Norwood): I support the Bill.

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

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

LAND SETTLEMENT ACT AMENDMENT BILL.

Read a third time and passed.

STOCK DISEASES ACT AMENDMENT BILL.

Read a third time and passed.

BRANDS ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

ROAD TRAFFIC BILL.

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

That Sir Edgar Bean be accommodated on the floor of the House at the right of the Speaker while the Road Traffic Bill is being considered.

Motion carried.

In Committee.

(Continued from October 10. Page 1154.)

Clause 48 passed.

Clause 49—"Speed limits."

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

After "abuts on a school or playground" in subclause (1) (*c*) to add "or a pedestrian crossing marked in the vicinity of a school".

This amendment is consequential on my amendment to clause 21.

Amendment carried.

Mr. FRANK WALSH: I move:

In subclause (1) to add the following new paragraph:

(*d*1) ten miles an hour when turning from one road into another; or

In the original Act a speed limit was provided for vehicles turning corners within a 10-mile radius of Adelaide, but the Bill does not contain this provision. I am concerned that in the city, with left and right turns, diamond turns and the tendency to beat traffic lights, motorists speed up around corners. If something is not done about this speed limit, I am fearful of the result to pedestrians. Without such a speed limit, there will be less regard for safety.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): Sir Edgar Bean gave particular consideration to this matter. He had reports from the police authorities, also considered the traffic laws operating in the other States and had before him the uniform code which is recommended for the whole of Australia. I understand that all these authorities recommended that this speed limit be abolished. I have not been concerned about having a few speed limits because they all assist to provide safety. If we accept the amendment, we shall depart from the law operating in the other States and the recommendations already received. This limit has been hard to police. However, I have no objection to the amendment because if it prevents one or two accidents it will not have done any harm.

Mr. MILLHOUSE: I believe that I am more definite in my objection to this amendment than the Premier. I do not know of any provision in the Act which was so universally ignored as this one. It is no good at all. In fact, it has been in the law so long that it has become a complete anachronism and that is why it has been removed from the Act. It reminds me of a sign that was taken down at Clare a few months ago. It read "Walk around corners". This was a relic of the horse and buggy days. I believe that the pedestrian has the right of way when walking across a street and that is all that is necessary. This would be easier to police than if we had a 10-mile limit around corners. I consider there is already ample protection in the Bill for pedestrians.

Mr. HEASLIP: I agree with Mr. Millhouse. I am not a uniformist as regards traffic laws. Although it may be desirable in some cases, it can be overdone. I believe that in this instance we can have uniform legislation throughout the States without detriment to our South Australian law. Who would police the provision? The onus is on the driver on turning against the lights. If he hits a pedestrian he is liable.

Mr. LAWN: I support the amendment. Time and time again I have seen a driver turn corners at 40 miles an hour, with the tyres of his car squealing. I live on the corner of Marion Road and Tarranna Avenue, Ascot Park, and I invite Mr. Millhouse and Mr. Heaslip to look at my side fence, which is often hit. There is a footpath only on one side of the avenue, and sometimes the pedestrians have to walk on the road. There is the risk that they are not seen by a motorist until his headlights are focussed on them. The driver then has no alternative other than to hit the pedestrian or hit my fence. I have seen one woman driver turn my corner at 35 miles an hour. We may as well say that we should have no traffic code at all, because drivers break practically every provision in the Act.

Amendment carried.

Mr. LOVEDAY: I have an amendment relating to the speed permitted when a motorist is crossing over intersections. I understood from the Premier's second reading speech that this provision was to be eliminated. Under my amendment, subclause (1) (*a*) would read:

Twenty-five miles an hour while crossing an intersection, except when the intersection is in a speed zone.

The CHAIRMAN: Order! The honourable member is out of order. We have already dealt with the new paragraph on page 22, and the honourable member is discussing page 21. We have already passed that, so the honourable member is out of order.

Clause as amended passed.

Clause 50 passed.

Clause 51—"Speed of vehicles carrying pillion passengers."

Mr. COUMBE: As the clause stands, a person on a motor cycle must observe the ordinary speed limits, but if he has a pillion passenger he is restricted by paragraphs (*a*) and (*b*), in as much as when he is within a municipality he must not ride that cycle at a greater speed than 25 miles an hour and when outside a municipality he must not travel at a greater speed than 35 miles an hour. This question has been brought before me by several justices of the peace who have come up against this problem in the courts. It has happened that when there is heavy traffic on a road and a motor cyclist with a pillion passenger is proceeding at 25 m.p.h. while the rest of the traffic is proceeding at 35 m.p.h., at times the traffic is held up. Several cases have occurred where a policeman on duty has gestured to the rider of the cycle to keep up with the rest of the traffic. The traffic should flow and not be impeded. I realize that this clause has been introduced because of the safety angle, but the problem of holding up the flow of traffic arises and there have been some rather interesting cases in the courts on this question. Can the Premier say whether this is a serious enough problem for him to agree to an amendment to the clause? If it were amended I would suggest that the whole of paragraph (*a*) and the words "outside a municipality, town or township" in paragraph (*b*) be deleted. The clause would then read:

A person shall not drive a motor bicycle carrying any person in addition to the driver at a greater speed than 35 miles an hour.

In other words, he would conform to the normal speed limit, except that when that motor cyclist was outside a municipality he would still be restricted to a speed of 35 m.p.h., instead of the 60 m.p.h. now applying to ordinary motor vehicles. I think that speed of 35 m.p.h. should be observed outside a municipality, because the 60 m.p.h. allowed for the ordinary vehicle is much too fast for a motor cycle carrying a pillion passenger. The provision that we have before us today was included in the Road Traffic Act in Victoria, but it was removed in 1958 and now the normal speed limit there of 40 m.p.h. applies. That is also the position in New South Wales. Will the Premier comment on my suggestion?

The Hon. Sir THOMAS PLAYFORD: The Bill does not alter the existing law. I remind the honourable member that at one time we had a complete ban upon pillion riding, and fewer persons were injured through motor cycle accidents then than today. Motor cycle accidents are frequent, and pillion riding is one of the most frequent causes of motor cycle accidents. The honourable member may seek to cure the anomaly in one respect, but he cannot in another respect because the maximum speed for motor cycles with pillion passengers of 35 m.p.h. outside township areas, of course, will be considerably lower than most of the remainder of the traffic under normal conditions. I would not favour an increase of the speed limit. I do not think any honourable member will disagree with me when I say that motor cyclists frequently exceed this limit, but the fact that it is there and that they can be charged with speeding is, I believe, a restraining influence. In any event, members know that the speed limits are almost incapable of being policed within the narrow limits of, say, five miles an hour, because the police would find great difficulty in proving precise speeds and distances to the satisfaction of a magistrate. We talk about 35 m.p.h., but it frequently becomes 36, 37, or even 38 m.p.h., and I think those speeds are too high. I do not favour an amendment to the clause.

Clause passed.

Clause 52—"Speed on bridges."

Mr. RICHES: Can the Premier say what will be the position of the Great Western bridge at Port Augusta, which in the past has been covered by a special Act?

The Hon. Sir THOMAS PLAYFORD: I have not had advice on that matter, but on the many occasions I have had advice from the Crown Law Office it has been to the effect that where a specific Act deals with a particular problem in one place that Act overrides the general provisions. I have not the slightest doubt that the provisions that exist now at Port Augusta will be maintained. The provision we are looking at now is not an alteration of the existing legislation, so it does not alter the position and I am certain that the special Act regarding the Great Western bridge will still operate.

Clause passed.

Clause 53—"Speed of heavy vehicles."

Mr. QUIRKE: I move:

After "tons" in subclause (1) (*b*) to strike out "but does not exceed 13 tons".

I move this amendment on behalf of the member for Ridley who is engaged on matters in his district today, and I do so quite willingly because I believe it is one that should interest the Committee. As the clause reads, 40 m.p.h.

is the maximum permissible speed where a vehicle and every trailer drawn thereby does not exceed seven tons. If the aggregate weight of a vehicle and every trailer drawn thereby exceeds seven tons but does not exceed 13 tons, 35 m.p.h. will be the permissible speed, but if the aggregate weight of the vehicle and every trailer drawn thereby exceeds 13 tons the speed limit is reduced to 30 m.p.h. This means that all vehicles in excess of seven tons can travel at a maximum speed of 35 miles an hour. Mr. Stott received the following letter from Mr. A. H. Pope on behalf of justices of the peace at Waikerie:

On behalf of the Waikerie justices I am writing to you with reference to the proposed amendments to the Traffic Act (Road). I understand that one of the amendments in which we are particularly interested deals with the speed limit of heavy trucks and loads. At present the limit is 25 m.p.h. if gross weight is 15 tons or more. The penalty is a minimum of £10. We justices deal with many such cases at Waikerie. It is very well known that with such a load at 25 m.p.h. a driver would have to be in second gear most of the journey. Imagine travelling in second gear from Waikerie to Melbourne or Adelaide. If they decided that they must abide by the law it would mean that they would be forced out of business. The law was frequently broken in order to get efficiency from vehicles. That has been recognized by the increase in the speed limit to 35 m.p.h. where the weight exceeds seven tons and 30 m.p.h. where it exceeds 13 tons. People in business at Clare use heavy transport vehicles. These modern vehicles cost up to £15,000. They are high powered and a tremendous strain is placed on them if they are driven at slow speeds. Usually there is a heavy pounding effect on roads when heavy high-speed vehicles are used, but these vehicles are multi-tyred and there is not so much effect on the roads. Many of them have highly effective exhaust brakes, and I am certain that if these brakes had been used on the vehicles that have recently crashed in the Adelaide hills the accidents would not have happened. I see no danger in allowing these vehicles to travel at 35 m.p.h., which is not an excessive speed. Efficiency in transportation must be encouraged. The letter continues:

We ask you when the matter is dealt with in the House if you will do your best to bring it up to 35 m.p.h. on straight open roads, not built up areas. I have seen the proposed amendments which suggest 30 m.p.h. We still think that it should be 35.

The Hon. Sir THOMAS PLAYFORD: I oppose the amendment. The speed limits for commercial vehicles have been raised in this legislation at the request of a deputation I received from the Road Transport Association, which is in complete agreement with the Bill's proposal. Apart from the convenience to the interstate transport operator, the safety of people and other vehicles must be considered. Some concessions have been granted in connection with the gross weight of these heavy vehicles. If the weight of 13 tons were eliminated these heavy transport vehicles would pound the roads unmercifully and would be detrimental to the safety of other people and vehicles. If the amendment were accepted we could have heavy vehicles of up to 40 tons travelling at all sorts of speeds through the Adelaide hills, and we have already had serious accidents with our present speed limits. I do not think the amendment is justified in view of all the circumstances. The question of gear changing was discussed with the deputation, and the proposal was included at its request.

Mr. SHANNON: I support the Premier's remarks. I experience travelling in the company of these heavy vehicles through the hills almost every day. I do not know whether members know precisely the braking distance of a vehicle of 20 tons, let alone 40 tons, travelling at 35 m.p.h. downhill. A week ago a heavy transport failed to take a fairly easy bend at what we call the big lookout overlooking Waterfall Gully. Luckily the driver was not killed. If he had had control of the vehicle the bend would have been taken with ease. We are putting no great penalty on the heavy haulier. The Traffic Board has taken all these factors into account and we are causing no undue hardship to anyone earning his living as a haulier.

Mr. STOTT: This amendment applies only to an aggregate weight exceeding seven tons. Clause 53 commences:

A person shall not drive on a road outside a municipality, town or township, a commercial motor vehicle (whether with or without a trailer) at a speed in excess of those hereinafter prescribed.

Subclause (2) then provides that:

A person shall not drive on a road within a municipality . . . at a speed in excess of those hereinafter prescribed . . . (*c*) if the aggregate weight of the vehicle and every trailer drawn thereby exceeds thirteen tons—twenty miles an hour.

The purpose of my amendment is to raise the speed limit to 35 miles an hour outside a municipality for such vehicles. The carriers at Waikerie drew my attention to the road approaching Accommodation Hill. These large modern trucks would have great difficulty in

climbing that hill at any speed at all. The argument that heavy vehicles will damage the road surface if the speed limit is increased is not proved. Heavy trucks pulling up these hills in a low gear damage the surface, even at a low speed. Travelling downhill on the other side, a truck cannot go above 35 m.p.h. The justices of the peace at Waikerie, who have great experience of this, not only at Waikerie but in other towns in the Upper Murray district, are concerned about this clause. The minimum fine was £10. The carriers have asked me to make an effort to get the speed limit raised to 35 m.p.h. outside a municipality. My amendment is aimed to cater for modern trucks operating in modern conditions. Within a municipality it is broken down to 20 m.p.h., as the Bill now reads. I am informed that in Victoria one can travel at 35 m.p.h. outside a municipality. Therefore, the carriers on the Upper Murray want our legislation made uniform with Victoria's. If it can be done there, why not here?

Amendment negatived; clause passed.

Clause 54—"Duty to drive on left of carriageway."

Mr. FRANK WALSH: I move:

After "left-hand lane" in subclause (2) (*b*) to add "in slow-moving congested traffic".

I oppose the practice of vehicles passing other vehicles on their near side. Traffic should drive as near as practicable to the near side of the road, unless turning. In any code, traffic should give way to other traffic on its right. The clause as it stands will encourage people to do something else. I can give one illustration of what happens "in slow-moving congested traffic". Three traffic lanes are marked on the South Road at the Emerson crossing. The right-hand lane is for traffic turning right, the centre lane for through traffic, and the left-hand lane for traffic turning left. If my amendment is carried it will enable the left-hand lane to also be used for through traffic, thus aiding the movement of traffic. If the clause is not amended it will encourage motorists to pass on the left.

Mr. Shannon: What is "slow-moving congested traffic"? I have been in congested traffic, but it was not slow-moving.

Mr. FRANK WALSH: In which case it would not be slow-moving congested traffic. I have not provided for "slow-moving or congested" traffic.

The Hon. Sir THOMAS PLAYFORD: My understanding of the clause is that if a number of traffic lanes are marked on a road it is not necessary for a motorist to drive as near as practicable to the left. Fast-moving traffic is encouraged to use the right-hand side of the roadway and slow-moving traffic the left. As I understand it, the amendment provides for the opposite and I suggest that it be not accepted.

Amendment negatived; clause passed.

Clauses 55 to 62 passed.

Clause 63—"Right of way at intersections and junctions."

Mr. MILLHOUSE: Subclause (6) is the first provision dealing with the duty to give way to a vehicle that has stopped at a stop sign and then commenced moving. At present a motorist must give way to such a vehicle on his right. Before that provision was introduced some years ago, once a motorist had stopped at a stop sign he did not have right of way over a vehicle crossing his path in either direction. That was amended because it was felt that if a vehicle had stopped at a stop sign and other vehicles were stopped at a stop sign on the other side of the road, the first vehicle might not be able to get through. This provision, however, leads to confusion and accidents have happened because of uncertainty as to the intentions of the motorist who has stopped at a stop sign. The Supreme Court has referred to the confusion that has resulted. I do not suggest amending this provision because I do not know what the effect of striking out subclause (6) would be. This matter should be examined by experts. In the light of the experience we have had in the last six years of the rule and the undoubted confusion and sometimes danger it causes, I ask the Premier whether he will refer the question to the Road Traffic Board or the State Traffic Committee to see whether or not we should maintain the rule set out in the clause or revert to the former position.

The Hon. Sir THOMAS PLAYFORD: I will have the matter examined, but as far as I know it has been an improvement.

Mr. SHANNON: I have experienced this problem and it is not unusual to arrive at a busy intersection and find vehicles waiting on each corner ready to move off. It boils down to a matter of common sense and there is not much harm in the clause. If there should be an accident arising out of this situation the courts usually apportion responsibility. The draftsman has got as near as possible to a solution in this clause. Road users must use some discretion.

Mr. HEASLIP: I can see nothing wrong with the clause because it preserves one of the best rules the State has had which is the rule of giving way to the man on the right.

Clause passed.

Clauses 64 to 73 passed.

Clause 74—"Signals for right turns, stops and slowing down."

Mr. FRANK WALSH: I move:

After "kind" in subclause (2) (*b*) to add "which is clearly visible to drivers approaching the vehicle from behind and".

It is often difficult when vehicles are loaded to distinguish signals that are given and there is a tendency to be neglectful in this matter.

The Hon. Sir THOMAS PLAYFORD: What the Leader seeks to do is already provided for in subclause (5), which applies to the whole clause. In the circumstances, I think the amendment is redundant.

Mr. FRANK WALSH: I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Mr. JENKINS: Are the blinking lights at the front of motor cars considered to be devices complying with the regulations for signalling the intention to turn right or left?

The Hon. Sir THOMAS PLAYFORD: I think so.

Clause passed.

Clauses 75 to 77 passed.

Clause 78—"Duty at stop signs."

Mr. COUMBE: Subclause (1) provides:

A driver approaching a stop sign at an intersection or junction from the direction in which the sign is facing shall stop his vehicle before any part of it reaches the stop line, or if there is no stop line, before any part of it passes the stop sign.

That is all right in most cases where the stop sign is placed at the corner or on the building alignment of a junction or intersection, but often this is impossible because of the curved nature of the road or the angle at which it approaches another road. As a result, it is some distance back from the building alignment. It has been suggested that a stop line be painted on the road. Although that could be effective, in many cases it could impose a hardship on councils, which would have to paint stop lines and, more important, maintain them. Often motorists deliberately break the law so as to get a clear view of oncoming traffic, particularly on the right. Where Nelson Street joins Payneham Road, Norwood at a great angle, if one is proceeding westward, there is a considerable rounding at the south-western corner. It is impossible to place a stop sign anywhere near the corner, so the motorist has to stop some distance back, from which position it is impossible for him to see traffic on his right. After stopping, vehicles move forward and then stop again. This is not satisfactory, and I suggest that we could add at the end of this clause these words from section 130a (4):

Or before entering the intersection or junction.

The clause would then read:

A driver approaching a stop sign at an intersection or junction from the direction in which the sign is facing shall stop his vehicle before any part of it reaches the stop line, or if there is no stop line, before any part of it passes the stop sign, or before entering the intersection or junction.

The Hon. Sir THOMAS PLAYFORD: I suggest that this would be a contradiction; two things would be permissible in the same section, and they would be limitations. In one instance the stop sign would be far short of the intersection, so which would be operative? Obviously, if the suggestion were followed there would be a contradiction in the one clause. Although I appreciate the problem, I do not think the words suggested would assist the motorist; rather, they would tend to confuse him.

Mr. DUNSTAN: I agree with the member for Torrens. I think there is a possible difficulty in the clause as it stands and that the stop line provision is designed to overcome the difficulty he has mentioned. In some instances, where the stop sign is some distance back from the intersection, I take it that the aim is for the stop line to be placed past the stop sign so that a car can draw up there and get a clear view of the intersection. I agree that there is some difficulty about these stop lines. It is easy for them to become partly obliterated so that people cannot see them. This has happened in the City of Adelaide, where stop lines were marked originally by steel studs, and subsequently by painted lines. I can remember a case where a man entered upon an intersection controlled by traffic lights when the amber light was showing. The policeman swore that the stop line was clearly painted and that he could see it from the other side of the road, and the man was convicted. Afterwards, I was sorry that I had not asked the magistrate to have a view of the scene, as nobody could have seen the line. It is difficult to maintain these lines adequately, and I think the suggestion is reasonable. I do not think it

will create the confusion suggested by the Premier because the difference between the stop sign and the stop line is already contained in the clause.

The Hon. Sir THOMAS PLAYFORD: With deference to the honourable member, the confusion is not in the clause as it is at present. The honourable member will see that the clause provides that a driver approaching a stop sign at an intersection or junction from the direction in which the sign is facing shall stop his vehicle before any part of it reaches the stop line, or, if there is no stop line, before any part of it passes the stop sign. Under the honourable member's proposal there would be two alternatives operating at the one time.

Mr. HEASLIP: I agree with Mr. Coumbe and Mr. Dunstan. This is a bad clause and is not practicable. If cars are parked alongside the road being entered, one cannot see the oncoming traffic. One has to stop and go forward a length or more of the car to look to see whether anyone is approaching on the right. Why should one have to stop twice? If we were to delete all the words after "before" in line three of subclause (3) and insert "entering an intersection or junction" the whole position would be clear and workable.

The Hon. Sir Thomas Playford: What is the definition of "entering an intersection"?

Mr. HEASLIP: An intersection is where two roads meet. That is already defined.

Mr. SHANNON: The Parliamentary Draftsman obviously envisaged the very problem that Mr. Coumbe envisages. I occasionally use the intersection to which he refers. I do not think that the Road Traffic Board is unaware of this problem and other similar problems. There are appropriate places where the board considered that there should be a stop line on a drive-way, where one may pull up and then proceed when there is no risk. It is actually past the stop sign. The law is made clear and there can be no misunderstanding of the position. Either one stops at the stop sign or at the stop line, which is provided where it is impossible to see traffic when one is entering another road.

Clause passed.

Clauses 79 to 81 passed.

Clause 82—"Position of stationary vehicles."

Mr. RYAN: I move:

After "may stand" in subclause (1) to strike out "or" and insert "and".

With this amendment and other amendments that I propose to move the subclause would read:

. . . Provided that this subsection shall not make it unlawful to cause or permit a vehicle to stand in a part of a road which a council has by resolution declared to be a place where vehicles may stand and which is marked with signs or lines so as to indicate spaces for or permit vehicles to stand at an angle to the kerb or footpath.

I have already conferred with the Parliamentary Draftsman and he agrees that these amendments tidy up the clause. I move my amendment because under the clause the only authorization for parking is by lines drawn and painted on the road. Some councils consider this impossible for off-street parking where the sides of thoroughfares are only rubble. It would be a waste of time, money and effort to paint angle parking lines there because as soon as they were painted they would disappear. All that the amendment does is to enable a council to put up signs for angle parking.

The Hon. Sir THOMAS PLAYFORD: The honourable member's amendment is obviously a good one, and I accept it.

Amendment carried.

Mr. RYAN moved:

After "marked with" in subclause (1) to insert "signs or".

Amendment carried.

Mr. RYAN moved:

After "spaces for" in subclause (1) to insert "or permit".

Amendment carried.

Clause as amended passed.

Clauses 83 to 96 passed.

Clause 97—"Driving abreast."

Mr. LAUCKE: No reference is made to the hitherto offence of accelerating by the overtaken vehicle. Sections 129 and 130 of the Act prescribe that it is an offence for a vehicle that is being overtaken to accelerate. Not only is such an action an offence, but it constitutes a major road hazard. Section 130 (2) states:

After the signal has been given, the driver of the vehicle being overtaken shall not increase his speed until the overtaking vehicle has had a reasonable opportunity to pass and draw clear of the overtaken vehicle.

Can the Premier explain this matter?

The Hon. Sir THOMAS PLAYFORD: A person driving on his correct side obviously has the right of way on the road, and anyone overtaking him has an obligation to see that the road is clear and that he can overtake him. That overtaking vehicle is not permitted to drive abreast of the other vehicle.

Mr. Laucke: The man who is being overtaken speeds up.

The Hon. Sir THOMAS PLAYFORD: He is on his correct side and he is not exceeding the speed limit, and the mere coming up behind him of another vehicle does not constitute a reason for stopping him from accelerating.

Mr. LAUCKE: In practice, some irresponsible drivers, on hearing the tooting of a horn from behind, accelerate and keep parallel with the overtaking vehicle. My complaint is that the driver of the overtaken vehicle capriciously accelerates and will not allow the overtaking vehicle to pass with safety.

Mr. DUNSTAN: The member for Barossa can be assured that the point is covered in clause 60.

Clause passed.

Clauses 98 to 121 passed.

Clause 122—"Duty to dip headlamps."

Mr. SHANNON: Many drivers are not as conscious of the difficulties of other drivers as they should be. In some areas headlamps are not needed as street lights are sufficient. In the hills we have what we call camel backs, and as one vehicle comes up over the hump in the roadway its headlamps hit the driver of a vehicle coming towards it right in the eyes. It is a matter that should be considered by the board. Perhaps it could determine low beam areas and make it an offence for the high beam to be used in those areas. It could be done judiciously for a start, so that the motorist could learn that the low beam can be used at appropriate times.

Clause passed.

Clause 123—"Rear reflectors."

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

(3) The red reflector fitted on the rear of a pedal bicycle shall have a reflecting area of not less than 12 square inches.

It will be said that this matter can be dealt with by regulation, but for a long time we have not dealt with it as we should have done. What has been done has been a miserable failure. The following is set out in the regulations dealing with lights, etc., on vehicles other than motor vehicles:

91A. Every reflector which is required to be affixed to a bicycle or tricycle shall comply with the following conditions:

The reflector shall—

(*a*) be round, or rectangular;

(*a*1) if round, shall have a diameter of not less than 1¼in;

(*a*2) if rectangular, shall have an area of not less than three square inches, and be not less than one inch wide.

Before this Bill was introduced I almost collided with a cyclist, and many other people have had the same experience. We have observed every law yet we have almost all had collisions. Some bicycles have brilliant rear lights, but others do not have such good lights. Last night I saw one cyclist who certainly had a rear light but it would have been almost invisible but for the overhead street lighting. We now have the opportunity to deal properly with this matter of red reflector lights.

Before most accidents can occur, both the road users involved have to be in the wrong, but a cyclist and a motorist have not the same protection: one is at a disadvantage compared with the other because he is so exposed. A cyclist can always purchase appropriate reflecting material and fix it to his rear mudguard. If we err at all in this Bill, we should err on the side of safety, which should be our paramount consideration. We should not miss this opportunity of giving the cyclist the protection he has so far been denied. We should not worry about the sacred cow of uniformity. We are not permitting a road user to do something that may endanger other road users; the cyclist is not being allowed a faster speed. This provision would not detrimentally affect any road user. The modern motor car has a reflecting area far greater than 12 sq. in. at the rear. Modern vehicles travelling at relatively similar speeds on the roads have enormous reflectors that give ample warning to oncoming traffic, yet a puny bicycle reflector may be only 1¼in. in diameter.

The Hon. Sir THOMAS PLAYFORD: Having looked at this, I think we shall probably have to adopt the old way of giving effect to this by regulation, because we shall still have to rely on regulations for the definition of "reflector". I believe the sizes of reflector suggested are far too large to be practicable for a bicycle. I suggest that the honourable member do not persist with his amendment at the moment (because in any case it would be incomplete) but I will see that his suggestions are examined. He maintains that present bicycle reflectors are too small and inconspicuous. I will see that the question of making an appropriate regulation is considered.

Amendment negatived; clause passed.

Clauses 124 to 140 passed.

Clause 141—"Width of vehicles."

Mr. LAUCKE: I notice that the width of a rear vision mirror must not exceed 4½in. on a commercial vehicle. Recently, a 6in. rear vision mirror has been widely used. This has benefited truck drivers when bringing their trucks up to loading platforms and turning left-hand corners on the hills roads. To

prescribe a mirror 1½in. less than the measurement now generally accepted by the Police Department is somewhat niggardly. The tramways buses are 8ft. 6in. wide and there is no prohibition on the projection of rear vision mirrors on those buses. Subclause (2) provides that a vehicle may be driven on a road carrying a load more than 8ft. wide if that load consists of agricultural machines or motor bodies. However, in determining the width of a vehicle the size of the rear vision mirror is considered if the total width of the vehicle and any projection exceeds 8ft. 4½in. Could this clause be amended to permit the continued use of 6in. mirrors?

Mr. CASEY: Would the width of trailers be included in this provision? Recently semi-trailers going through to Broken Hill were causing damage to the concrete pillars of narrow (11ft. wide) bridges in the area.

The Hon. Sir THOMAS PLAYFORD: I assume trailers would be included, but I have not examined the definition of vehicles.

Mr. LAUCKE: Could provision be made for 6in. mirrors rather than for 4½in. mirrors?

The Hon. Sir THOMAS PLAYFORD: There is no prohibition upon the size of mirrors, but upon the width of vehicles. Subclause 4 (*b*) covers that aspect and provides that projections from vehicles shall not be taken into account unless the total width of the vehicle and such projection exceeds 8ft. 4½in.

Mr. LOVEDAY: If a mirror is attached to a vehicle the width of the vehicle cannot exceed 8ft. 4½in. which does limit the size of the mirror. If a truck is 8ft. wide and the mirror 6in. the vehicle exceeds the limit and the width of the mirror must be restricted.

The Hon. Sir THOMAS PLAYFORD: The restriction is upon the width of the vehicle and certain rules are prescribed for determining that width. There is great danger from projections from vehicles and I think the width prescribed is justifiable.

Clause passed.

Clauses 142 to 171 passed.

Clause 172—"Removal of disqualification."

Mr. FRANK WALSH: I move:

After "licence" in subclause (1) to strike out "until further order".

The effect of this amendment and another that I intend to move should this be accepted will be to make the clause read:

(1) Where an order has been made against a person disqualifying him from holding or obtaining a driver's licence that person may on complaint duly laid before a court of summary jurisdiction, and served on the Commissioner of Police as defendant to the proceedings, apply to that court for an order removing the disqualification, and the court may, if it deems it expedient to do so, order that the disqualification be removed as from any date which it thinks proper.

(2) Except on the ground that a driving licence is necessary to the applicant's employment, an application shall not be made under this section within three months after the making of the original order for disqualification, nor within three months after a previous application relating to the same order of disqualification.

This will enable a person who needs a driving licence to pursue his daily occupation to have his case considered by a magistrate. There is a similar provision in Western Australia. If the driver is a married man he should not be deprived of his livelihood as he may be trained in a particular occupation.

The Hon. Sir THOMAS PLAYFORD: The amendment should not be accepted. This applies in cases where the court considers the offence so serious that it has not ordered disqualification for three months or six months. A person may have incurred a previous disqualification of three months and not taken much notice of it. This applies where the court has ordered an indefinite disqualification because of the seriousness of the case. If the words proposed to be struck out are struck out anybody, even an offender incurring a short term of disqualification, would be able to make application to avoid disqualification. If the amendment is accepted the section will apply to all disqualifications. One important thing to remember about disqualifications is that the decision cannot be altered for three months and that has had a most salutary effect in the enforcement of the Road Traffic Act. The Leader's amendment would provide that anyone, after three months, could apply for cancellation of his disqualification order. Obviously in these cases the court has regarded the offence as serious because the disqualification applies until it is lifted. The Leader wishes to bring every case under this section and the amendment should not be accepted.

Mr. DUNSTAN: The purpose of the amendment and the cases it was designed to cope with should be detailed to the Committee. It is true that where an order for a specified period of disqualification is made that order is made on the evidence as to the circumstances of the offence and the offender that are put before the court and are able to be put before the court when the court makes its order. While there is an appeal against that order

the appeal can only be on the grounds then immediately available. A number of cases have come to the notice of secretaries of industrial organizations in South Australia where a man, after having served some sentence or paid some penalty—often a sentence—for an offence for which there has been a licence disqualification for 12 months or six months has been the subject of some action taken subsequently to rehabilitate him and find him employment. Often it has been found difficult to get him employment because of the licence disqualification and circumstances have been such that probation officers have thought it desirable for him to get employment involving his driving.

This has happened in a number of cases and it might be that, if the court had power to investigate the full circumstances which could then be put before it, it may take a different view of the length of disqualification that should be imposed in specific cases. The Premier suggested this would provide anybody with the right to come before the court after three months. True, anybody would have the right to make application to the court, but it is also true now that a person under licence disqualification until further order has a chance of getting before the court with reasonable frequency. However, applications are not made to the court with any great frequency where orders have been made for licence disqualification until further order, simply because there are no circumstances to be put before the court that would be likely to influence the court to revoke its order. It is only where some further circumstances can be put before the court that it is any use going before the court, so no harm will be done by providing a facility for people to go back to the court and for the court to have a discretion where further reasonable and cogent circumstances can be put before it that will lead the court to exercise its discretion and alter the period of disqualification. They would have to be serious reasons for the court to alter its previous decision arrived at on sound grounds, but, as there are some cases where those reasons exist, I see no harm in allowing the court a discretion. I certainly do not think the court will be over-burdened with applications in circumstances of this kind; that certainly has not been the case so far in cases of disqualification until further order. I do not think the amendment is unreasonable.

Mr. MILLHOUSE: The illustration the honourable member gave was of a man sent to gaol for six months and disqualified for 12 months, but that would be a most exceptional case. I have not encountered it, but I can conceive that it could happen. The amendment would not be confined to that case, however. Although the explanation of the member for Norwood is interesting, it is almost completely irrelevant to the amendment, which would refer to any period of disqualification (presumably longer than three months). If a person were disqualified for any reason for, say, two years, he could apply under the amendment every three months for removal of the disqualification. That would make nonsense of any provision for a fixed period of disqualification. People who rely on driving as their mode of employment are always most anxious to avoid disqualification and, in making a plea on their behalf, one always tries to work in that they rely on driving for their employment, but one is told more or less courteously by the court that that is irrelevant.

Mr. Dunstan: That is what the Chief Justice has said.

Mr. MILLHOUSE: Others have also said it. One is told that the defendant should have taken that in account before committing the offence, as it is more serious for him. The judge or magistrate may in his inner conscience take it into account, but strictly it is irrelevant on the question of disqualification. If this amendment is carried we shall be entirely altering the present outlook of the courts, which I believe is the proper one. If a person is driving for his livelihood he should be the more careful before committing an offence. I suggest that the Committee reject the amendment.

Amendment negatived; clause passed.

Clauses 173 to 175 passed.

Clause 176—"Regulations."

Mr. FRANK WALSH: I move:

To strike out all the words after "suspension or amendment takes effect".

I believe that six months is long enough for traffic experiments to be carried out. In this time, for instance, sand bags often used in these experiments have deteriorated. I ask the Committee to accept the amendment.

The Hon. Sir THOMAS PLAYFORD: The regulations mentioned here are obviously to deal with some particular problem. On the Glenelg highway, for instance, conditions in the summer are quite different from those in winter. If these experiments are controlled by regulation, over a period of six months Parliament would be bound to be sitting. A regulation cannot be in force for over six months, and there are conceivably some reasons for allowing regulations to continue with amend-

ments from time to time. I do not feel strongly about this, but on balance Parliament always has control over regulations and would be able to review them over the period.

Amendment negatived; clause passed.

Remaining clause (177), schedules, and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 44—"Using motor vehicle without consent"—reconsidered.

Mr. FRANK WALSH: I move:

After "shall not" in subclause (1) to insert "on a road or elsewhere".

The clause will then be as originally drafted and I have been advised that it will now achieve my aim.

Amendment carried; clause as amended passed.

Bill reported with a further amendment.

THE PARKIN CONGREGATIONAL MISSION OF SOUTH AUSTRALIA BILL (PRIVATE).

Adjourned debate on second reading.

(Continued from October 4. Page 1057.)

Mr. DUNSTAN (Norwood): I support the Bill.

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

ADJOURNMENT.

At 10.07 p.m. the House adjourned until Thursday, October 12, at 2 p.m.