HOUSE OF ASSEMBLY.

Thursday, October 8, 1964.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS.

His Excellency the Governor, by message, intimated his assent to the following Bills:

Honey Marketing Act Revival and Amendment,

Pulp and Paper Mill (Hundreds of Mayurra and Hindmarsh).

QUESTIONS.

INTERSTATE HAULIERS.

Mr. FRANK WALSH: Can the Premier say whether the Government intends to introduce legislation to limit the number of hours that interstate hauliers may drive without a break while on duty?

The Hon. Sir THOMAS PLAYFORD: Some time ago I announced that the Government intended to introduce legislation on this matter, but considerable difficulty has been experienced in drafting the Bill. It is not a simple matter because if affects free trade between the States. Therefore, we must be careful that the Bill is drafted so that it will not restrict trade between the States. However, I doubt whether it will be drafted in time for introduction this session. One of the difficulties involved is that other States have different legislation (or none at all) concerning this matter and it is difficult to get a common pattern. However, I should be able to answer the Leader's question more definitely next week.

CADELL DRAINAGE.

Mr. FREEBAIRN: Several settlers at Cadell have asked me when the drainage committee will meet. Can the Minister of Irrigation enlighten me on this question?

The Hon. P. H. QUIRKE: Evidence is currently being obtained by the engineers in the field, preparatory to submission for consideration by the committee. A meeting of the committee will be called as soon as the engineers' evidence is available.

ANZAC HIGHWAY INTERSECTION.

Mr. LANGLEY: A constituent of mine has complained about the corrugations in the road at the intersection of Anzac Highway and South Road, as these are noticeable and may cause damage. Will the Minister representing the Minister of Roads have this matter investigated?

The Hon. G. G. PEARSON: Yes, I will ask for a report.

SUPERPHOSPHATE.

Mr. HARDING: On previous occasions I have referred to superphosphate and the importing of phosphate from Nauru. A report in *Land* states:

Nauru is Australia's chief source of raw phosphate for processing into superphosphate. Its supplies are nominally owned by the Nauruans who are paid a royalty in respect of each ton for shipments. On royalties to Australia, Government representatives said it was proposed to raise from 1s. to 3s. payments, into a long-term investment fund for the Nauruans, and to boost royalties to their landowners by 50 per cent—from 2s. 8d. to 4s. a ton, but the islanders asked for a royalty increase to 14s. 8d., a jump of 550 per cent.

Can the Minister of Agriculture say whether this might increase the price of superphosphate in Australia?

The Hon. D. N. BROOKMAN: It directly concerns the Commonwealth authorities and I will take the question up with them.

HOMES FOR AGED.

Mr. HUTCHENS: I understand that an announcement was made early this year regarding Government subsidies to people building homes for the aged. I understand, too, that private companies are now building such homes and are trying to leave the impression that they are subsidized by the Government. I believe the conditions under which the subsidies were to be granted were that there was to be no capital charge on the aged person concerned, the charge was not to exceed 80 per cent of the pension (plus £1 a day made available by the Social Services Department), and that the Government payments would not exceed £1,250 on each unit. In order that the people who are considering the matter will be able to judge whether or not these inferences are correct, can the Premier say whether these facts are as I have stated them?

The Hon. Sir THOMAS PLAYFORD: This matter has some history associated with it. The subsidy for aged people's homes was first introduced by this Parliament. Actually, we did not have any special Act to cover it, but Parliament appropriated the money. That subsidy was pound-for-pound on the capital cost of the home. After this system had been operating for two years, the Commonwealth Government saw that it was beneficial and it passed legislation which provided for the subsidy on the establishment of the premises but

not on furnishings. The conditions of the Commonwealth subsidy are laid down in an Act of Parliament and, although I do not have them with me at the moment, the honourable member can soon check them in the library. The Commonwealth Government subsidized homes for the aged on the basis of £2 for £1. The State Government, however, still continues to provide, in approved cases, up to a 50 per cent subsidy towards the furnishings.

SOUTH PARA RESERVOIR.

Mr. LAUCKE: Following the recent excellent rains, can the Minister of Works indicate the present holding of the South Para reservoir?

The Hon. G. G. PEARSON: The latest information (up to 8.30 this morning) shows that the South Para reservoir is holding 9,235,000,000 gallons, which means that it is a little more than four-fifths full.

INTRASTATE AIR SERVICES.

Mr. RICHES: I was interested in what the Premier said yesterday regarding intrastate air services and the regulations gazetted by the Commonwealth Government, and I was also an interested viewer of his session over ADS7 last night. The Premier expressed the opinion that action could be taken to disallow the regulations in the Commonwealth Parliament and suggested that this action might be prejudiced if the States took court action in the meantime. While the Premier was making that statement here, I overheard an interjection from the member for Norwood (Mr. Dunstan) which indicated that he disagreed with that view, for he claimed that if notice was given the situation could be safeguarded. As I believe that the honourable member has examined the constitutional situation, can he now say what is the result of his inquiry?

Mr. DUNSTAN: I, too, was interested to hear what the Premier had to say yesterday. I draw the House's attention to the terms of the Commonwealth Acts Interpretation Act which govern the disallowance of regulations before the Commonwealth Parliament. Under the Acts Interpretation Act, regulations must be laid before each House of Parliament within 15 sitting days of that House after the making of the regulations.

Amendments to the Acts Interpretation Act last year state:

> If either House of the Parliament, in pursuance of a motion of which notice has been given within 15 sitting days after any regulations have been laid before that House, passes a resolution disallowing any of those regulations, any regulation so disallowed shall thereupon cease to have effect.
>
> If, at the expiration of 15 sitting days after notice of a motion to disallow any regulation has been given in a House of the Parliament, being notice given within 15 sitting days after the regulation has been laid before that House—
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> (*a*) the notice has not been withdrawn and the motion has not been called on; or
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> (*b*) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,
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> the regulation specified in the motion shall thereupon be deemed to have been disallowed.

It is apparent from the proceedings of the House of Commons, which are imported to the House of Representatives and the Senate by Standing Order No. 1 of those Houses, that there is nothing to stop notice of motion in relation to any *sub judice* matter being given. Therefore, there is, in fact, under the Acts Interpretation Act nothing to stop the disallowance of the regulation by those Houses, even though a matter be *sub judice*, merely by giving notice of motion for disallowance. What is more, by the proceedings of the House of Commons, action to disallow a regulation that is being tested before the courts as to whether it is *intra vires* has not been found to be a matter *sub judice*, so thereby preventing Parliament from discussing whether, as a matter of substance, the regulation should be disallowed. The question of whether the regulation should be disallowed as a matter of substance before the House of Commons is completely different from the question of whether those regulations are *intra vires* before the courts. In a recent case before the House of Commons it was found—

The SPEAKER: Order! The honourable member can give information but he cannot express an opinion.

Mr. DUNSTAN: Yes, Mr. Speaker. I have obtained this information from an obvious source available to this Parliament at the moment.

MELBOURNE EXPRESS.

Mr. MILLHOUSE: Has the Minister of Works, representing the Minister of Railways, a reply to my question of September 23 regarding the late arrival of the Melbourne Express?

The Hon. G. G. PEARSON: My colleague informs me that it is true that the *Overland*

from Melbourne arrives late at Adelaide on far too many occasions, and the running of this train is giving the department much concern. The deterioration in the performance dates from the introduction of the daylight connection at Melbourne with the Sydney train. This happened on July 31, 1963, when the west-bound time table was reduced by 19 minutes between Serviceton and Adelaide. Time is being lost on both sides of the border, and there is no doubt that the loss on the South Australian side is caused by the existing tight schedule, which provides for no recovery time to compensate for crossings, speed restrictions, and other minor delays. A joint examination of the problem by the South Australian and Victorian systems will shortly be undertaken with a view to adjusting the time tables and improving performance.

RUNDLE STREET FRUIT BARROWS.

Mr. LAWN: Yesterday I asked the Premier a question about the proposed banning of fruit barrows in Rundle Street. This morning some women telephoned me and said they supported my protest against the banning of these barrows. They said that they and many of their friends had for some years received excellent service from the barrows. Has the Premier further information on this matter?

The Hon. Sir THOMAS PLAYFORD: I have been unable to get a definite answer about whether this would be done by a regulation that could be disallowed by Parliament. It seems that the City Council has a by-law covering the matter to a certain extent, and perhaps the council could act without having to make a by-law that would be subject to disallowance by Parliament. Further information I have received stated that the City Council intended not to ban fruit barrows altogether, but to shift them from Rundle Street into adjacent side streets. I do not know what the effect of that would be. I have asked the Crown Solicitor for an opinion and when that is available I shall inform the honourable member. As several members have expressed concern about this matter, I will inform the House of the legal position as soon as possible.

SEAT BELTS.

Mrs. STEELE: Has the Premier an answer to my recent question about the price of seat belts?

The Hon. Sir THOMAS PLAYFORD: Further to the question raised by the member for Burnside regarding the cost of seat belts, the Prices Commissioner had the cost structure investigated and was of the opinion that it was on the high side. Without being definite on the matter he wrote to the Wholesale Automotive Supplies and Parts Association and suggested that consideration might be given to lower margins. The association replied setting out some sound views as to why the present cost structure should be allowed to continue. If the promotion of sales of seat belts was to be encouraged the association felt it was important to have an enthusiastic chain of distribution for the successful promotion of sales. At present there are about 12 types of seat belts on the market varying in quality and ranging in prices retail from about £2 19s. 6d. to £7 10s. 0d. In the circumstances, the Commissioner feels that at this juncture it might be advisable to watch the position and have further discussions with the association. Mr. Murphy discussed this matter with the Royal Automobile Association and it has informed him that its experience is that the average family man (four persons to a car) "shies" off any accessories to a car that cost in excess of about £5. In view of this the R.A.A. considers that if seat belts are to be installed they must be realistically priced, and the Commissioner concurs with this view. Mr. Murphy has expressed the opinion that if the fitting of seat belts ever became compulsory, then it would be necessary for the department to fix a range of maximum prices.

PADTHAWAY DEVELOPMENT.

Mr. NANKIVELL: The Padthaway Progress Association has been concerned for many years that no adequate provision has been made for the development of the town. Through the Tatiara District Council it has made representations to the Town Planner for an officer to undertake a survey of the township to assess its prospects of future development and to make recommendations for future planning and expansion. Will the Minister of Education ascertain from the Attorney-General, the Minister in charge of town planning, whether this survey has been undertaken? If it has not been undertaken, when will it be? If it has been undertaken, will the Minister obtain details of the report?

The Hon. Sir BADEN PATTINSON: Yes.

COFFIN BAY TRAMWAY.

Mr. FRANK WALSH: I understand that a tramway is to be constructed by the Broken Hill Proprietary Company Limited for transporting lime-sand from Coffin Bay to a port

near Port Lincoln. Can the Premier say whether enabling legislation will be introduced this session?

The Hon. Sir THOMAS PLAYFORD: No legislation to give effect to that proposal is necessary. It was covered under the Indenture Act of the B.H.P. Company that was passed by Parliament when the steel industry was approved for Whyalla. I understand that the tramway is at an advanced planning stage.

MATRICULATION COURSES.

Mr. LAUCKE: The matter of the provision by smaller high schools of fifth-year qualifying courses for matriculation as from 1966 is one of great importance and significance to these schools. The crux of the matter lies in what will constitute the minimum number of fifth-year students at any high school to qualify for this all-important course. All the cost and inconvenience to students associated with the necessity for them to leave their homes and obtain accommodation in the metropolitan area or in a large country town are bound up in this question. Will the Minister of Education do all within his power to keep the qualifying number of fifth-year students as low as possible, and can he suggest, at this stage, what that qualifying number might be?

The Hon. Sir BADEN PATTINSON: In 1965 Leaving Honours classes will be operating in 25 high schools but then the minimum requirement will be 20 qualified students in a class in the country and 40 qualified students in a class in the metropolitan area. Although it is highly desirable for any person contemplating a university course to undergo the Leaving Honours examination it is not compulsory, whereas in 1966 the new fifth-year course will be a compulsory course with a compulsory examination for matriculation at the university. Therefore I agree with the honourable member that there should be a much lower minimum for the new compulsory fifth-year course than there is for the present optional Leaving Honours course. My personal view at present is that the minimum should be reduced from 20 to 10 in the country. It may well be that the Director of Education and my other advisers will be more conservative in their outlook on this question but, as I said yesterday, no definite decision can be made now because the whole matter is being investigated. However, at the request of the honourable member I am expressing my own personal view, namely, that the minimum requirement in country high schools should be 10.

EGG LEVIES.

Mr. FREEBAIRN: Will the Minister of Agriculture ascertain from the Chairman of the South Australian Egg Board the amount of the per-dozen egg levy necessary for the board to cover its costs of handling, administration and other charges, apart from recouping losses on trading and export?

The Hon. D. N. BROOKMAN: A number of uncertainties would be involved and the Chairman of the Egg Board would have to make a forecast. However, I shall obtain a report from him.

FLOODWATER RELIEF.

Mr. COUMBE: Some time ago I made representations to the Minister of Works on behalf of the Prospect council regarding assistance for floodwater relief in certain parts of Prospect, and the Minister has now agreed to assist the council by subsidy. Could the Minister ascertain for me and indicate next week the extent of the subsidy that the Government is so making available to the Prospect council, both as to provision of temporary improvement and as to assistance in improving the outlet drain through the sewage farm at Islington?

The Hon. G. G. PEARSON: I will ask the Engineer-in-Chief for a report on that matter and will let the honourable member know on Tuesday.

LAKE BONNEY SPEED TRIAL.

Mr. CURREN: Yesterday I was approached by a member of Donald Campbell's organizing team with a request that the co-operation of the Police Department be sought in the controlling of visitors and others at the site of the speed trials during the testing period at Lake Bonney. I referred this request to the Premier yesterday. Has he a statement to make on the matter?

The Hon. Sir THOMAS PLAYFORD: I have not had an opportunity to discuss this matter with the Commissioner of Police but I know that it is his general policy to give any service possible to the community, and I have no doubt that he would want to provide a service in this case. However, I am not sure about one aspect of this matter, the answer on which may take some sorting out. I understand that the speed trials are to take place on Lake Bonney which, as far as I know, is a public recreation area. In those circumstances I believe that anyone has the right to go on to the lake in a boat and to fish and

to take part in other recreation. A similar position arose in regard to Lake Eyre but that was met, on legal advice, by giving Donald Campbell a lease over the area where the speed trials were to take place, at a nominal price. That enabled the police to exclude people from the danger area. In this case it is not merely a matter of the Commissioner's being willing to assist: we shall have to devise a way of excluding the public from the danger area during the trials. I shall have to obtain advice from the Crown Solicitor as to the best way of doing that in the interests of the safety of people who might be in the area when the trials are made. I should hope to have some conclusions for the honourable member some time next week.

BOARDING ALLOWANCES.

Mr. CASEY: It has been brought to my notice that in Alice Springs a boarding school, known as St. Philip's College, has been erected to accommodate certain school children. In the Far North of this State it is much more practicable for children to attend school at Alice Springs in the Northern Territory rather than to come all the way to Adelaide. Indeed, it is much cheaper for them to do so. The Commonwealth Government allows £100 a year for all children from the Territory attending that school. In addition, it provides a travelling allowance not exceeding the return fare by the cheapest means of transport from the student's home to the nearest centre where adequate schooling and accommodation are available. That allowance is payable at the end of each term. In comparison, the South Australian Education Department pays a boarding allowance of £25 a year for primary school students similarly situated, and a boarding allowance of £75 a year for secondary school students. Will the Minister of Education ascertain whether an allowance similar to the Commonwealth boarding allowance could be paid in respect of South Australian students living in the Far North?

The Hon. Sir BADEN PATTINSON: As the honourable member is probably aware, education in the Northern Territory is administered by the South Australian Education Department by arrangement with, and at the expense of, the Commonwealth Government. As he is also aware, the matter of expenses is of relatively minor importance to the Commonwealth Government, whereas it is a matter of major importance to the State. If the honourable member could use his undoubted influence to see whether we could get more money for education from the Commonwealth Government, I assure him that I would give a favourable decision concerning an increase in allowances generally. On the other hand, the information which he supplied preparatory to his question has given me food for thought and perhaps more ammunition to use in a further application to the Commonwealth for still greater funds for education to be allocated to the States.

ST. ANDREWS WATER SUPPLY.

Mr. LAUCKE: With the imminence of summer I am concerned about the matter of a water reticulation service to the St. Andrews subdivision of Tea Tree Gully. Representations have been made to me on this matter over a considerable period. Can the Minister of Works outline the plans in respect of that subdivision?

The Hon. G. G. PEARSON: I informed the honourable member last July that investigations so far carried out by the department suggested that the cheapest method of supplying this high-level area would be to extend the Tea Tree Gully system; that this system, which is fed from a storage tank, was at present loaded to its limit; and that to extend it would necessitate the enlargement of certain mains. I stated that when the investigations had been completed and estimates of cost prepared, the Engineer-in-Chief would submit a full report and the matter would then receive further consideration by the Government. These investigations have now been concluded, and I have received full reports from the Engineer-in-Chief and the Engineer for Water Supply. These officers have recommended the following works:

1. From the 30in. main in Hancock Road—the laying of approximately 3,800ft. of new 10in. feeder main to the Tea Tree Gully tanks along the Main North East Road.
2. Two lengths of new 8in. main in Elizabeth Street. Besides replacing a length of 4in. main between the main road and William Street, this new feeder main would, in conjunction with the existing 6in. main in Elizabeth Street, extend the system controlled by the Tea Tree Gully tanks to the western boundary of the St. Andrews subdivision.

Cabinet has considered these recommendations and has approved the work, the estimated cost of which is £14,350. Reticulation within the subdivision will be considered as and when required by existing and potential development.

SOUTH AUSTRALIAN GAS COMPANY'S ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The purpose of this short Bill is to enable transfers of bonds and stock of the South Australian Gas Company to be made in the manner ordinarily applicable to share transfers instead of by deed as is at present required by the principal Act. This Bill is introduced at the request of the company and gives effect to a recommendation of the advisory committee of the Australian Associated Stock Exchanges that the signature of the transferor, without any seal, shall be sufficient for such transfers. The gas company was incorporated by special Act in 1861. The Act, by section 11, incorporated by reference many sections of the old Companies Clauses Ordinance of 1847, Although the Ordinance of 1847 has long since been repealed, the sections incorporated by reference still form part of the charter of the gas company. Those sections deal with many matters, including the right to transfer shares, mortgages, bonds and interest on mortgages and bonds, and the mode and procedure of transfer. In particular, adopted sections 14 and 15 relate to the transfer of shares and adopted sections 46 and 49 relate to the transfer of mortgages, bonds and interest thereon. These adopted sections specifically provide that transfers must be made by deed, a normal procedure in earlier days. More recent Acts and practice have simplified the procedure on the transfer of stocks and marketable securities, which is now effected by the use of a simple form. Because the gas company was incorporated by Statute, transfers of shares, etc., in the company cannot be made otherwise than by deed, since this specific requirement is contained in the provisions of the original Ordinance of 1847, which is part of the company's statutory charter.

The present Bill, by section 3, inserts at the end of the relevant subparagraphs of section 11 of the 1861 Act, namely, the original incorporating Act, a proviso that any requirement that transfers shall be by deed shall not apply. The Bill will enable transfers of stocks, shares, bonds, mortgages and interest thereon, to be transferred in the same way as stocks and shares in other companies, thus bringing dealings in gas company stocks into line with dealings in stocks of other companies. The Bill, being of a hybrid nature, was, in accordance with Joint Standing Orders, referred to a Select Committee in another place. The committee recommended its passage in its present form.

Mr. HUTCHENS (Hindmarsh): This Bill has been considered by a Select Committee in another place and, as it has been recommended both by that committee and the other place, the Opposition supports the second reading and considers that no further discussion is necessary.

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

NURSES REGISTRATION ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its object is to give legal status to dental nurses by providing for their enrolment by the Nurses Board following a formal course of training. It confers on enrolled dental nurses two privileges, namely, exclusive rights to hold themselves out as enrolled dental nurses and to wear a distinctive uniform and badge. For simplicity of administration the Bill provides for enrolment in terms closely resembling those in the principal Act relating to registration. The Bill is drafted along the same lines as the 1954 Act relating to mothercraft nurses and the 1959 Act relating to nurse aides. Clauses 3 and 4 make consequential amendments to the sections of the principal Act relating to the division into Parts and interpretation. Clause 5 makes another consequential amendment to section 17 which confers power on the Nurses Board to suspend nurses from practising for the purpose of preventing the spread of disease.

Clauses 6 and 7 correct formal drafting errors made in the 1960 amending Act. Clause 8 inserts a new Part into the principal Act consisting of sections 33na and 33nh. Section 33na provides that the Registrar of the Nurses Board must keep a roll of dental nurses and prescribes the machinery for enrolment. Section 33nb entitles persons who have passed the prescribed examinations and completed the prescribed courses of training to enrolment. Persons at present employed as dental chairside assistants will be entitled to enrolment if they have been so employed for the past three years or if they have been so employed for the past two years and they have passed an approved examination which will be the examination conducted by the Dental Association. Subsection (3) of section 33nb makes provision for a refresher course for a person who has not been enrolled as a dental nurse

during the five years preceding her application for enrolment. Section 33nc deals with the enrolment of persons trained outside the State which may be immediate or conditional depending on their qualifications. Section 33nd requires certain conditions as to character, age and health to be satisfied before a person can be enrolled. Section 33ne by reference to other sections of the principal Act provides for the machinery of enrolment and also for appeals against decisions of the board. Sections 33nf and 33ng deal with the cancellation of enrolment and return of certificates in the same terms as those used in the principal Act with respect to the cancellation of enrolment of mothercraft nurses and nurse aides. Section 33nh, inserted at the request of the Dental Association, preserves the right of dentists to employ a person without any formal training as a chairside dental assistant and thereby enables them to train their own assistants in their own practices.

Clause 9 and 12(*a*) give to enrolled dental nurses the exclusive privilege of holding themselves out and advertising themselves as such. Clause 10 gives dental nurses the exclusive privilege of wearing a prescribed badge and uniform. The purpose of clause 11 is to remove doubts that have been expressed as to whether section 39a prohibiting unregistered persons from wearing a nurse's cap extends to enrolled nurses. The amendment makes it clear that enrolled nurses are so prohibited. Clause 12(*b*) makes an amendment consequential on the insertion of new section 33nh. Clause 13 deals with fraudulent or dishonest conduct in relation to enrolment. Clause 14 makes various amendments to the power to make regulations contained in the principal Act, in particular, by providing for regulations prescribing courses of training for dental nurses and prescribing rules relating to the practice of dental nursing. Clause 15 makes a correction of a drafting nature to the amending Act of last year.

Mr. CORCORAN secured the adjournment of the debate.

PHYSIOTHERAPISTS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It is designed to make two alterations in the Physiotherapists Act. First, clause 3 inserts a new subsection in section 39a of the principal Act. Under section 39a persons whose qualifications have been obtained outside Australia but are not recognized as such here are required to undergo examinations locally before they may be registered in this State. The new subsection prescribes fees for these examinations: £16 16s. for the initial examination and £5 5s. for each subsequent examination. These fees have been recommended by the Physiotherapists Board in view of the estimated costs the board will incur in arranging the examinations and making investigations into oversea training conditions and so on. The board considers it fair that the costs of these examinations and incidental investigations should be borne by each applicant rather than that a general increase in fees be made on all physiotherapists to meet these costs.

Secondly, the amendment contained in clause 4 is designed to replace section 47a of the principal Act inserted by the amending Bill of last year. That section prohibits physiotherapists from administering drugs to their patients, but the Crown Solicitor has advised that the term "drug" in this context is uncertain in its meaning. This section is therefore repealed by clause 5 and replaced by new section 41a (inserted by clause 4) which prohibits physiotherapists from practising otherwise than by physiotherapy. The new section 41a has the same purpose as section 47a, but is drafted in general terms so as to avoid any ambiguity associated with the term "drug". The administration of drugs (as commonly interpreted) is not included in the term physiotherapy, as defined in the principal Act, and so a registered physiotherapist who administered drugs to his patients would be practising otherwise than by physiotherapy and would therefore commit an offence under new section 41a. The Bill has been referred to and approved by the Physiotherapists Board.

Mr. FRANK WALSH secured the adjournment of the debate.

WORKMEN'S LIENS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Mr. LAWN (Adelaide): I am astonished to learn that this Act has not been amended in any significant way since 1893. A study of the records will show that tradesmen such as hand compositors on jobbing work, coppersmiths, blacksmiths, and certain other tradesmen were on weekly wages that varied between

10s. and 12s. a day for a six day week, or between £3 and £3 12s. a week. The basic wage at present is £15 3s. and the margin for a skilled tradesman is £5 6s. making a total of £20 9s. a week. Those rates relate to the tradesmen of today. By comparing those rates with the rate of £3 a week, we find an increase of 680 per cent. In 1893, when introducing the legislation dealing with liens, the then Attorney-General was reported as follows:

The profession to which he had the honour to belong, and which, so far as they might gather from the teachings of history, had been sufficiently careful to guard its own interests, had for a long series of years enjoyed the right of lien. If a client's deeds came into their possession and that client had had the good fortune to employ their services and to run up anything in the shape of a legal account—a luxury only to be appreciated by those who had enjoyed it—they had the right of retainer regarding those title deeds as security for the account. Some honourable members might not have indulged in the luxury of the experience to which he referred, so he would like to assure them on the subject so as to prevent the possibility of misunderstanding in the future. As was the case with lawyers so it was with bankers . . . Auctioneers also had a lien, and carriers also. But it was the strangest thing of all that there were a variety of circumstances under which workmen, who could least afford to lose their earnings, were denied the right of retainer—the right of lien—and there were circumstances under which it seemed to him only right and proper that they should enjoy this right.

The Workmen's Liens Act limits the amounts of such liens; they have not been increased since 1893. They refer to a lien limited to four weeks' wages, or wages for work not occupying more than four weeks, and not exceeding £12. A tradesman at that time received about £3 a week, which accounts for the £12 limit. The Statute Amendment (Local Courts and Workmen's Liens) Bill had regard to money values. The purpose of this Bill is to bring sections 4 and 7 of the Act up to date in regard to money values. In both of them a workman's lien for wages due is limited to four weeks' wages or wages for work occupying not more than four weeks, and not exceeding the sum of £12. These sections have not been amended since the Act was passed in 1893. Clause 4 amends sections 4 (3) of the principal Act by striking out the words "the sum of twelve" therein and inserting in lieu thereof the words "in either case the sum of one hundred". Clause 5 amends section 7 (4) in exactly the same way. The sections amended by this Bill have not been frequently availed of by workmen in recent years, probably because of the existing restriction of the lien. By increasing the maximum sum of the lien there will be available to certain workmen a course of action to safeguard at least a proportion of wages which may be owing to them. I commend the Bill to members and seek their support.

Mr. MILLHOUSE secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

Second reading.

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

That this Bill be now read a second time.

This Bill is designed to make a number of improvements to the principal Act in particular by clarifying and strengthening some of its provisions and by making certain amendments of an administrative nature. Clause 3 revises the definition of owner so as to extend its meaning to include the "lessee" of a motor vehicle. At present the definition extends only to the hirer under a hire-purchase agreement. The amendment is designed to cover the growing practice of "leasing" motor vehicles from finance companies. Clause 4 deletes the reference to councils in section 17 of the principal Act which deals with the erection of "stop" signs. The Commissioner of Highways has undertaken the erection and maintenance of all "stop" signs, and the reference to councils in the section is therefore no longer of any importance.

Clause 5 amends section 38 of the principal Act so as to enable the police to put questions for the purpose of determining not only the driver but also the owner of a vehicle on a particular occasion. This amendment is sought in view of the many requirements imposed on an owner of a vehicle. Clause 6 amends section 39 (3) of the principal Act so as to ensure that a tram driver will be required to obey traffic lights. Clause 7 amends paragraph (*b*) of section 43 (3) of the principal Act to oblige a driver of a vehicle that is involved in an accident when requested by any person having reasonable grounds to do so, to give such information as is necessary to identify the vehicle. This amendment is in line with a similar provision in Victorian legislation. Clause 8 makes a formal amendment to one of the subheadings in the principal Act. Clause 9 inserts in the principal Act a new section 44a making it an offence to procure the use of a motor vehicle

by fraud or misrepresentation for which a penalty of £50 or six months' imprisonment is provided.

Clause 10 amends section 49 (1) (*d*) of the principal Act which prescribes a speed limit of 15 miles an hour on a road within 75 feet of a "school crossing" marked by flashing lights in the vicinity of a school. The amendment provides that the speed limit will apply within 100 feet of such a crossing at the approach to which a sign is erected, and removes the requirement that the crossing must be in the vicinity of a school because many such crossings are not in the vicinity of a school. Clause 11 amends section 50 (1) of the principal Act which prohibits the driving of a vehicle within a speed zone at a speed in excess of the speed fixed for that zone. The amendment provides that the speed must be indicated by signs erected under this Act. Clause 12 amends section 64 of the principal Act which requires a driver approaching a "give way" sign at or in an intersection or junction to give way to any vehicle approaching that intersection or junction from the right or left. The amendment extends this rule to "give way" signs at crossovers as well. A crossover is defined in section 5 of the principal Act. Clause 13 inserts in the principal Act a new section 71a which prohibits the making of U turns at intersections and junctions at which traffic lights are operating. The practice of some drivers making U turns at intersections and junctions at which traffic lights are operating has created many dangerous situations.

Clause 14 amends section 74 which provides for the appropriate signal to be given when a driver turns to the right or stops or slows down. The amendment extends this provision also to diverging to the right. The clause also amends section 74 to permit a driver to give a stop or slow down signal by means of the brake light applied while stopping or slowing down. Clause 15 amends section 78 of the principal Act by clarifying a drivers duty when approaching a "stop" sign. The clause provides that if there is a stop line, the driver must stop his vehicle before it reaches the stop line or if there is no stop line, he must stop his vehicle before it reaches the nearer boundary of the carriageway which he is about to enter. Provision is also made enabling a left turn to be made into a lane specially provided for that purpose in the vicinity of a "stop" sign. Clause 16 inserts in the principal Act a new section 78a which requires a driver to obey traffic signs lawfully placed on a road for regulating the movement of traffic or indicating a route to be followed by traffic.

Clause 17 inserts in the principal Act a new section 94a which after January 1, 1966, makes it an offence for a person to protrude any portion of his body out of a moving vehicle. This is the effect of a provision of the National Road Traffic Code. The prohibition does not apply to a driver when giving a signal prescribed by the Act or when protruding portion of his body from his vehicle for the purpose of obtaining a clear view to the rear when reversing or turning the vehicle. An exemption from the prohibition against protruding any part of his body from a vehicle is given to the driver of a motor vehicle if total width of the driver's cabin is not less than two feet narrower than the widest portion of that vehicle together with its load. Clauses 18 to 22 inclusive make drafting improvements to the principal Act. Clause 23 makes a minor amendment to section 159 of the principal Act which requires safety certificates for passenger vehicles but exempts vehicles "driven pursuant to a licence" under the Road and Railway Transport Act. These vehicles are often driven on routes other than their licensed routes and the amendment is designed to cover such vehicles if licensed under that Act whether or not they are driven on their licensed routes. Clause 24 amends section 163 of the principal Act which deals with particulars to be painted on commercial vehicles. The amendment will enable the board to exempt certain vehicles from the requirements of this section. The amendment is intended to be applied to certain hire cars, wedding cars and funeral cars. Clause 27 (*b*) contains a consequential evidentiary provision.

Clause 25 amends section 168 of the principal Act which provides that, where a person is disqualified from holding a driver's licence and the court has ordered that he must pass a test before again being given a licence, he will remain disqualified until after the test. During the period of disqualification the person cannot obtain a learner's permit or a licence and therefore, while undergoing a test in pursuance of the court order, he is technically breaking the law. The section is therefore amended so that at the expiration of the period of disqualification the person disqualified will be able to obtain a learner's permit for the purpose of undergoing the test.

Clause 26 makes two drafting corrections to section 169 of the principal Act. Clause 27 (*a*) amends section 175 (3) of the principal Act which contains certain evidentiary provisions necessary for proceedings for an offence against this Act. The amendment provides that a certificate from the Commissioner of

Police, a Superintendent or an Inspector of Police that a specified electronic traffic speed analyser (or radar equipment) had been tested against an accurate speedometer on a specified date and shown to be accurate shall be *prima facie* evidence of the accuracy of the instrument on the day it had been tested. Clause 27 (*b*), as I mentioned earlier, contains a consequential evidentiary provision in relation to the amendment contained in clause 24. Clause 28 enables regulations to be made regulating and controlling the installation and use of television sets in motor vehicles.

Mr. FRANK WALSH secured the adjournment of the debate.

BOOK PURCHASERS PROTECTION ACT AMENDMENT BILL.

Second reading.

The Hon. Sir BADEN PATTINSON (Minister of Education): I move:

That this Bill be now read a second time.

Its object is to strengthen the provisions of the Book Purchasers Protection Act which was passed last year. The requirement in section 4 (*c*) of the Act that certain words must be printed on a contract for the sale of books can be strictly complied with by printing the required words in light type and light ink in such a manner that it is by no means obvious. It has also been found that the requirement that a purchaser not less than five or more than 14 days after the date of the contract must notify his confirmation of the contract can be complied with by the expedient of the vendor's obtaining from the purchaser a written authority appointing the vendor as his agent for the purpose of giving the notification. The Bill is designed to overcome the matters which I have mentioned. Clause 4 will amend section 4 of the principal Act in two ways. In the first place, paragraph (*c*) of that section will, as the result of the proposed amendments, provide that there is to be printed conspicuously on the contract in capital letters in heavy type of size not less than 18 point face and so as to be clearly seen the required words. Paragraphs (*a*), (*b*) and (*c*) of clause 3 of the Bill make the necessary amendments in this connection.

As regards the matter of a vendor having himself appointed as the purchaser's agent, clause 3 (*d*) will make it clear that the notification of confirmation of a contract must be signed personally by the purchaser. Clause 4 of the Bill will amend section 6 of the principal Act by prohibiting a vendor or his agent from soliciting a confirmation at any time whether before or during the period allowed for confirmation. It also prohibits a vendor, his agent or any employee, from obtaining or attempting to obtain any authority to act as a purchaser's agent to confirm a contract or to act in any way in relation to a contract. The amendments proposed should close at least two loopholes that have been brought to the notice of the Government.

Mr. CLARK secured the adjournment of the debate.

COMPANIES ACT AMENDMENT BILL.

Second reading.

The Hon. Sir BADEN PATTINSON (Minister of Education): I move:

That this Bill be now read a second time.

It has been prepared under the direction of the Standing Committee of Attorneys-General and it is intended that all its provisions will ultimately be enacted in all the States and Territories of the Commonwealth. Most of its provisions have already been enacted in Victoria, New South Wales and Queensland. The Bill is extremely important and complex and is designed primarily to afford increased protection to members of the public who lend money to or deposit money with companies in response to invitations issued by those companies to the public. The Bill can be said to be the direct result of the recent disastrous failures of certain corporations which had borrowed from the public large sums of money running into many millions of pounds. In considering and preparing this Bill the standing committee has had the assistance of the Australian Associated Stock Exchanges, the legal, accountancy and secretarial professions and representatives of various finance, insurance and trustee corporations and other organizations. Clause 3 of the Bill defines a "borrowing corporation" and a "guarantor corporation" and widens the meaning of a debenture so as to include any document acknowledging or evidencing the indebtedness of a corporation in respect of money deposited with or lent to the corporation in response to an invitation to the public.

Section 38 of the principal Act provides, *inter alia*, that where an invitation is made to the public to lend money to or deposit money with a corporation and the loan or deposit is not to be secured by a charge over all or any of the corporation's assets, the invitation must state that any document issued by the corporation acknowledging the loan or deposit will be an "unsecured note" or an "unsecured

deposit note''. This, however, still leaves it open to a corporation to use such terms as ''mortgage debentures'' and ''mortgage debenture stock'' where a loan or deposit is secured by a charge over insufficient assets to provide the necessary security for such a loan or deposit, thus misleading the public into believing that the investment is adequately secured. Clause 4 accordingly repeals and re-enacts section 38 so as to ensure that the terms ''mortgage debenture'' and ''certificate of mortgage debenture stock'' are not used unless the repayment of all moneys lent to or deposited with the corporation concerned is secured by a first mortgage over land vested in the corporation or in any of its guarantor corporations and the moneys secured by the mortgage do not exceed 60 per cent of the value of the corporation's interest in the land as shown in a recent valuation made by a qualified valuer and included in the prospectus. Under the same provisions, the terms ''debenture'' and ''certificate of debenture stock'' are not to be used unless the repayment of the borrowed moneys is secured by a charge over all or any of the tangible assets of the corporation and those assets are sufficient and reasonably likely to be sufficient to meet the liability for the repayment of all such moneys. The sufficiency of the tangible assets will be supported by a summary of the assets and liabilities of the corporation made by a registered company auditor for inclusion in the prospectus. In all other circumstances any document acknowledging a deposit or loan must be described as an ''unsecured note'' or an ''unsecured deposit note''. As in the case of the existing section 38, the provisions of the new section will have no application to certain prescribed corporations such as banks, authorized dealers in the short term money market, and certain pastoral companies and life insurance companies.

Clause 5 makes a consequential amendment to section 41 (2) of the principal Act. Clause 6 repeals section 74 of the principal Act which deals with the appointment, qualifications and duties of trustees for debenture holders and incidental matters and inserts in its stead a number of new sections numbered 74 to 74i. New section 74 prescribes the classes of person that may be appointed trustees for debenture holders. These classes are limited to registered liquidators, statutory trustee corporations, certain life insurance companies, banking corporations and any subsidiary of such a corporation (where the holding company is liable for all liabilities incurred by the subsidiary as trustee or where the holding company holds shares in the subsidiary in respect of which £250,000 is uncalled and incapable of being called up except only in the event and for the purposes of the subsidiary being wound up); and any corporation approved by the Minister for the purpose. New section 74a prohibits a trustee from ceasing to be the trustee until a qualified trustee has been appointed and taken office. This provision is designed to ensure that the interests of debenture holders are continuously protected. New section 74b substantially re-enacts provisions found in the principal Act regarding the covenants to be included in trust deeds or debentures. In addition to the covenants at present required to be so included in those documents, they must in future contain the limitation of the amount that the borrowing corporation may borrow. New section 74c re-enacts without amendment the present provisions authorizing the court to enforce the redemption of debentures that are irredeemable or redeemable only on the happening of a contingency. New section 74d imposes additional duties on trustees for debenture holders and requires them to take a more active role in the protection of the interests of debenture holders. Subsection (2) of that section also empowers a trustee to apply to the Minister for an order imposing certain restrictions on the borrowing corporation if the trustee is of the opinion that the assets of the corporation are insufficient or likely to become insufficient to discharge the principal debt when it becomes due. This approach to the Minister is offered to the trustee in case the trustee feels that the publicity associated with an application to the court may be detrimental to the interests of the debenture holders. The Minister may, and if the borrowing corporation so requires, shall, however, direct the trustee to make an application to the court, and the court is given very wide powers to protect the interests of the debenture holders.

Under new section 74e the trustee is given power to apply to the court for directions in relation to any matter arising in connection with the performance of his functions and to determine any question in relation to the interests of the debenture holders. New section 74f is designed to bring to light at the earliest possible time any decline in the affairs of a borrowing corporation, thus enabling the trustee to take remedial action in the interests of debenture holders. It provides, in effect, that where debentures have been issued to the public necessitating the appointment of a trustee for the debenture holders, the directors of the

borrowing corporation are required to prepare and lodge with the Registrar and the trustee quarterly reports, which must set out in detail any matters, which are or should be known to the directors, adversely affecting the security or interests of the debenture holders, whether any circumstances which are or should be known to the directors affecting the borrowing corporation, its subsidiaries or guarantor corporations have occurred which materially affect any security or charge created by the debentures or trust deed, and particulars of "on-lending" by the borrowing corporation to any corporation that is a member of the same group. Subsection (4) of the section provides that, if and when and so long as the trustee for any substantial reason so requires, a borrowing corporation and any of its guarantor corporations shall be obliged to prepare and lodge with the Registrar and the trustee half-yearly accounts, which must be in the same form as the annual accounts of the company. The subsection applies only to borrowing corporations that have issued debentures other than mortgage debentures or certificates of mortgage debenture stock and would therefore not apply if the repayment of the moneys is secured by a first mortgage over land and the moneys secured by the mortgage do not exceed 60 per cent of the value of the land. Certain pastoral companies may be exempted from the requirements of this section. The trustee may, however, exempt a corporation from having the accounts audited or may agree to a limited audit of the accounts, and unless the trustee otherwise requires the accounts may be based on stock values as adopted for the previous audited annual accounts of the corporation.

New section 74g obliges the directors of a guarantor corporation to furnish the borrowing corporation with such information as the borrowing corporation may require for the purpose of any report required to be given by the borrowing corporation. New section 74h provides that where any prospectus contains a statement as to any particular purpose for which moneys sought by a corporation are to be applied, the corporation shall from time to time make reports to the trustee for the debenture holders as to the progress made towards achieving such purpose, and in certain circumstances where the purpose has not been achieved within the time specified in the prospectus or, where no time is specified, within a reasonable time, the moneys received from the public are to become repayable. The effect of new section 74i is to render it unnecessary for certain prescribed corporations, such as banks, authorized dealers in the short term money market and certain pastoral companies that enjoy an exemption under the Banking Act, to have a trustee for debenture holders in respect of deposits of money with them.

Clause 7 is a consequential amendment of section 99 (1) of the principal Act rendering it necessary, in the case where a company issues debentures, for the appropriate certificates and debentures to be issued within two months of allotment. This is consistent with subsection (2) of the new section 38 enacted by clause 4. Clause 8 corrects a drafting error that appears in section 129 (5) (*a*) of the principal Act. Clause 9 inserts in the principal Act a new section 161a which provides that within 12 months after the Bill becomes law all companies in a group should have the same balancing date. This is generally regarded as a desirable provision but the existing income tax practice has hitherto deterred some companies from adopting the same balancing date throughout the group. However, the Commonwealth Treasurer has indicated that the Income Tax Commissioner will have regard to this provision with a view to facilitating its operation, and the section itself recognizes the existence of circumstances in which it may be difficult or impracticable for the financial year of a particular subsidiary to coincide with that of its holding company, and enables an application to be made to the Registrar for relief. The Registrar may make an order granting or refusing the application and any applicant aggrieved by the Registrar's order has a right of appeal to the Companies Auditors Board.

Clause 10 amends section 162 of the principal Act so as to extend the range of matters which must be dealt with in directors' reports by requiring the directors in certain circumstances to report on the methods of valuing the company's assets and contingent liabilities.

Clause 11 inserts in the principal Act a new section 167a which requires an auditor of a borrowing corporation to give to the trustee for debenture holders copies of all reports that he gives to the corporation and to bring to the trustee's attention any matters relevant to the exercise of the trustee's duties and powers which come to his notice. Clause 12 amends section 170 of the principal Act so as to ensure that an investigation of the affairs of a company by an inspector appointed by the Governor is not frustrated by an appointment of an inspector by the company itself.

Clause 13 inserts in section 171 of the principal Act a new subsection (3*a*) which gives an inspector, who requires the production of books and documents of a corporation whose affairs are being investigated, the power to hold such books and documents for such time as he considers necessary for the purposes of the investigation, but the corporation will have access to the books and documents at all reasonable times. This provision has been found to be necessary in connection with certain investigations that had been carried out in other States. Clause 14 amends section 172 of the principal Act so as to widen the Governor's powers of causing an investigation to be made into the affairs of a company. Under the new provisions the Governor can have regard to the public interest in causing the affairs of a company to be investigated.

Clause 15 is printed in erased type as a suggested money clause which amends section 173 of the principal Act. That section as it now stands provides that the expenses of and incidental to an investigation shall be defrayed out of moneys provided by Parliament, but the new provisions provide that such expenses shall be paid in the first instance out of moneys provided by Parliament and, where the Governor is of the opinion that the whole or any part of such expenses should be paid by the company whose affairs were investigated or by any person who requested the investigation, the Governor may direct that the expenses be so paid. Clause 16 clarifies the provisions of section 174 of the principal Act. Under section 174, when an inspector has been appointed to investigate the affairs of a company, no action or proceedings by or against the company can be commenced or proceeded with without the Minister's consent. The amendment provides that the consent may be given generally or in a particular case.

Clause 17 clarifies the provisions of section 177 of the principal Act by extending its application to foreign companies. Clause 18 repeals and re-enacts section 178 of the principal Act. Under that Act as now in force the Minister is given power to require information as to the ownership of shares in or debentures of a company whereas under the new provision the Minister is empowered to appoint an inspector to investigate and report on the ownership of shares in and debentures of a corporation. Clause 19 clarifies the provisions of section 179 of the principal Act. Clause 20 corrects a grammatical error in section 209 of the principal Act. Clause 21 makes a consequential amendment to section 222 of the principal Act which had been previously omitted.

Section 303 (3) of the principal Act makes it an offence for an officer of a company to be knowingly a party to the contracting of a debt provable in the winding up of the company if at the time the debt was contracted, he had no reasonable or probable ground of expectation of the company being able to pay the debt. This was directed at persons who form small companies which fail owing large sums of money to creditors. Clause 22 provides that where an officer has been convicted of this offence, the court may declare him to be personally responsible without limitation of liability for the payment of the whole or any part of the debt. Clause 23 is a consequential amendment of section 374 of the principal Act.

Clause 24 is printed in erased type as a suggested money clause which amends the Second Schedule of the principal Act so as to amend the fees payable under the Act in accordance with the recommendation of the Registrars. It will be noted that some of the fees especially in relation to photographic copies and searches have been reduced in effect. Clause 25 amends the Fifth Schedule of the principal Act partly by way of clarification and partly by way of provisions complementary to the new section 38 enacted by clause 4. Clause 26 amends the Ninth Schedule of the principal Act so as to require the balance sheet of every borrowing corporation or guarantor corporation to show its short term, medium term and long term liabilities.

Mr. FRANK WALSH secured the adjournment of the debate.

BUILDING ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its purpose is to make several amendments of an administrative nature to revise and strengthen the provisions of the principal Act. The amendments have been recommended by the Building Act Advisory Committee. Section 3 of the principal Act provides that the Governor may apply the principal Act, or certain specified provisions thereof, to the area of a district council, but there is no power to restrict the application of the Act to particular kinds of buildings or to exclude particular kinds of buildings from the control of the

council. In country areas into which urban development is spreading there is often a need to apply the principal Act to regulate development, but there is probably no need for control of farm buildings such as hay sheds, implement sheds and the like. Clause 3 therefore amends section 3 to provide that, when the Governor makes a proclamation applying the principal Act to any local government area or part thereof, the proclamation or any subsequent proclamation may provide that the principal Act is to apply only to such kinds of buildings as are specified therein or is not to apply to such kinds of buildings as are so specified.

Clause 4 inserts new sections 9b and 9c in the principal Act. New section 9b provides for the issue of a "stop work" notice if a building is being unlawfully erected, that is without the council's approval or otherwise than in accordance with plans, drawings or specifications so approved (subsection (1)). Subsection (2) provides for a penalty of £50 per day for non-compliance with the notice. The new section corresponds with section 8 of the Buildings Operations Act. New section 9c provides that, if a building is being unlawfully erected in the manner which I have mentioned, the council may require the submission of a complete set of plans and working drawings. Subsection (2) provides for a penalty of £50 per day if the plans and drawings are not submitted within seven days. Subsection (3) is a procedural provision.

Clause 5 amends section 12 of the principal Act, dealing with the unlawful construction of stables, by adding four new subsections thereto. Under new subsection (2) a surveyor may by notice require an owner of a stable to demolish it if the stable is less than 25ft. from a dwellinghouse or is not constructed of brick, or other like material. New subsection (3) provides for a penalty of £50 for non-compliance with the notice. New subsection (4) incorporates certain provisions of section 85 so as to enable the council in appropriate circumstances to undertake the demolition and recover the cost thereof from the owner. The Municipal Association has been advised that existing section 12 applies only to buildings that are stables properly so-called, that is, buildings with appropriate fittings for horses or cattle. It is clearly desirable that the scope of the section should extend to buildings that are intended to be used as stables and new subsection (5) makes appropriate provision. Clause 6 (*a*) amends section 19 dealing with the use of buildings and their conversion to dwellinghouses. The amendment makes the owner (as well as the occupier) responsible if an outbuilding is used illegally as a dwelling. Clause 6 (*b*) inserts new subsections (1a) and (1b) in section 19. New subsection (1a) empowers the council to impose conditions on the grant of an approval under the section and under new subsection (1b) any breach of any such condition will be an offence.

Clause 7 amends section 56 of the principal Act dealing with a council's power in respect of ruinous or neglected structures. The section, though not entirely clear, enables the council to require the owner to carry out certain specified repairs or to take down the structure. It is considered that this requirement is too stringent and that the choice of taking down the structure (usually the more economical alternative) should rest with the owner. The amendments made by this clause, though somewhat lengthy, merely give an owner of a ruinous or neglected structure the option of taking it down when he receives notice of the repairs considered necessary by the surveyor. The amendments contained in this clause are designed to clarify and strengthen the provisions of section 56. Clause 8 amends section 82 which confers power on councils to make by-laws. The clause inserts a new paragraph in subsection (1) of that section to extend the zoning power of councils (which under the principal Act is confined to the construction of buildings) to the use of buildings. The new paragraph provides for by-laws prohibiting the use of buildings within defined localities except for specified purposes or prohibiting their use for any specified purpose. Such by-laws, however, may not prevent the use of a building for the purpose for which it was used at the time the by-law comes into operation.

Clause 9 of the Bill inserts a new paragraph into section 83 (1) of the principal Act so as to enable regulations to be made requiring the provision of off-street parking facilities in respect of new buildings. It is now provided by regulations made under the principal Act that, when flats are built, suitable parking space must be provided on the sites. This is the only existing provision of its kind and there is no obligation on a person building a commercial building such as an office, hotel, factory or the like, to make any provision for off-street parking. Parking areas are frequently provided for with factories and in the case of some hotels and shops, but for other business premises it is, in general, the exception to find that any such provision is made. The Building Act Advisory Committee is of the opinion that, sooner or later, the

parking problem will be such that provision should be made requiring owners of such buildings to make some provision for parking on their land. In building codes in various parts of the world provision of this kind is now common. The amendment will enable regulations governing the subject to be made.

Mr. FRANK WALSH secured the adjournment of the debate.

MENTAL HEALTH ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its principal purpose is to amend the Mental Health Act so as to make a clear distinction between patients who are mentally ill and those who are intellectually retarded. The Director of Mental Health has recommended that this distinction be made so as to bring our legislation into line with the modern concept of mental health. The distinction will also enable the mental health authorities to receive Commonwealth pensions and child endowments for intellectually retarded children. Another purpose is to provide a simple procedure for the admittance of intellectually retarded patients to the appropriate institutions. Clause 3 amends the long title to the principal Act by removing the reference to mentally defective persons and referring instead to persons who are mentally ill or intellectually retarded. Clause 4 amends section 4 of the principal Act so as to define clearly the two categories of mentally defective persons and to delete the references to "idiots" and "imbeciles", these terms now being considered unnecessary and out of keeping with the modern approach to the treatment of mentally defective persons. The clause also inserts a definition of "training centre" in section 4, a training centre being a place declared by proclamation to be a training centre for the intellectually retarded, and makes consequential alterations to other definitions.

Clauses 5, 6, 7, 9, 10, 11, 12 and 13 make consequential amendments extending the application of the principal Act to training centres. Clause 8 inserts new section 37b in the principal Act dealing with the admission of intellectually retarded persons into training centres. The new section prescribes formal requirements for admission, but patients may always be admitted informally pursuant to section 137 of the principal Act, which is the normal case. Under the new section, any of the next of kin may apply for the admission of a person certified by a doctor to be intellectually retarded and to require specialized training at a training centre (subsection (1)). After admittance, the superintendent or some other doctor must examine the patient (subsection (2)) and, if of opinion that he would not benefit from training at the centre, must discharge the patient (subsection (3)). A further examination must be held within 21 days and, if so indicated, the patient must be discharged (subsection (4)).

Clause 14 (*a*) amends section 98 of the principal Act dealing with the powers of the Public Trustee to manage the estates of patients. The institutions referred to in paragraph (*c*) thereof have been renamed and the clause makes the appropriate changes to the wording of that paragraph. Clause 14 (*b*) makes a further amendment of section 98 consequential on new section 37b. Clause 15 makes an amendment to section 164 of the principal Act dealing with references in other Acts to mentally defective persons, consequential upon the distinction now being made between persons who are mentally ill and intellectually retarded persons.

Mr. JENNINGS secured the adjournment of the debate.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its purpose is to give effect to a recommendation of the Australian Veterinary Association that a veterinary surgeon should have power to destroy animals that, in his opinion, are so disabled or diseased that they ought to be killed. Often it happens that seriously injured animals which quite clearly should be destroyed are brought to a veterinary surgeon. There is no power in the principal Act, however, enabling the veterinary surgeon to destroy the animals. The amendment to section 21 of the principal Act by clause 3 will confer the necessary power on veterinary surgeons, and will be the same as that exercised by police constables under that section. The amendment will also confer on veterinary surgeons the same protection from claims for compensation as police constables have under that section.

Mr. JENNINGS secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

His Excellency the Governor, 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.

Second reading.

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

That this Bill be now read a second time.

It makes a number of unconnected amendments, in the main administrative, to the principal Act. Accordingly I shall deal with the clauses in numerical order. Clause 3 amends section 42 of the principal Act which empowers the Minister to appoint a special magistrate to investigate any matter connected with a petition or counter-petition relating to the constitution and alteration of areas. While the special magistrate has full powers to summon and examine witnesses, he has no power to award any costs in respect of the inquiry. In a recent case where a magistrate conducted an inquiry under section 42 the magistrate reported that the evidence presented by the petitioner was unsatisfactory. The council concerned was involved in considerable expense in defending its case, but was unable to recover any of its costs. Quite apart from this particular case it is clear that there is no bar to the presentation of frivolous or vexatious petitions or counter-petitions and it is considered that a magistrate should be empowered to award costs at his discretion. The new subsection (2*a*) to be inserted in section 42 will leave the matter to the discretion of the magistrate. I point out that it does not require a magistrate to award costs nor does it give the petitioner or counter-petitioner any right to costs. It provides only that a magistrate may, if it appears to him to be just to do so, order the payment of an amount of costs to be fixed by him, by either party. The last sentence of the new subsection is necessary as it would be useless to empower the magistrate to order costs unless some means of recovery is provided. Accordingly it is provided that any costs awarded can be recovered as a debt.

Clause 4 amends section 100 of the principal Act which governs the exercise of voting rights by companies. Under section 100 a company has until March 31 of each year to submit nominations of persons for enrolment on the voters' roll to exercise voting rights on the company's behalf. So far as original voters—that is, natural persons—are concerned, the roll can be amended up to 10 days before polling day. The Local Government Association has expressed the view (with which the Government agrees) that it is anomalous that nominations by a company should be required as early as March, and the Local Government Advisory Committee has recommended an amendment to provide that nominations may be submitted to May 31. Clause 4 so provides. Clause 5 makes a similar amendment to section 115 dealing with the rights of joint owners. In particular, paragraph I of the subsection empowers joint owners to nominate persons to vote on their behalf by March 31. Clause 5 amends this date to May 31. It will be convenient to refer at this stage to clause 26 of the Bill which makes the same amendment in relation to voting by joint owners at polls. Clause 6 of the Bill makes a drafting amendment to section 267b which was inserted in the principal Act last year providing for the remission of rates and interest on rates. Amounts added to rates for late payment are known as "fines" and not as "interest"—see section 259. The amendment is purely of a drafting character.

Clause 7 of the Bill amends paragraph (j4) of subsection (1) of section 287 of the principal Act which enables a council to subscribe up to £250 in any one year for the purpose of any organization having as an object the furtherance of local government or the development of any part of the State in which the area of the council is situated. It is proposed to vary this provision by taking out the word "an" before "object" and inserting "its principal" and by removing the alternatives of furtherance of local government and development of part of the State. Paragraph (j4) will then read "for the purpose of any organization having as its principal object the furtherance of local government in the State, and development of any part of the State in which the area of the council is situated." The reason for these amendments is that some councils have recently been invited to join and contribute to an interstate organization. The Government considers that ratepayers' money and, in the last resort, taxpayers' money, ought not to be expended on such an object. The object of the amendment is to deter such expenditure by councils on organizations having little or no connection with this State.

Clauses 8 and 9 amend sections 288 and 289 of the principal Act by enabling municipal and district councils to pay to councillors costs of necessary meals when a meeting has been adjourned before and resumed after the normal meal hour. Councils have been advised that

present sections do not cover such a payment and the Local Government Advisory Committee considers that the reimbursement is reasonable, particularly having regard to the fact that local government service is voluntary. Clause 10 of the Bill is printed in erased type as a suggested money clause, amending section 300a of the principal Act, subsection (1) of which empowers a grant out of the Highways Fund to the City of Adelaide of up to £15,000 in any one year. It is proposed to increase this amount to £20,000. The Lord Mayor approached the Government on the question of grants for roads following last year's Lord Mayors' Conference. The difficulties of the City of Adelaide are not nearly as large as those in the other capital cities because of the financial help given by the State Government, but the present grant, which has been made since 1949 for roads passing through parklands, has proved insufficient. The Government has considered the figures submitted by the Lord Mayor and has decided that the maximum amount of the grant should be raised to £20,000. The suggested amendment in clause 10 so provides.

Clause 11 of the Bill is designed to resolve certain doubts which have been raised regarding the operation of Part XIX dealing with works and undertakings carried out by councils jointly. That part is limited to "permanent works or undertakings". Two groups of councils have submitted to the Minister joint schemes to set up committees to administer the Weeds Act. The joint schemes are undoubtedly of benefit to the areas and, acting on legal advice, the Minister approved both schemes, but some doubts have been raised as to whether such schemes are included in the expression "works and undertakings". The amendment will make it clear that any function or duty of a council under any Act is to be regarded as a permanent work or undertaking. Another amendment to Part XIX is the insertion, by clause 12 of the Bill, of a new section 399a to limit the personal liability of members of a controlling authority in the same way as is provided for other statutory bodies. In the Local Government Act itself section 666c (which relates to the establishment of a controlling body to manage reserves, halls, etc.) provides protection for the members for *bona fide* acts by subsection (9). It is considered that similar provision should be made for members of controlling authorities under Part XIX.

The next series of amendments concerns Part XXI of the Act relating to borrowing powers. Last year section 423, permitting the borrowing on the security of a special rate, was repealed, section 424 being consequentially amended to raise the total amount which could be borrowed on the security of the general rates. The effect of the amendment was practically to double the amounts of borrowings which could be made on the security of the general rates. The provisions restricting the maximum amounts of repayment in section 424 (1) IV and V were not amended, as it was not expected that any council would be affected. However, at least one council which had already made arrangements for a loan now finds itself in the position where its repayments exceed the permissible limit. The amendments in clause 13 (*a*) and (*b*) will approximately double the limit of repayment to correspond with the increase in amounts which can be borrowed. The object of the last amendment made to section 424, by subclause (c) of clause 13, is to enable a council to appropriate both general and special rates for the repayment of a loan, although the money is borrowed on security of the general rate. Section 424 as amended last year now provides for a council to borrow money for permanent works and undertakings or for any object or purpose for which any special or separate rate has been declared. Although all borrowings are now on the security of the general rates, the council may still levy a special rate for a specific purpose.

Clause 14 of the Bill merely removes the reference to section 423 in section 425, a necessary consequential amendment in view of the repeal of section 423 last year. Clauses 15, 18 and 19 will re-insert the word "general" before the word "rates" in sections 426, 434 and 435 respectively. These are amendments of a drafting order. Although the word "general" was removed from these sections last year, it is considered desirable for the sake of consistency that it should be reinserted. Clause 16 repeals sections 432 and 433 which apply to loans raised on the security of a general or special rate. As I have said, since last year's amendments councils can now borrow money only on the security of the general rates. It is therefore proposed to repeal sections 432 and 433 and insert new section 433a which is designed to meet the case of loans already raised on the security of special rates before last year's amendment. It provides that as from the commencement of last year's amending Act any moneys borrowed on the security of a special rate are to be deemed for all purposes to be secured

on the general rates. The new section is inserted by clause 17. I have already dealt with clauses 18 and 19.

Clauses 20, 21 and 22 are of a similar order to clauses 16 and 17. Clauses 20 and 22 repeal sections 441 and 448 of the principal Act which deal with loans raised on the security of special or separate rates and they are accordingly repealed, while a necessary consequential amendment to section 442 is made by clause 21 to remove the references to special or separate rates and to provide that loans raised before last year's amendments are to be deemed to be secured on the general rates. Clause 23 amends section 449c of the principal Act inserted by last year's amending Act. The object of that new section was to enable councils to buy houses by instalments for occupation by their employees. Some councils, however, have raised the question as to the position where they borrow money from lending institutions repayable by instalments for this purpose. Clearly a loan repayable by instalments is not the same as the purchase of a house with finance from a lending institution, although the purpose being achieved is the same. Accordingly a new subsection is added to section 449c to make it clear that councils may borrow money for the purpose of purchasing or constructing houses for their employees without regard to the restrictions in Part XXI. Clause 24 makes a grammatical and technical drafting amendment to sections 526 and 527 of the principal Act.

Clause 25 inserts a new subdivision in paragraph 47 of section 667 of the principal Act which deals with the by-law-making powers of councils. The new subdivision will empower councils to make regulations for requiring drivers of vehicles carrying logs or sawn timber to secure the loads to their vehicles in a manner and with materials to be prescribed. This is a necessary power as certain councils have experienced considerable trouble and been put to great expense by reason of heavy logs and large pieces of timber falling off vehicles through insecure loading. I have already dealt with clause 26 in connection with clause 5. Clause 27 makes an amendment to section 832a inserted in the principal Act last year governing a request for polls by stating clearly the form of the required declaration. A new schedule setting out the necessary form is inserted in the principal Act by clause 30.

I come now to clause 28. Division IV of Part XLV of the principal Act confers certain powers on the City of Adelaide in connection with streets and roads. Section 871j enables the council to borrow money for the purposes of the Division, subsection (2) limiting the amount of the borrowings to two-thirds of the assessed value in the city. In 1954 the provisions of Division IV were applied to the City of Mount Gambier under section 871t, but section 871j (2) was not amended, possibly leaving the City of Mount Gambier with practically unlimited borrowing powers. The proposed amendment will retain the limit for the City of Adelaide, but will restrict the City of Mount Gambier to a total not exceeding one-sixth of the assessed value in the area. This amount is proportionately equivalent to that allowed to the City of Adelaide.

Clause 29 deals with a technical matter which has been raised by a trustee of the Henley and Grange 1928 and 1929 Regatta Committee. Section 886b of the principal Act, in permitting the trustees of the fund to pay the moneys held on behalf of the committee to the Henley and Grange Corporation for the purposes of the community hospital, refers to the fund as "The Henley and Grange 1928 and 1929 Regatta Committee Trust Fund". In fact, the actual account is in the name of "Henley and Grange 1928 and 1929 Regatta Committee", the words "Trust Fund" being omitted. One trustee takes the view that he cannot lawfully pay the moneys over because of this discrepancy. It is accordingly proposed to refer to the amount specifically, and at the trustee's request a further subsection is being inserted freeing the trustees from the trust and all obligations once the money is paid over. I have already dealt with clause 30 in connection with clause 27. As members know, this Bill has come from another place, where considerable attention was given to it in Committee. I know that several matters which may have been contentious have been dealt with in the other place and most of them have been resolved, some by being deleted and some by being amended. I therefore commend the Bill to members with the feeling, Mr. Speaker, that perhaps because of the work done on it in the other place most of the problems have been resolved. I do not desire in any way to restrict consideration of or debate on the matter, but I think that if members refer to the discussions in the other place they will see that the Bill as now introduced here in its revised form is a much simpler and less contentious one than perhaps it was when originally introduced.

Mr. FRANK WALSH secured the adjournment of the debate.

SECOND-HAND DEALERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 911.)

Mr. JENNINGS (Enfield): I support the Bill.

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

MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 912.)

Mr. McKEE (Port Pirie): I support the Bill. In doing so I wish to say that, having been associated with the mining operations in three States of the Commonwealth, I believe that one should give credit where credit is due and it is my opinion, and the opinion of many others who have been associated with mining, that the South Australian Mines Department's officers, working on safety measures and mining generally, are most efficient and conscientious in their work. However, members will appreciate that mining is a rather dangerous occupation and it is therefore necessary that every precaution be taken to ensure the maximum safety.

The Bill is designed to bring under the control of the Mines Department construction operations that involve many hazards. Included in these operations are the digging of tunnels and extra excavations in connection with water supply and highway projects. These are carried out by private contractors. I am sure members agree that responsible contractors and experienced men in this type of work would insist that safety precautions be observed at all times. On the other hand, inexperienced people have to be protected as well as those who take risks to make quick money. Unfortunately some people have little regard for the safety of their employees and this Bill is designed to give the utmost protection to those engaged in mining and similar projects throughout the State. This includes the general public, where necessary.

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

TRAVELLING STOCK RESERVE: HUNDREDS OF FISHER AND RIDLEY.

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 913.)

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

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

STATUTES AMENDMENT (LOCAL COURTS AND WORKMEN'S LIENS) BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 913.)

Mr. DUNSTAN (Norwood): The only matter on which I shall have something to say is the annual rental, which is being altered in the section in the Local Courts Act providing for the recovery of premises. My attention has been drawn by the Deputy Leader of the Opposition to the fact that previously the amount of £312 a year provided for was apparently considered by most people to be a rental of £6 a week, and, if the rental was up to £6 a week, they could issue proceedings for recovery of rental, but that has been held not to be so.

If one calculates the number of days in a year one gets an amount of slightly less than £6 a week to give a total of £312 a year. Therefore, if premises were let at £6 a week they were not within the jurisdiction. I take it that the proposal in amending the figure to £530 a year is again made to provide for a £10 a week rental. However, unfortunately it does not: it is slightly under the amount that would provide for a £10 a week rental. Therefore, if the Government's aim is to bring premises let at £10 a week within the jurisdiction of the local court for recovery purposes that is not achieved by this amendment. Would the Government consider this, and examine it, in conjunction with local court officers?

The Hon. Sir BADEN PATTINSON (Minister of Education): If the member for Norwood and other members wish me to look into this matter with the Attorney-General, the second reading could be passed and I shall ask that progress be reported.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Progress reported; Committee to sit again.

ROAD TRAFFIC ACT AMENDMENT BILL (TYRES).

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 15 (clause 3)—After "vehicle" insert the following words:—

"(other than a tractor), or a trailer, the unladen weight of which motor vehicle or trailer is less than three tons,"

No. 2. Page 1, line 15 (clause 3)—After "tyre" leave out "of 4-ply rating".

Mr. HALL: These amendments make the operation of the prohibition more severe. I believe that fitting regrooved tyres is dangerous and, as the Leader of the Opposition favoured more control over the fitting of them, I find nothing wrong with the amendments and suggest that they be accepted.

Amendments agreed to.

ADJOURNMENT.

At 4.27 p.m. the House adjourned until Tuesday, October 13, at 2 p.m.