LEGISLATIVE COUNCIL.

Wednesday, November 14, 1951.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

MILK DELIVERY ZONING.

The Hon. F. J. CONDON—Has the Attorney-General a reply to the question I raised regarding the zoning of milk deliveries?

The Hon. R. J. RUDALL—The Chairman of the Metropolitan Milk Board reports that the system of milk zoning has no legal backing and is being carried on by an arrangement between the wholesalers and the retailers. All legislation dealing with zoning of delivery ceased when the national security regulations were withdrawn.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION.

The PRESIDENT laid on the table the report of the Standing Orders Committee relating to the proposed amendment of Joint Standing Orders Nos. 20 and 23. The report was as follows:—

The Standing Orders Committee of the Legislative Council has conferred with the Standing Orders Committee of the House of Assembly concerning section 3 of the Constitution Act Amendment Act, 1950, relating to the Committee on Subordinate Legislation. The Committee recommends the repeal of Joint Standing Order No. 23 and the substitution of new provisions and a consequential amendment of Joint Standing Order No. 20, as shown on the accompanying schedule.

COURSING RESTRICTION ACT AMENDMENT BILL.

Second reading.

The Hon. C. R. CUDMORE (Central No. 2)—In moving the second reading of this Bill I desire first to explain my own position and how it is that I come to be doing so. This Bill, which was introduced in another place by a private member, was carried by a very small majority, and on the third reading, owing to what I can only describe as a very excellent speech in reply by the sponsor, it was again carried by a very slightly larger majority on a division. Following on that the usual message came from another place requesting the concurrence of this Council to the Bill. I am one of those who, long before I was a member of this Chamber, and consistently since, have advocated the bi-cameral system of Government; that is to say, that it is desirable to have legislation not only passed by one House, but reviewed by another, so that it can be before the public more than once and considered by different sets of people. I am still very much of that opinion, and I think that we have in this State the best Parliament in Australia because this Legislative Council does its work well. Therefore, I felt it would be wrong if a Bill which comes to us with the usual message, "That the House of Assembly has passed the Bill transmitted herewith and requests the concurrence of the Legislative Council" were not considered by this Council, and it was for that reason, and having failed to find anyone who was sponsoring the Bill, that I undertook the task. I think we would be doing less than courtesy demanded to another place and less than our duty to the people of the State if we did not honestly discuss the Bill and express our opinion on a measure which, as I have said, has been passed by a very small majority in another House. I wish to make it clear, however, that I was not requested by anyone to do so. It was for the reasons stated that I moved that the Bill be read a first time. Following that, it behoves me to move the second reading.

I have studied the Bill and tried to assess the arguments for and against it. I am usually pretty clear on which side I stand, but on this occasion I find myself in the unusual position of being able to make a really good speech either for or against this Bill. In order to find out what we are doing, I perused the Act which this Bill amends, namely, the Coursing Restriction Act of 1927, to see why it was carried in this place and why "the so-called sport of dog racing," as the Chief Secretary of the day referred to it, was not allowed to come into vogue in a big way in this State as it had in other places. Members who care to read the debate will find it most interesting because the main argument of the chief opponent to the Bill was that he detested football and if he could not stop football why should somebody else not stop dog-racing? My immediate predecessor here made a most interesting speech, but he did not mention dogs; the chief point in his dissertation was "Why had Scotch thistles been imported from Ireland?" Those who debated the question in 1927 did not have as much opportunity as we have of seeing the effects of dog-racing. Everybody knows the extent to which it has spread, particularly in England, and in most of the Australian States. At any rate, the Bill was carried prohibiting mechanical hare racing

in this State by 13 votes to 5, a much more definite majority than the one by which it was decided, in the Assembly, to relax it. Therefore it is the more our duty to carefully examine the position and see whether we agree to the measure.

I turn now to the Bill itself. Those on the "Yes" side, who want to have dogs racing after a mechanical hare, will find that the Bill is well drawn and has several safeguards. There has been, undoubtedly, a small amount of dog racing by one club—the Adelaide Greyhound Racing Club—for about 10 years. It has been carried on by operating a "dead" hare by hand and it was therefore claimed for a considerable time that it was not mechanical. I understand the contention was challenged and that there has been trouble over it, therefore sponsors of that club and sport have asked that we should make this relaxation and allow people to have a real tin hare worked by mechanical means. At the meetings they held there has been no trouble, no arguments about betting and very few people have attended.

To continue the arguments in favour of this sport, it has been described as the "poor man's" sport. It is claimed that as a rich man owns horses, has them trained, and gets his amusement thereby, the poor man should be able to breed dogs, race them and get his amusement out of them and, therefore, the Bill should be favourably considered.

As I said, there are safeguards in the Bill. The limitations are that the sport will be controlled by the National Coursing Association which, I assume, just as in the racing world, is an organization of voluntary co-operating bodies of different coursing clubs who come together and say that the National Coursing Association shall take charge of their affairs. The Bill limits dog racing to Friday nights and one club in the city and to 10 clubs in the country which can race on a Saturday afternoon or Saturday night, but not both on the same day. A point that was raised in the House of Assembly is that the sport can be conducted without any cruelty. It is not necessary to have a kill at the end of a run. It is done in many places, but it is unnecessary and therefore I clear my mind of the fact that if this Bill is passed there will necessarily be cruelty. There might be certain cruelty to the dogs themselves, as there probably is in training any animals. I am not concerned with that, but so far as other charges of cruelty are concerned I believe that this sport can be conducted without any cruelty.

It was suggested in the House of Assembly that there had never been an attempt to abolish plumpton coursing, but that is not quite correct because three years ago I gave notice of an amendment at the instigation of the Royal Society for the Prevention of Cruelty to Animals to prohibit plumpton coursing. We were unable to arrive at any sort of definition of "enclosed space" or how it would be worked and the matter was not proceeded with or accepted by Parliament.

Another safeguard in the Bill is the actual and definite prohibition of betting. It is unusual, but it is provided by the Bill that no licence shall be granted authorizing the use of a totalizator at any meeting where dogs race after a mechanical quarry and a bookmaker's licence granted under the Lottery and Gaming Act shall not authorize a bookmaker to bet on the ground where any meeting for the racing of dogs after a mechanical quarry is being held, or on any such race. There is to be, under the Bill, no legal betting. Those are the provisions of the Bill which, on its face, appears to contain all necessary safeguards and is therefore unobjectionable. Doubtless those members who favour the Bill will elaborate on its merits and the desirability of this Chamber accepting and passing it.

May I interpose at this stage the fact that in considering this matter I have nothing to say against greyhounds and the country people who run them in the open areas or against open coursing in any way whatsoever. It was said by somebody else that the hare is provided with natural abilities, such as speed, power, and dodging abilities, to get away from greyhounds. It is quite a fair competition in the open and hares can increase in number and become a nuisance. Having got that far and been persuaded that there was considerable argument in favour of the Bill I, as it were, turned over the page and looked at the other side to see what were the arguments against it, and the first and outstanding one was the question of betting. On more than one occasion efforts have been made in Parliament to permit tin hare racing with betting, but they have been defeated. There is no doubt that the people who will be connected with the racing of dogs will want betting. I have always been in favour of legal rather than illegal betting. Nothing will convince me that if tin hare racing grows as it

has everywhere it has been permitted there will not be betting, or that the ordinary Australian won't want betting. I have met him in and out of uniform and nothing will stop him from betting.

Although the sponsors of this Bill are honest when they say they don't want betting, if tin hare racing grows, as it will if we allow it to be run in the way it has been in other States and in the United Kingdom, we will have betting. When it comes to saying "There can't be this and there can't be that" I draw members' attention to the absolutely ludicrous position we are in today about off-course betting on horses. There is no such thing as off-course betting in South Australia: it is prohibited by law. You cannot have a bet until you go to the racecourse, but every Saturday morning in the press you see that "Horses are fancied in a certain order." How do they get that? It is the Friday night betting, of course, and it must go on and nothing can stop it. It is ludicrous to say it can be stopped. Members know how often I have advocated the English system of off-course betting so that police will have less to do in chasing illegal bettors, but if this Bill is passed they will have considerably more to do. I freely admit that it may be said that I bet. I have my modest bet on horses and do not object to anybody doing so, but all the evidence is that where there is tin hare racing in a big way many people bet who cannot afford it and get themselves and their families into trouble. I cannot persuade myself that it is in the public interest to start another sport which I am convinced will be largely a matter of betting. If we carry this it will mean that there will be dog racing on Friday nights, horse racing on Saturday afternoons, and trotting on Saturday nights, and a roundabout of sport.

The second point against the Bill is the question of manpower. The sponsor in another place said "If this Bill is passed clubs will be formed wherever enough greyhounds are bred for racing." If this sport grows as trotting grew when we legalized it, it will affect manpower. When I tried to steady up week day trotting and the delightful procession which leaves the corner of this House every Tuesday morning to go to the trots and on Wednesday to the races, trotting was referred to as one of our big industries. Are we to support another big industry on the same lines? It has been suggested that the breeding of dogs brings money into the State, but can we permit it at a time when we cannot get men to work on urgently required public works? We want a hospital in the western district, the Mannum pipeline and many other things, but we cannot get them because we cannot get people to do the work. In face of that can we afford to have large numbers of people walking about exercising, training, and looking after dogs as will be inevitable if tin hare racing starts, because in other countries it has spread rather like a bush fire?

The next point is the peace and comfort of the public. Everywhere that dog racing has been instituted there exists evidence that it has become a nuisance to certain people—not the owners and breeders of dogs who are enjoying themselves. I propose to refer to the remarks of Mr. Charles Trickett, the Chief Inspector of the municipality of North Sydney, where they have had some experience of this matter. His remarks not only have a good deal of merit, but some humour. His report in connection with a motion "That greyhound dogs be not permitted to exercise or train on any portion of the parks in the municipality" reads:—

Might I suggest for Council's consideration that, whilst discussing the abovementioned minute, it might with very great advantage to the health, comfort and convenience of the majority of the ratepayers and residents of this municipality, seriously consider banning the greyhound within this area by declaring it a noxious animal under the Local Government Act, 1919, section 470, as it seems to be the only effective and adequate way of dealing with them under the law. My reason for making this recommendation is that greyhounds have been for some time and are still, becoming a greater source of nuisance and a danger to the health of the ratepayers and residents of this municipality, by the manner in which numbers are kept in small, unsuitable yards, and often in a room of the house in which their owner lives. Some of these places are polluted to such an extent that they smell more like ill-kept dog kennels than places where human beings reside. The howling and yelping of these dogs, particularly when in season, where stud dogs are kept, is most disconcerting to the surrounding residents. And again, it is astounding how indifferent the owners of these animals are to the disgusting manner in which they allow their dogs to pollute the footpaths, and particularly those which are partly grassed and kept in order by owners and occupiers of properties abutting same, who take a pride in keeping them nice.

I do not need to labour that I have seen nothing of the sort on our parklands, but I have seen greyhounds in action on the beaches at Glenelg and Victor Harbour when there have been children about, and they are unpleasant and objec-

tionable animals to have racing about. I may be pessimistic, but I foresee that if we start dog racing in a big way we will have numbers of people walking about the parklands and letting dogs off the leash, and becoming a nuisance. Lastly, who wants this legislation? Since I moved the first reading I have not had a single comment one way or the other until a person rang me this morning asking when the Bill was coming on; no-one is interested in it, and I cannot see any public demand for it. Obviously, the Adelaide Greyhound Racing Club is asking for it and it is to have, as I see it, a monopoly, for it is to be the one club allowed to race in the metropolitan area. I am not sure that that is right, for we all know that dog racing clubs make large profits in other parts of the British Empire, and in some places they have been prohibited because of that and other things.

I have tried to put before members both sides of the question. I ask members to bear in mind that it is late in the session, and therefore if they have anything to say upon it to come prepared to deal with it on Wednesday next, because otherwise it may be squeezed out. I move the second reading.

The Hon. A. L. McEWIN secured the adjournment of the debate.

OFFENDERS PROBATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 7. Page 1121.)

The Hon. C. D. ROWE (Midland)—The Offenders Probation Act, which this Bill seeks to amend, is an Act which, according to its headline, is to permit the release on probation of offenders in certain cases, and for other matters incidental thereto. The operative provision of the Act is section 4 which says:—

(1) Where any person is charged before a court of summary jurisdiction with an offence punishable by such court, and the court thinks that the charge is proved, but is of opinion that, having regard to—

(*a*) the character, antecedents, age, health, or mental condition of the person charged; or

(*b*) the trivial nature of the offence; or

(*c*) the extenuating circumstances under which the offence was committed;

it is inexpedient to inflict any punishment, or any other than a nominal punishment, or it is expedient to release the person charged on probation, the court may, without proceeding to a conviction, either—

i. make an order dismissing the information or complaint or charge; or

ii. make an order discharging the person charged conditionally on his entering into a recognizance, with or without sureties—

(i.) to be of good behaviour; and

(ii.) to appear before a court of summary jurisdiction for conviction and sentence when called upon at any time during such period, not exceeding three years, as is specified in the order.

The Bill apparently arose out of a matter which cropped up where a person who had been charged with an offence was placed under bond and subsequently did something which contravened the provisions of the bond, but that contravention was not brought to the notice of the surety until some time later when the probationer was brought before the court on a further charge of breach of his bond. As a result it became clear that there is no obligation upon a police officer or others to bring to the notice of a surety any breach of a bond, and the object of this amending Bill to provide that if a member of the police force has observed or has received a report that any probationer has broken or failed to observe any condition of his recognizance he shall be sure that the facts are reported to the probation officer or other person under whose supervision the probationer has been placed. I am not keen on this type of legislation. If anyone agrees to act as a surety for a person who has committed an offence the onus should be on him to keep in touch with the person whose character he has virtually vouched for, and it should be his business to follow up that person to see that he is going along in a proper way.

The Hon. F. T. Perry—Are the sureties specified in length of time?

The Hon. C. D. ROWE—Normally the court order specifies a time during which the probationer must observe certain conditions. There is a saving provision that a report made under this amending Bill shall in no way affect any liability of any person under any recognizance, so it will not alter the responsibility of sureties, but I rather think it is in a sense placing the cart before the horse. Although I cannot see any valid objection to the amendment I cannot see that it will do much good. I am not in favour of putting any more statute law on the books than is absolutely necessary. In the circumstances, on occasion some good may be done, and notice will be brought to the surety to give him an opportunity to speak to the person concerned, and for that reason I do not object to the Bill.

The Hon. C. R. CUDMORE (Central No. 2)—I do not like to let this Bill go through without expressing my concurrence with Mr. Rowe's views because this is simply an instance of hard cases making bad laws. We have a system under which people are released on bond on their honour to behave, and someone has to go bond for them. This Bill just whittles away a little bit of the responsibility of the bondsman by compelling the police to let the bondsman know what is going on, when it is his own duty to know. I do not oppose the measure, but I regard it as very small legislation which should not have come before Parliament. It will take away something from the responsibility of the bondsman and therefore undermine, to a certain extent, the present system of releasing people on bond.

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

HOUSING OF AGED PEOPLE.

Adjourned debate on the motion of the Hon. K. E. J. Bardolph—

That in the opinon of this House, there are problems connected with old age which call urgently for solution, the most fundamental of which is housing, and that it is imperative that the South Australian Housing Trust should immediately embark upon the construction of single unit homes either in their present group schemes or the establishment of a garden suburb in order to solve this urgent problem.

(Continued from November 7. Page 1122.)

The Hon. A. L. McEWIN (Northern—Chief Secretary)—In the brief time at my disposal I have examined the motion moved by Mr. Bardolph. The first question which presents itself to my mind is what is meant by it, and therefore I have had to refer to his remarks in order that I might get some idea of what the House is asked to consider. The first thing I wanted to assure myself on was what he means by "single unit homes," but I have not been assisted by anything he has said. I do not know whether he means a single room or a house or just exactly what is involved.

The Hon. K. E. J. Bardolph—You would know what I mean if you read the whole of my remarks.

The Hon. A. L. McEWIN—I have followed the whole of the honourable member's remarks, but I am still in the dark. I think he said he submitted the motion because he, like other members, had been approached by pensioners for some Parliamentary assistance in getting them a home. I know of some extremely sad cases affecting families with very young children, and do not know why he should seek to provide homes for one section of the community only. It is a vague motion. Why should we be asked to tell the Housing Trust to direct its activities to any one particular section of the community? Are we expressing a vote of no confidence in the allocation of houses built by the trust?

The Hon. K. E. J. Bardolph—No, you read my remarks.

The Hon. A. L. McEWIN—I had hoped to gather something from Mr. Bardolph's speech, but I find that the only thing outstanding in it is the lack of information. His remarks were all in very general terms. He referred to what has been done in South Africa, to the garden suburbs in Western Australia, New Zealand and elsewhere. I have seen them all, but have not seen any housing activity like that of South Australia. That is not only my opinion; it is the opinion of interstate visitors. The activities of the Housing Trust are not confined to any particular section of the community. Probably Mr. Bardolph introduced his motion following on a report of a group calling itself the Council of Social Services. Reference is made in it to old people and it was suggested that five per cent of Housing Trust homes should be made available to them. There were other recommendations, such as their having free picture shows and holidays. Fortunately, the suggestions were not coupled with any Government instrumentality. It is commendable if the community can give effect to these suggestions, but the motion amounts to a direction. We are asked to say to the Housing Trust "We think you should make houses available for a certain section of the community."

The Hon. K. E. J. Bardolph—That is right.

The Hon. A. L. McEWIN—We must consider what the Housing Trust was created to do and what are its responsibilities. The first responsibility imposed on the trust was that it should build houses as cheaply as possible and provide homes for the people on an economic basis. It erects houses, fixing a rental sufficient to pay the interest, rates and taxes and other things. Mr. Bardolph did not say whether it should provide these homes rental free. If he does not suggest that, in what way does the motion conflict with the Housing Trust's administration?

The Hon. K. E. J. Bardolph—In lots of ways.

The Hon. A. L. McEWIN—The trust is building three-roomed houses for elderly people, and a committee representative of the community as a whole allocates them. Houses are usually allocated to those in the direst need, and it would be improper for Parliament to interfere with the trust in any way. It is doing an excellent job under most difficult circumstances. It cannot obtain the labour or the materials it desires any more than anybody else, yet it has been criticized for obtaining more than its share of materials. No preference should be given to any section of the community.

The Hon. K. E. J. Bardolph—Do you deny that the aged are not a particular section of the community?

The Hon. A. L. McEWIN—I know the circumstances associated with old people and also with people who are not so old. Surely a single-unit house could not be smaller than the three-roomed houses being built today. There is no need for me to labour the question because Mr. Bardolph has said little in support of it. All he considers is that we should express an opinion. The trust is doing everything possible within its power, and I ask the House to oppose the motion.

The Hon. E. ANTHONEY (Central No. 2)—I am sorry that Mr. Bardolph did not elaborate upon his motion which states, amongst other things, "there are problems connected with old age which call urgently for solution." I give him credit for being actuated by the very best intentions as I believe that elderly people are, in many instances, suffering great hardships. I have heard of couples who, after long years of married life, have been completely estranged because of the serious housing conditions. The wife may be in one institution and the husband in another, which is most undesirable. When abroad I noticed that most of the housing in England was under Government supervision or Government conducted. In community centres, where large blocks of flats are being erected, provision is made for so-called "Granny cottages" to house the aged. I suppose that is what Mr. Bardolph means when he refers to single unit houses. It is an excellent idea. These cottages have a sitting room, bedroom, and kitchen and are built only for elderly couples, who have nothing to do except pay their rent and keep the place clean; all other amenities are provided for them. Provision is also being made in the larger centres for these elderly people and I think that that is the idea Mr. Bardolph had in mind when moving his motion.

It is debatable whether we should give a direction to the Housing Trust on this matter. It already has 7,000 applications for prefabricated homes. The position is serious and does not appear to be improving. We would be doing something that is not in the best interests of the people generally if we directed the trust to depart from its present policy. I cannot support the contention "that it is imperative that the South Australian Housing Trust should embark upon the construction of single unit homes." I support the principle that, where possible, the trust could incorporate in its scheme of mass buildings one or two of the so-called "Granny cottages" to house the aged.

The Hon. S. C. BEVAN secured the adjournment of the debate.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION.

The Hon. R. J. RUDALL moved—

That the Hon. A. A. Hoare be discharged from attending the Joint Committee on Subordinate Legislation and that the Hon. S. C. Bevan be appointed to the committee in his place.

The Hon. R. J. RUDALL—The only reason for the discharge of Mr. Hoare from the Joint Committee on Subordinate Legislation is that he has been appointed to the Land Settlement Committee. I congratulate him upon his appointment.

Motion carried.

LIBRARY COMMITTEE.

The Hon. A. L. McEWIN moved—

That the Council do now proceed to appoint, by nomination, a member to fill the vacancy on the Library Committee caused by the death of the Hon. E. A. Oates.

Motion carried.

On the motion of the Hon. A. L. McEwin, seconded by the Hon. F. J. Condon, the Hon. K. E. J. Bardolph was appointed to fill the vacancy.

PRINTING COMMITTEE.

The Hon. A. L. McEWIN moved—

That the Council do now proceed to appoint, by nomination, a member to fill the vacancy on the Printing Committee caused by the death of the Hon. E. A. Oates.

Motion carried.

On the motion of the Hon. A. L. McEwin, seconded by the Hon. C. R. Cudmore, the Hon. S. C. Bevan was appointed to fill the vacancy.

BUILDING MATERIALS ACT AMENDMENT BILL.

Read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—This Bill contains amendments of the Road Traffic Act dealing with a variety of topics. Some of them relate to departmental administration. These have been approved by the Government on the recommendation of the Registrar of Motor Vehicles or the Commissioner of Police. Others deal with rules of the road and safety and are based on recommendations of the Traffic Committee. I will explain the clauses in their numerical order as far as possible.

Clause 4 provides that the registration fee for a vehicle propelled by a diesel engine shall be twice the amount of the fee payable on a vehicle of the same power-weight driven by an ordinary petrol engine. This amendment was recommended by His Honour Judge Paine's Commission on Transport. The reason for it is that the fuel used in diesel-engined vehicles is not subject to the petrol tax, which is used to finance the building and maintenance of roads. The result it that diesel-engined vehicles which cause more wear and tear on the roads than most other vehicles contribute less towards the cost of the roads. The Government considers that by doubling the registration fee a more equitable contribution will be obtained. Clause 4 also makes an amendment of the principal Act dealing with the declarations which have to be made by primary producers and other persons in order to secure registration of motor vehicles at reduced fees. At present these declarations must be made before a justice of the peace or a bank manager or other person specially authorized to take them. It was said in another House that in some country areas a fairly long journey is sometimes necessary in order to find a justice or authorized person and the House inserted a paragraph to the effect that any elector of the House of Assembly should have authority to take such declarations. The Government did not oppose this paragraph and it was carried. It was pointed out that the declaration of the person applying for a concessional registration has to be supported by other evidence including a certificate by a member of the police force.

Clause 5 provides that when a vehicle is registered at a reduced fee or without payment of any fee the registration will not be transferable. Honourable members are aware that under the principal Act primary producers, fishermen, and others can register vehicles at half rates or less, on condition that the vehicles shall only be used in certain industries or for certain purposes. In recent years it has frequently happened that when a vehicle registered at a reduced fee is transferred, the transferee is not entitled to the same concessions as the transferor; but it is not always possible for the Motor Vehicles Department to ascertain this fact at the time of the transfer. Thus transferees may avoid payment of the proper registration fees. It is proposed by clause 5 to declare registrations effected at concessional rates to be non-transferable, with the result that when a vehicle registered at a reduced fee is sold the only right of the transferor will be to obtain a refund of part of the registration fee. The new owner will have to make fresh application for registration.

Clause 6 widens the scope of the provisions for granting concessional registrations to incapacitated ex-servicemen. At present the concessions are available to men who are totally and permanently incapacitated, or are blind, or have lost a leg or foot, or receive a 75 per cent pension because of impairment of the power of locomotion. The proposal in clause 6 is to grant the concession to any ex-serviceman who is in receipt of a repatriation pension for total incapacity. The main effect of this will be to grant the concessions to totally incapacitated men whose incapacity is not permanent. Clause 7 is consequential on clause 5.

Clause 8 provides that when a person substitutes a diesel engine in a motor vehicle for an engine of any other type he must give notice of this fact to the Registrar of Motor Vehicles. The reason for this requirement is, of course, that upon the substitution of the diesel engine a higher rate of registration fee will become payable. Clause 9 makes it an offence if the owner of a pair of general traders' plates permits any person to drive a vehicle bearing those plates in circumstances in which the plates cannot lawfully be used. The amendment is intended to deal with cases where the owner of such plates lends them to other persons for use in circumstances not permitted under the Act.

Clauses 10 and 11 are for the purpose of spreading the issue of drivers' licences over the whole year. At present all drivers' licences expire on June 30 and the great majority of them have to be renewed as from July 1. This concentrates a great deal of work in the Registrar's office into a short period. The Registrar now finds it necessary to take steps to spread the work over the whole year. For this purpose it is proposed to enact that every driver's licence will expire at the end of 12 months after the commencement of the month in which it is issued. As the years go on this will have the effect of gradually spreading the renewals over the whole year because many lew licences are applied for in months other than June and July and many licences expiring on June 30 are not renewed.

Clause 12 provides that motor vehicles more than 7ft. wide or carrying a load more than 7ft. wide must have a mechanical or electrical device for the purpose of giving signals. It is common knowledge that signals given by hand from many of these wide vehicles cannot be seen from behind; and although the law at present requires that the signals shall be given, either by hand or by a device, so as to be clearly visible to traffic approaching from the rear, many of these vehicles have no mechanical or electrical device. The State Traffic Committee considered the matter and is of opinion that in order to ensure that properly visible signals are given it is essential that wide vehicles must be fitted with a mechanical or electrical device.

Clause 13 makes it obligatory for drivers of vehicles having lights capable of being dipped to use the dipping device when approaching other vehicles. This amendment has been asked for by the Police Department, and is recommended by the Traffic Committee. Its purpose is to reduce accidents caused by glare at night. A similar clause has also been recommended by the Australian Uniform Road Traffic Code Committee established under the auspices of the Commonwealth.

Clause 14 deals with the duty of the driver of a motor vehicle to produce his licence when asked to do so by a member of the police force. Under the present law the driver is allowed 48 hours to produce the licence and may do so at any police station. It is provided by the amendment that if the driver does not produce his licence immediately on request he must nominate a police station to the officer who demands the licence and produce the licence at the nominated station within 48 hours. This amendment was asked for by the Police Department to facilitate the administration of the Act.

Clause 15 alters the penalties for driving while under the influence of intoxicating liquor or drugs. The main objects of the amendments are to empower the court if it thinks fit to impose a penalty of imprisonment for the first offence; and to make imprisonment compulsory in the case of a second offence. Under the present law the punishment for a first offence is a fine of not less than £30 and not more than £50 and disqualification from holding a licence for any period not less than three months. It is proposed by clause 15 to empower the courts to order that the defendant be imprisoned for not more than three months. This penalty will be alternative to a fine but will not affect the obligation of the court to disqualify the driver as at present. For a second offence the court has at present the option of either imposing a fine between £50 and £100 or imprisonment for not less than two and not more than six months. It is proposed to take away the power of the court to impose a fine for a second offence so that imprisonment will be compulsory; but the minimum term of imprisonment is reduced from two months to one month. In this case also the provision for compulsory disqualification from holding a licence is retained. There is a strong case for these amendments. Notwithstanding all the publicity given to the prosecutions for driving while drunk and the penalties which are imposed, and all the serious accidents which occur, the number of these offences continues to increase. In all the other States of Australia and in Commonwealth Territories the law has empowered the courts to impose imprisonment for a first offence. Experience has proved that, in the public interest, the South Australian courts should have the same power.

Clause 16 empowers the Governor to make regulations requiring exposed chains on motor vehicles to be protected by guards and also prescribing the manner in which trailers are to be attached to the vehicles by which they are drawn. Both of these are safety measures and have been recommended by the Traffic Committee. According to information supplied to the committee serious accidents have been caused both by the exposed chains on the timber carrying straddle trucks and through the weakness of the couplings by which trailers are attached to the vehicles by which they are drawn. Some proper safety precautions are required in connection with these matters.

Clause 17 makes an amendment of some importance. Under the present Act, as members know, the courts have power to disqualify offenders from obtaining and holding drivers' licences for substantial periods and many orders for disqualification have been made and are in force. The maximum penalty at present for driving a vehicle while under disqualification is a fine of £20. This penalty is inadequate. It is the penalty prescribed for the ordinary offence of driving without a licence, and is not appropriate in a case where a man is without a licence because of a sentence of disqualification imposed on him by the court. To drive a vehicle in these circumstances amounts to contempt of court. It is a serious offence, and one which is very frequently committed. The Commissioner of Police informed the Traffic Committee that he knew of one case where a man had been convicted three times of driving without a licence while under disqualification; and one of the magistrates has also drawn the attention of the Government to some cases in which the present penalty was inadequate. The Traffic Committee recommended that this offence should be punishable by imprisonment up to six months. Clause 17 gives effect to this recommendation. The clause, however, does not state that the penalty can never be mitigated. It will therefore be open to the court, if it thinks that the justice of the case will be better met by a fine than by imprisonment, to exercise the powers given by the Justices Act and impose a fine not exceeding £100. But the clause will be an indication to the courts that the normal penalty for driving while under disqualification is to be a term of imprisonment.

Clauses 18 and 19 increase the amount of cover which a compulsory insurance policy must provide in respect of injury to passengers travelling in the insured vehicle. Under the present law passengers need only be covered up to a maximum of £2,000 per person, or £20,000 in the aggregate. The limit of £2,000 a person is now inadequate because frequently the injuries caused are considerably in excess of this amount; and in view of the large buses now on the road the overall limit of £20,000 is also unjustifiable. If 20 passengers are injured in a bus accident, the overall limit of £20,000 may have the effect of reducing the insurance cover in respect of each individual to £1,000. The Traffic Committee has given consideration to this matter and is of opinion that the £2,000 limit should be raised to £4,000 and the overall limit of £20,000 should be abolished. The Committee has also recommended that an anomaly which exists in the present law should be removed. In a case where the driver responsible for injury or death to another person is himself dead there is at present no limit on the liability of the insurance company unless the vehicle was at the time of the accident being used in the business of carrying passengers for hire. If the vehicle was being driven for hire, the limits of £2,000 and £20,000 apply. There is no logical reason for this differentiation and it is proposed that the limit of £4,000 shall apply in every case except where the accident was caused by a "hit and run" motorist. In this case the full damages will be recoverable from the insurance company.

Clause 20 increases the amount payable for emergency treatment given by a medical practitioner or a nurse to a person injured in a road accident. At present a medical man who turns out to assist the victim of an accident is entitled to recover 12s. 6d. from the company which insured the vehicle concerned, and a nurse is entitled to recover 10s. 6d. In view of the devaluation of money it is proposed to raise these amounts respectively to £1 1s. for a medical practitioner and 15s. for a nurse.

Clauses 21, 24, and 25 are intended to state more clearly the law as to the right-of-way of vehicles in cross-overs or double roads. Differences of opinion have arisen as to the duty of the driver of a vehicle in a cross-over on the Anzac Highway, the Port Road or any other double track road. There is no doubt that Parliament last year intended to lay down the rule that a vehicle in one of these cross-overs should not have the right of way against traffic on the main up or down track. It has, however, been argued that these cross-overs are separate roads forming junctions with the main up and down tracks, and that the ordinary rule of giving way to the vehicle on the right applies. The vehicle in the cross-over is always on the right and if the ordinary right-of-way rule applies is entitled to the right-of-way. But it is almost invariably about to turn to the right, and by reason of this is obliged to give the right of way to traffic on the main track. A great deal of confusion has arisen about this problem and varying opinions have been given. The State Traffic Committee has given a lot of

consideration to it and recommends that the rule approved by Parliament last year should be restated so as to remove the doubts which have arisen. For this purpose it is proposed to insert in the Bill a definition of the term "cross-over" and to declare expressly that a person must not drive a vehicle from a cross-over into a carriage-way of a double road unless the carriage-way is sufficiently clear of traffic to enable the vehicle to enter and proceed across or along it without danger. An incidental question arises in connection with this amendment, namely, whether the general rule proposed for vehicles in cross-overs should apply where the cross-over is a continuation of a road adjoining the double road. The Traffic Committee has recommended that whether a cross-over is or is not a continuation of an adjoining road the duty of a vehicle in that cross-over should be the same, namely, it should give right-of-way to traffic on the main up and down tracks. This rule is made clear in the Bill and declared to take effect notwithstanding the other provisions of the Road Traffic Act relating to the right-of-way.

The Hon. C. R. Cudmore—What is the difference between a road adjoining a double road and a road intersecting a double road?

The Hon. A. L. McEWIN—There are many places on the Port Road where there are cross-overs, some of which may be continuations of roads crossing the Port Road.

The Hon. C. R. Cudmore—But the Bill says that it includes any track which is a continuation or part of a road adjoining a double road, but does not include a track which is a continuation or part of a road intersecting a double road.

The Hon. A. L. McEWIN—As I read it, the same rule applies for all, which is a very simple approach.

The Hon. C. R. Cudmore—I agree with that.

The Hon. A. L. McEWIN—From what I have seen in other States much more is left to the interpretation of conditions than is the case here. We rigidly apply the rule that a "Stop" sign means stop, but in other States apparently one is merely expected to stop if there is any traffic about, but can amble across if the road is clear.

Clause 22 deals with the mode of turning to the right on the carriageway of a double road. The clause provides that right hand turns from such a carriageway will be made in the same way as on one-way traffic roads, that is to say, the driver making the turn must first draw as near as practicable to the right hand side of the road from which he is turning. Clause 22 also contains a provision dealing with a problem arising in connection with the right of way at intersections. There have been some doubts and a good deal of discussion as to whether a vehicle at an intersection must give the right-of-way to a vehicle on its right where the latter is about to turn to the right. The present law is that the turning vehicle loses the right-of-way which it would otherwise have. It is proposed in clause 22 to declare that the section which deals with the right hand turn will not affect the usual duty to give the right-of-way to traffic on the right.

Clause 23 deals with the method of marking roads with lines to indicate traffic lanes. Some years ago provisions on this subject were enacted by Parliament subject to the condition that they were not to come into force until proclaimed. The object was to try to ensure a uniform system of marking roads for traffic lanes throughout Australia. Until recently uniformity was not achieved and the provisions previously passed have not been proclaimed. But a uniform policy has now been agreed upon by all States and clause 23 is enacted for the purpose of carrying it into effect. It repeals the existing provision. The present proposal is that all lines which are to have legal effect will be double lines. A double line may consist either of two unbroken lines or of one unbroken line and one broken line. Wherever the line nearest to the right-hand side of a vehicle is an unbroken line its effect will be that the vehicle cannot cross to the right of such line, and if it does so, the driver will commit an offence. If, however, the line nearest to the right-hand side of the vehicle is a broken line then it will be for guidance only, but will not be an absolute bar prohibiting the vehicle from crossing to the right of the line if circumstances should justify such action.

Clause 26 proposes an amendment of the law applicable to cases where a person fails to report an accident and pleads in court that he did not know the accident occurred. Under the present law the court is required, if it finds that the defendant did not know about the accident, to record a conviction without a penalty. It is proposed in clause 25 to make an amendment declaring that if a defendant did not know an accident occurred

and that his want of knowledge was not due to carelessness or recklessness he shall be entitled to be acquitted.

Clause 27 gives additional powers to the Registrar of Motor Vehicles and the Commissioner of Police to ensure that vehicles which are so defective as to be unsafe shall not be driven on roads. The Registrar and the Commissioner or persons authorized by them are empowered to examine and test any vehicle which is suspected to be unsafe for use on roads. If, on examination, a vehicle is found to be unsafe the registration may be suspended until the vehicle is put in proper order. When it is again in order the registration may be renewed for the balance, if any, of the period for which it was originally granted. I move the second reading.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

INDUSTRIAL CODE AMENDMENT BILL (No. 3).

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—This is another Bill which has been rendered necessary by the general alteration in wage levels and the reduction in the purchasing power of money. Its object is to increase the monetary limit which restricts the jurisdiction of industrial boards under the Industrial Code. Section 167 of the Code provides that an industrial board cannot make a determination for the payment of wages or remuneration in excess of £15 a week, except in the case of employees of municipalities and district councils. This limit of £15 was fixed in 1948, having previously been £10. When the limit of £15 was fixed the basic wage was £5 17s.; it is now £9 4s. and in addition, the margins for skill have substantially increased. In view of the increases which have taken place and those which are to be expected in the near future, it is clear that the present limit of £15 is too low. In one case already a board has, by agreement between all parties concerned, fixed a rate in excess of £15, but it is doubtful whether such a decision is valid as a determination, whatever its force as a contract may be. The Government is of opinion that the limit should be raised to £20 and the Bill is for this purpose. I move the second reading.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

YOUNG MEN'S CHRISTIAN ASSOCIATION OF PORT PIRIE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1187.)

The Hon. E. H. EDMONDS (Northern)—I was under the impression, prior to the Bill being introduced in the House of Assembly, that the Young Men's Christian Association, with branches throughout the State, carried on under a national charter, but it has been amply demonstrated that the Port Pirie branch has been acting under a constitution set up under a special Act of Parliament passed in 1928. It would appear from a perusal of that Act that one of the reasons for its introduction was that there had existed, prior to the establishment of the Port Pirie branch, an organization known as the "Young Men's Association of Port Pirie." It appears that certain lands in and adjacent to Port Pirie had been vested in that organization which subsequently became a branch of the Y.M.C.A. in that town. It has been found desirable to vest the assets and land of the former association in a branch of the Y.M.C.A. The 1928 Act sets out the constitution of the Port Pirie branch, which the Bill seeks to amend. It is reasonable to assume that over 30 years, and with changed circumstances, the rules and regulations for the government of the organization, which were satisfactory at the time, are wanting and should be amended. That is the reason for the introduction of the Bill which has been brought forward at the request of the Port Pirie branch. From inquiries I have made it seems that a national conference of branches of the Y.M.C.A. is held throughout Australia at which a model set of rules and by-laws for the good government of the activities of the various branches throughout the Commonwealth are drawn up. I am assured by those in authority in the parent body that the proposals in the Bill will in no way conflict with the model by-laws recommended; in fact, everybody seems to be happy about them.

The Hon. C. R. Cudmore—Why can't the Port Pirie branch come in with the other branches? Why did it need a separate Bill?

The Hon. E. H. EDMONDS—The previous organization was the Young Men's Association of Port Pirie which later merged into the Y.M.C.A. and it was desired that the land concerned should be transferred to the present body. I do not know why there should have been a separate constitution. The Port Pirie

branch wants to bring itself into line with other branches throughout the State. It will be noted that although the organization has power, under the Act, to alter some of the rules it is definitely prohibited from amending others. The Port Pirie association, in view of any changed circumstances, wants power to amend any of the articles contained in its constitution. The Act provided that certain qualifications were required for membership. Among them was one which required a prospective member to proclaim his belief in the Christian faith. It was mentioned that certain sections of the community, although not active adherents to any particular Christian religion, might desire to become members of the organization, which desires to admit them, with the idea of inculcating in them more determined acceptance of spiritual values, a desirable object, particularly in a big industrial town like Port Pirie. I am informed that the directors of the organization desire to extend their activities in this direction amongst the young people in the town and district. I have pleasure in supporting the Bill.

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

ADJOURNMENT.

At 3.41 p.m. the Council adjourned until Thursday, November 15, at 2 p.m.