LEGISLATIVE COUNCIL.

Thursday, November 15, 1951.

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

APPROPRIATION ACT (No. 2).

His Excellency the Governor intimated, by message, his assent to the Appropriation Act (No. 2).

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

Read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 14. Page 1247.)

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—I do not set myself up as an expert in dealing with matters contained in this most important Bill. Members are aware that the principal Act contains numerous sections which have been discussed in Parliament for years. I speak as an ordinary citizen and pedestrian who has certain responsibilities under it. I suppose I am the only member in this House who has never driven a motor car. The committee appointed by the Government to deal with road traffic matters devoted a considerable time to them and made certain recommendations which have been embodied in the Bill and I lean on its recommendations to a considerable extent. As the Bill is a purely a Committee one my remarks will be brief, but I am sure members will be disappointed if I do not refer to the penalty provisions. From time to time I have challenged the imposition of heavy penalties under certain legislation and have asked members to support me in my efforts to have them lightened. On this occasion, however, I reverse the opinions I have held because, under the Road Traffic Act, we are dealing with a matter far more important than a man making a 2s. bet or people picking a mushroom or two. I feel that the penalties proposed under the Bill are, to a certain extent, not heavy enough. I say that because there is not the road courtesy on the part of many drivers that there should be. Had the House supported some of the amendments I moved it would probably have been the means of preventing a number of accidents that have occurred, particularly in the metropolitan area. There are some amendments on the file dealing with the matters I have mentioned. It is not only drunken drivers who should be dealt with; there are the maniacs who drive at furious speeds, principally along metropolitan roads. I refer particularly to Port Road, along which motor vehicles are driven at a fast speed, proving a menace to the many people who cross it. Many motor cyclists endeavour to weave in and out of the traffic and are a great danger to the public. The man who drives with a certain amount of negligence should be placed in the same category as a driver who has a few drinks. Parliament should consider imposing heavy penalties on people who have no respect for human life. Many are killed because of the selfishness of drivers who want to get ahead of another vehicle. Although most motorists behave in a reasonable manner, there are some who think they are the only people on the earth and totally disregard all considerations of safety, and I am sorry that the penalties proposed for this type of offender are not heavier. There is the motorist who refuses to dip his headlights to the embarrassment of oncoming traffic.

The Hon. E. Anthoney—Some of them cannot do it.

The Hon. F. J. CONDON—Most of them can in these days, but there are still some with no regard whatever for the rights of other road users.

The Hon. C. R. Cudmore—They should not be on the road.

The Hon. F. J. CONDON—It is very difficult to keep them off it. Another type of offender is the driver who emerges from side streets on to main thoroughfares without due care and wants priority over all other traffic. He, too, is a great menace, and should be dealt with severely. Then we have the hit and run motorist; of all types, this is the worst offender and the severest penalty the law can impose should be inflicted upon him when he is caught. We owe a debt of gratitude to the Traffic Branch of the Police Department, which has achieved a great deal in reducing the number of accidents. I was pleased to note from a reply to a question I raised that the Attorney-General's Department has enforced the law as far as possible in collecting fines on interstate drivers who have broken our traffic laws. These heavy interstate vehicles are doing enormous damage to roads on which this State has spent colossal sums to construct, and which it is now called upon to repair at further immense cost.

The Hon. E. Anthoney—Build heavier roads!

The Hon. F. J. CONDON—To allow these people to compete with our railways?

The Hon. E. Anthoney—The railways cannot cope with all the traffic offering, anyhow.

The Hon. F. J. CONDON—If we are prepared to vote a huge sum to meet the deficits on our railways we must protect them. On the other hand, if we want to give road transport better facilities and thus enable them to compete with our railways, we should hesitate about providing so much for the latter. No State can stand up to the heavy expenditure involved in road maintenance and construction without increasing taxation, and that I do not advocate.

The Hon. W. W. Robinson—Sea transport would help us.

The Hon. F. J. CONDON—Exactly, but there are conditions to be faced up to there, and my friend should not talk too much about shipping because it appears that the shipping authorities seem to think it more important to give priority to the carriage of motor bodies than potatoes so badly needed by the people.

The Hon. W. W. Robinson—I was thinking of heavy goods.

The Hon. F. J. CONDON—I agree with the honourable member, but this State has grown so swiftly that we are unable to cope with all the matters that are involved and, whatever the Government in power, we ought to be proud of what has been achieved. I note that the primary producer is to retain the concession he has enjoyed in respect of motor registration fees, and I am quite agreeable to that. However, any industry, when it is able to do so, should face up to the same obligations as the ordinary citizen. With those few remarks I leave the Bill to members better qualified to speak on certain aspects of traffic problems, and support the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—This Bill may be regarded as our annual review of road traffic legislation, for almost every year we have some changes and recommendations. However, it is an anuual review of an extremely difficult problem. In South Australia it is more difficult than in older parts of the world because we have developed fast and suddenly and have more traffic than previously. We are a young country and our population is increasing rapidly. In London people were used to traffic jams even in the days of horse traffic. Under those conditions people learned to give way to each other and to be patient and not speed ahead. Unfortunately we have yet to learn that here. The position in London is the same as it was in 1906 when I was first there. In those days bus drivers and hansome cabbies were all friendly and did not try to pass in front of others; they would wave others on and if a young woman with a perambulator wished to cross the road the traffic would stop without waiting for a policeman to instruct it. Those are the conditions which prevail in the older countries and to which we have not yet become accustomed. Because of the scarcity of traffic in the past there was ample room and some people still think they can use the centre of the road for themselves alone. That is one of the reasons why we have experienced difficulty and have had to reconsider this Act from year to year. To illustrate the difference in the density of traffic, figures supplied by the Royal Automobile Association reveal that the number of motor vehicles per mile of road in the United Kingdom is 16.9, in the United States of America 14.2, and in Australia 2.4.

The Hon. A. L. McEwin—Does that refer to all roads or main roads?

The Hon. C. R. CUDMORE—To all roads I assume.

The Hon. A. L. McEwin—That would rather exaggerate our position.

The Hon. C. R. CUDMORE—It might not in comparison with the United States. Because we are a young country unaccustomed to congestion of road traffic our position is more difficult. With our high standards of living and high wages almost everyone has a car. In 1949 in Great Britain one person in 16 had a car, in France 1 in 18, in South Australia 1 in 4.7, and in America 1 in 3.3. In the old days very few people had carriages to block the roadway but the situation has altered so quickly that it has made the position more difficult to administer than in the older countries.

We must realize that we have a number of new road users who do not realize that the centre of the road is not their own property and that there are other people on the road. Year after year we add sections to the principal Act and it is now an alarming volume of 182 sections and, in fact, with amending sections it amounts to over 250 sections and it is almost impossible for people to know what the law is. I pay a tribute to the Traffic Committee which has carefully considered these matters and particularly to the chairman of that committee because he obviously has given much time and thought to these matters and Parliament and the public are indebted

to him and the committee for the suggested amendments. Traffic control in the city of Adelaide has undoubtedly improved, and I congratulate the Commissioner of Police and Traffic Superintendent on the improvement which has occurred in the last year. I am rather amused that after years of wasting my good breath advocating that trams should go straight across King William Street along North Terrace they still turn around the corner, whereas other traffic is compelled to go straight across. The tramways seem to have some mysterious power over the Government and everyone else. The way to keep traffic moving is to make it go straight across and it is entirely wrong that trams should be the only vehicles not forced to do that.

South Australian drivers generally have a happy idea that the road is theirs and that they can monopolize the centre. In London and other large cities where there is dense traffic, vehicles divide into lanes and drivers do not stay in the middle of the road. There is plenty of room in King William Street for two or three cars to drive abreast on each side, but if one stays in the centre there is no chance for others to pass and only half the traffic can cross before the lights change. At the corner of Pulteney and Pirie Streets a couple of white lines have been put down to induce vehicles to get into lanes and not to travel one behind the other; why cannot that be done in King William Street? If it were done traffic could be speeded up and our drivers educated to remember that the other fellow is entitled to his share of the road.

The Hon. R. J. Rudall—Do you think that the short right-hand turn stops it a bit?

The Hon. C. R. CUDMORE—It does not make much difference. Trams are the difficulty with the short right-hand turn in King William Street. In most cities trams are being done away with, but we cannot afford to do that here yet. Motorists turning to the right can go over only as far as the tramline, but many will not go over far enough and motorists who want to go to their left cannot do so. I think it would help to educate motorists if lanes were painted on the roadway. At the risk of wearying members I point out that one of the main troubles of traffic in King William and other streets is that of people driving slowly preparatory to turning to the left, or looking for a parking place not giving a sign to following drivers that it is safe for them to come past on the right. That sign is the main factor in the whole set-up of motor driving in England. I drove in 29 counties in England, and in Scotland and France while abroad and took note of what was going on. I cannot understand why the "come on" sign cannot be adopted here, and I emphasize the importance of signalling when turning to the left. The idea is to inform following drivers what the motorist intends to do. Take the case of a pedestrian, who, with lights in his favour, wants to cross from the north side of Hindley Street to the C.M.L. building on the other and a motorist travelling along King William Street, from south to north, desiring to turn into Hindley Street. He does not give the slightest indication of his intention; if he would only indicate that he is turning to the left, it would be much safer, both for drivers and pedestrians. We will not get any real help in clearing Adelaide streets and making them safe for pedestrians if that sign is not adopted in some way.

Although the Bill is mainly a Committee one, it contains one important point—that of drunken drivers. It recommends two alterations, the first being that a magistrate shall be able to send a drunken driver to prison for a first offence. That is the practice in most other places and I agree with it. There is no doubt that it should be done in bad cases. The other point is that of compulsory imprisonment, without the option of a fine, for a second offence. I support that conditionally. I have an amendment on the files which limits, to a certain extent, the effect of this provision. As the law stands, a driver who has had too many drinks, or any drink, and gets into a motor car, making the motions of starting it, can be arrested and possibly convicted for drunken driving without even having moved the car. That may happen to a driver when he is 20 or 21 years of age, and it might prove a good lesson to him, but it does not seem quite fair that if the same thing happens to him 25 years later he should automatically go to gaol because of his offence committed so many years previously. My amendment provides that this will not apply, unless the offences are committed within five years. It will also clarify the position whether this automatic gaoling for a second offence will include an offence committed before the amendment is passed, and afterwards. Although I generally favour the amendment suggested by the committee, the penalty seems a little severe in that one particular.

As regards drunken driving I desire to ask the Government and Parliament and the people of this State are we attempting to cure it in a realistic way? Are we really attacking it in a manner which will get rid of this drunken driving menace, which is very bad? I have same statistics on this matter, showing a comparison with other places. They show that fatal accidents per hundred thousand of the population were 21.2 per cent in the United States, 22.55 in Australia, and 9.45 in the United Kingdom.

The Hon. K. E. J. Bardolph—There is a much heavier volume of traffic in England?

The Hon. C. R. CUDMORE—Yes, but there is courtesy on the roads all the time. Two things occur to me about drunken driving. One was suggested by Mr. Rowe yesterday—that if we make penalties too severe we might find it harder to get convictions.

The Hon. R. J. Rudall—That is not before a jury?

The Hon. C. R. CUDMORE—No, before a magistrate. It is a question of imprisonment without the option of a fine. Are we attacking this drunken driving question at its source? Are we being quite logical, practical, and sensible in saying, "We have a tremendous lot of drunken driving accidents. We want to try to stop this. What should we do? I ask, "Why do we have so many drunken people?" That is where we have to go if we are really to look at this thing straight in the face. Why do we have so many drunken people? Is that not the real question? When overseas I drove about 6,000 miles in England and about 1,000 on the Continent. I was in 29 counties and Scotland, and during that time I saw hardly one person drunk either on the road or in or out of a motor car. The explanation is that we have two things which cause drunkenness. They are the 6 o'clock swill and the mixed drinks that so many young people take after the hotels close. Everybody knows what is the position. In no other country—England, Scotland, Belgium or France—are people seen lining up like pigs at a trough as we see them here in every hotel between 5.30 and 6 p.m. It is just ludicrous. That is the start of the trouble. Everybody pours down so many drinks quickly during this short period that many become half drunk. Moreover, young people will go to a dance or party in the evening and one will take a couple of bottles of beer. Another will take a bottle of gin, a third Brandivino cocktail, and yet another Australian whisky. All these drinks are mixed together and members of the party get drunk. That is the position here. It is no laughing matter; it is a most serious one. That is where we have to look if we are to cure this drunken driver business.

What is the position in England? In the past I have moved for the adoption of English hours for hotel trading in this State, but without any success up to date. On the average, hotels in England do not open until 12 midday and close at 2.30 p.m. In other words, they are open during the luncheon period. They reopen at 5.30 p.m. or 6 p.m. and close at 10 p.m.; in the West End of London it is 11 p.m. Hotels are allowed to be open for eight hours. But when people finish work they go home, have their tea, and then proceed to the local hostelry. The "locals" are wonderful institutions in England, and in every county my wife and I visited we could enter the bar. Workmen, with their wives, would enter, have a game of darts and two or three glasses of beer, and I never saw any of them the worse for liquor. And it was not because of the strength of the liquor, because there was also a rough cider which would knock over any of my friends here in no time. The real way to tackle the drunken driving job is for Parliament to take its courage in its hands and revise our licensing laws, which are doing infinite harm to our young people and the State.

The Hon. F. J. Condon—Do the same things apply in Tasmania as in England?

The Hon. C. R. CUDMORE—Tasmania, like Queensland, has sensibly altered the law to 10 p.m. closing, but South Australia is carrying on under its outmoded panic legislation of the first world war. This is the chief feature in drunken driving and that is why I mention it now. I believe in attacking things at the base; it is no good tinkering with them.

The Hon. R. J. Rudall—How do those licensing provisions affect the young people?

The Hon. C. R. CUDMORE—Instead of filling up their cars with all this poisonous stuff as they do here they can in other countries go to a hotel in the course of the evening and have a drink, and there is no trouble. We did not have all this bother before 6 o'clock closing was introduced; the young men could leave the dance hall or the picture show or the theatre, have a drink and go back again. We are not sufficiently realistic in tackling this problem where it should be tackled.

To come back to the Road Traffic Act in general, while in the Old Country I could not help wondering whether we are on the right lines in making nearly everything an offence. It has been suggested to me that Australians

are a tougher type than English people and will not take any notice of traffic codes and requests and courtesies—that they must be bludgeoned by the police before they will do anything. That is so to a certain extent, for I am sorry to say that Australians as a whole are characterized by their selfishness; they are hard to discipline, but surely to accept that, and admit that it will always be the position, and that the only way to control traffic is with the aid of the policeman is a policy of despair.

In England it is not a question of traffic control by the police, but of self-controlled traffic by the people through their courtesy and intelligence. It is much easier to drive in London or Paris than in Adelaide, because in either place one knows all the time what the other fellow intends to do: he will never move out of his line of traffic without giving an indication that he is moving out, or turning to the left, and so on, whereas here one has not the faintest idea of what the driver in front is going to do. My idea is that, instead of everything being an offence under the Traffic Act with its 253 sections as compared with 121 of the English Act, all road courtesy matters and signs should be embodied in a Highway Code, as is the case in England. I congratulate the Registrar of Motor Vehicles, Mr. Walker, on the little *Road Traffic Code* booklet he issued and the excellent photographs contained in it, but here is the difference: he says in his foreword:—

Failure to comply with the requirements set out herein is definitely an offence in most cases.

That is the whole point of my speech, as I feel we are approaching this subject in the wrong way. We are trying to make people who do not observe road courtesies criminals, instead of trying to persuade them to play the game by their fellow men. Mr. Walker, in his second note to all road users, says:—

One thing that will be of great assistance is a greater display of road courtesy—respect the rights of others—take no unnecessary risks. These things cost nothing but may result in saving valuable lives. Show the same courtesy to others on the road as you would in your social and business life.

Unfortunately this excellent little brochure has no legal sanction whatever. How many people even take the trouble to read it or even study it? On the other hand the Highway Code of England is issued by the Minister of Transport with the authority of Parliament for the guidance and safety of all road users. It is issued under section 45 of the Road Transport Act, which I think is of great interest. It reads:—

(1) The Minister shall as soon as may be after the commencement of this Act prepare a code (in this section referred to as the "highway code") comprising such directions as appear to him to be proper for the guidance of persons using roads and may from time to time revise the code by revoking, varying, amending, or adding to the provisions thereof in such manner as he thinks fit.

(2) The highway code and any alterations proposed to be made in the provisions of the code on any revision thereof, shall, as soon as prepared by the Minister, be laid before both Houses of Parliament, and the code or revised code, as the case may be, shall not be issued until the code or the proposed alterations have been approved by both Houses.

(3) Subject to the foregoing provisions of this section, the Minister shall caused the code and every revised edition of the code to be printed and issued to the public at a price not exceeding one penny for each copy.

(4) A failure on the part of any person to observe any provision of the highway code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

The effect is that they do not make all those things offences; it is not a question of the policeman being everybody's enemy, but of his being the friend of every law abiding citizen. In the English Highway Code there is a foreword by the Minister of Transport which is worth quoting. It is as follows:—

In every human activity there is a standard of conduct to which, in the common interest, we are expected to conform. This code, which is issued with the Authority of Parliament, sets out the standard of conduct for the road.

The provisions of the code are a simple summary of the best and widest experience. Each provision, whether it relates to a legal requirement or to discretionary behaviour, has been included because of its importance in preventing road accidents. It is my sincere hope that all road users, whether pedestrians, drivers or riders will study the code and respect its provisions. To do so is, in fact, a moral duty. If observance of the provisions of the code, and the spirit of tolerance and consideration underlying them, became a habit, road accidents would rapidly decrease. They are a social evil which can only be overcome by the co-operation of everyone. Please do not glance at the code and decide that it does not apply to you: it applies to everyone, and I ask you to study it and act upon it and to encourage others to do so.

As I have said, although our Registrar has issued an excellent little booklet, it lacks the

authority of Parliament, and I feel that surely it is time we examined that position to see whether we cannot take away the feeling that it is all a matter of criminal offence, and try to get our people to realize that it is a question of showing a little less selfishness and a little more consideration for others. Driving in England is a most extraordinary experience in comparison with driving here. There are thousands of big lorries with trailers and road-trains everywhere, but the drivers are always watching their rear vision mirrors and as soon as they reach the brow of a hill, while the road is still obscured to the driver behind them, they will give the "come on" signal and as you go past you give him a salute, he returns it, and everything is very pleasant. There is, in fact, a recognition by everyone that the road is open to all and can best be worked by friendly give and take. This is the only way to clear up our troubles. To say that Australians will not respond to an appeal is, as I have said, surely a policy of despair. One Albert Guerard many years ago said, "I have often thought what a heaven this would be if only we behaved to our fellow-men as we do to our dogs." The inhumanity of man to man is unfortunately colossal.

Within the past few days we have had a very wonderful call to the nation by our clerical and judicial leaders and I am sure we are all entirely behind it. I like to give honour where honour is due, and I think the whole matter was best summed up by Dr. Evatt when he said, "The essence of what they say is that the greatest enemy of mankind is individual selfishness." Surely that call to the nation must be followed up in some way and I suggest that we have an opportunity here to follow it up by trying to establish in this State at least a position where the rules of the road are rules between individuals, and that it does not necessarily need a policeman to enforce them.

I have discussed these matters with the Road Traffic Committee, but they feel that some of my ideas are rather revolutionary at this stage. I wanted to put a provision into our Act like that in the English Act to enable the Minister to issue a highway code with the authority of Parliament, but they felt that that would mean going right through the Act and it is hardly possible to do it during this session of Parliament. We must approach this matter in a new light and try to educate people to respect the rights of others, to give some thought to the other chap and not adopt a selfish attitude. As I walk up King William Road every morning and see how people have parked their cars I realize that had they thought of the traffic yet to arrive, at least another 33 per cent could fit in. Under all these conditions, although we are so much tougher and apparently more difficult to discipline, the English system is worth trying. If it is not, then it is not much use saying that we are going to stand behind the moral call which has been so magnificently made. I support the second reading.

The Hon. A. J. MELROSE (Midland)—Following the address we have had the privilege of hearing I rise to my feet with considerable diffidence. I am sure that Parliament is deeply indebted to the Chairman of the Traffic Committee for his classical address in another place upon this measure. No-one should address this Chamber on the subject if he has not taken the opportunity of perusing what Mr. Pattinson said. Having read it carefully I feel it will be a source of reference in traffic matters for a long time. Nor should we fail to recognize our indebtedness to Mr. Cudmore for his broadminded, practical, and constructive contribution to the debate. I welcome this opportunity to speak on traffic matters because I spend a large percentage of my time travelling on the roads both by day and night and I have had a wide experience of the general conditions of traffic behaviour. I feel that the more frequent publication of road fatality figures will do a great deal of good. I do not know whether I react to those figures more profoundly than the average reader, but every time I read of the number of deaths that have occurred through motor accidents it strikes me to be an appalling state of affairs which needs the most urgent attention of not only Parliament and local governing bodies, but the thoughtful attention of one individual to another.

Mr. Cudmore has suggested a cure and, when we consider dealing with it on those grounds, we will have a more easy method of solving our problems. We are indebted, as acknowledged by Mr. Pattinson, to the Royal Automobile Association for keeping a watchful eye on this matter. It is helpful not only to individuals who appeal for advice, but to those of us who have to deal with the legislation, and I gladly pay a tribute to its helpful interest. By reading the speech to which I have referred, members will find that the difficult question which has exercised our minds—the definition of drunkenness and the determination of the degree of intoxication of anyone who is involved in an accident—is very

carefully and thoroughly considered, and there is no doubt that such a person will be carefully examined and receive the dues to which he is entitled. I do not know whether the proposed amendment to the law will solve the problem, but I have had the strong feeling for a long time that anyone involved in an accident affecting another person should be deprived for a graduated length of time of the use of his driving licence. In answer to that it is contended that it may not be the fault of the driver but of a pedestrian who steps off the pavement in front of a vehicle. If we penalized the driver by cancelling his licence in those circumstances it would be unfair, but with a graduated cancellation of licences that man's licence might be cancelled only for a sitting of the court. In an accident involving the death of a person my view is that the victim has had his licence to do anything and everything cancelled for all time, and it would not be unjust that the driver of the vehicle who caused his death through negligence should have his licence cancelled for life. It is the law of an eye for an eye, but it seems to me to be full of the elements of justice. We frequently see that, when a person's licence is cancelled for a short time, appeals are made that he makes his living from utilizing his licence, and perhaps the cancellation is mitigated. I doubt whether that is right because, having these views about graduated cancellation of licences bearing an appropriate relation to the seriousness of an offence, a person whose licence is cancelled for any period should face the music just as the victim involved in the accident has to face the consequences. I would welcome some alteration in the administration of this Act along those lines.

At the moment our system of "Stop" signs is I won't say incomprehensible, but rather difficult to understand. One frequently sees a "Stop" sign on one corner of a road and on an equally blind corner opposite no sign. It took me a long time to realize that the "Stop" sign merely cancels the right a driver would normally have because he is on the right of another driver. It seems to me as a road user that, where a blind or narrow street crosses a more important one, "Stop" signs on both corners would simplify the position. One must not look at these matters as one familiar with the laws applying to some municipality or district council area, but through the eyes of a visitor who is faced with the problem of proper interpretation. A few years ago I drove my car around Tasmania for a while. Within half an hour of commencing my tour I realized what I had to do at all intersections because there is a universal rule throughout that State which is described as "major and minor roads." The authorities have decided beforehand on which road at an intersection the motorist has the right-of-way, and on the lesser roads crossing it there are signs indicating to the road users that the road they are about to cross is a major road, and they have to stop if there is any traffic on that road. The same rule applies in all towns in Tasmania so that when you approach an intersection you make up your mind whether it is a major road ahead or whether you are on the major road. The beauty of that law is that it is apparent in a short time to a visitor that it is uniform throughout the State. I am quite sure that a minor alteration of this nature to our legislation would do nobody any harm and may do everybody a deal of good.

I agree with other members that the Commissioner of Police is to be congratulated on the improvement in traffic controls which has taken place in the last year or so. The fluidity of the control of traffic is better and the traffic police have gradually improved traffic and tedious hold-ups seldom occur. I realize that the person who does not dip his lights may represent a danger and there is a movement on foot to make it illegal to use the higher beam in the metropolitan area. If we are too rigid about that it will only add to the danger. A quick look with a higher beam enables one to see whether there is a cyclist 150 yards ahead who otherwise would not be seen in the glaring lights of an oncoming car 300 yards away. That is a case where if we are too straw-splitting we may defeat our own objects. According to our own standards there is very little discourtesy among drivers today. There are and always will be drivers who race across the road and cut in and out of traffic like hens and get killed, but that practice is decreasing, and there is a greater use of the ordinary signal indicating the intention of drivers. With those few remarks I support the second reading.

The Hon. E. ANTHONEY (Central No. 2) —The Bill is an indication of the seriousness with which Parliament views our traffic problems. Since 1934, when the Bill was first introduced, it has been subjected to 30 amendments and reprinted four times. It is nearly time that those in charge of traffic matters in this State made up their minds as to how

traffic should be regulated. We have not, relatively speaking, a large population, and our streets are wide. Compared with other countries our traffic is very light and the problem of regulating traffic in Adelaide streets should not be difficult. There are, however, things which militate against good traffic control in the city. Central tram poles are a great menace to free moving traffic. King William Street traffic could be much more safely and conveniently arranged if motors were ranked instead of being parked. With ranking, and the removal of the central tram poles, there would be a much freer movement of traffic.

Mr. Cudmore mentioned the growth of traffic in South Australia. I have obtained some interesting figures about it and find that motor vehicles, mostly motor cars, on our roads have increased by 20,000 in five years. The growth of motor traffic here has been both rapid and heavy, with more vehicles per head of population than in any State. When abroad I took a keen interest in the regulation of traffic in the larger cities. I do not think that anybody could travel through England, and particularly London, without being surprised and impressed by the way traffic is regulated or, as Mr. Cudmore said, regulates itself. Frequently I stood at the corner of Marble Arch and watched one policeman controlling both incoming and outgoing traffic from Hyde Park, along Oxford Street and Edgeware Road and down to Mayfair. It was all done without any hitch. This is not so much due to police control as to the fact that motorists themselves exercise control. That, I think, is the explanation, in fact, the police do little to control it; it was more a matter of giving signs. A policeman rarely leaves his post or the point at which he is standing to control motorists. Another noticeable thing was that if traffic was held up for any reason no impatience was shown by motorists. I have known them to wait for five minutes without showing any sign of it. They are well disciplined and most responsive to police control. After having witnessed these things I feel that traffic in Adelaide would be far better controlled if it were left entirely to police direction.

There is the question of taxi-cab licensing, about which I made many inquiries. I found that before any London taxi driver could get a licence he had to pass a rigid examination and submit to a gruelling test for physical fitness, character, and his knowledge of London. I do not understand why taxi-cab registration in Adelaide and suburbs should be under the control of various municipal authorities, with varying degrees of examination. It would be far better if one body carried out this work and did all the licensing. In London all motor vehicles are subject to a complete test before being allowed on the roads, in fact, everything is done properly.

I cannot add anything to what Mr. Cudmore said about road courtesy in England; he has explained the position exactly. Motorists there obey all road signs and know exactly when they are on a main road. The system of "turn-outs" in operation in England is a great contribution towards road safety. I emphasize the road courtesy that is extended by drivers in England, whether taxi-drivers, omnibus drivers or anybody else. All, right from top to bottom, are most helpful. I do not say that all Australian drivers are discourteous, as the great bulk are not. Many are just thoughtless and careless, and I think it is probably more thoughtlessness on their part than any desire to be discourteous. The newspapers, radio, National Safety Council, and now the Education Department is doing everything possible through the medium of its teachers, the press and radio, to try to get people to understand that roads can be made safe if both drivers and pedestrians take ordinary care.

The Hon. F. J. Condon—How do you account for so many accidents to new Australians?

The Hon. E. ANTHONEY—Probably because they do not understand our language and do not properly understand our road traffic code.

The Hon. C. R. Cudmore—Probably they are used to driving on the right hand side of the road instead of the left.

The Hon. E. ANTHONEY—Yes. Motoring accidents in this country are most alarming. Since the war ended 150,000 people in Australia have been killed or maimed through motoring accidents. The figures are startling, but they have been printed in the press and must be looked upon as reliable. Another question is that of stolen motor vehicles. In South Australia alone in that period 300 motor cars and motor cycles have been stolen. Some of these owners have got their vehicles back, but some have not, and many of those who have got them back have found them in a badly damaged condition. Penalties for joy riding should be much more severe. After all, joy riders are taking private property, and it is not right that motor cars should be used by these people merely for joy riding. South Australian insurance companies paid out £620,000 for accident claims last year. These are big

figures, and the matter is most important, as it concerns not only property, but life. I think that the Bill can be better dealt with in Committee. Speaking generally, I approve of most of its provisions, and will have something further to say when it reaches the Committee stage.

The Hon. J. L. S. BICE secured the adjournment of the debate.

INDUSTRIAL CODE AMENDMENT BILL (No. 3).

Adjourned debate on second reading.

(Continued from November 14. Page 1247.)

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—This is a very small Bill to empower wages boards to make determinations for the payment of wages or remuneration up to £20 a week instead of the present limit of £15. We should have more confidence in our wages board system and give boards wider powers. Unfortunately, even in the last few weeks certain actions of wages boards have been criticized by both sides. Parliament is largely responsible for the weakness of our Industrial Code and wages board system. In many respects wages boards can operate only in respect of the metropolitan area and as regards a union which has no affiliations outside of South Australia. The lack of industrial legislation in South Australia has compelled unions to leave the State Arbitration Court and go to the Federal Court. Quite recently the other branch of our Legislature denied the right to rural workers to approach a wages board, and so they cannot get any protection under State legislation. There are organizations which have sprung up in South Australia recently which cannot come within the purview of our Industrial Code because they have fewer than 20 members. An attempt was made recently to reduce the prescribed number to 10, but it was defeated.

The Hon. F. T. Perry—Do you think we want all the machinery of a wages board to deal with 10 people?

The Hon. F. J. CONDON—It is better than forcing them into the Federal Arbitration Court, because I think the State Court is—

The Hon. F. T. Perry—Best!

The Hon. F. J. CONDON—I would not say that, for when it comes to competition we cannot say that the State courts are best. Big industrial organizations which have to meet overseas competition must have Federal jurisdiction, and certain organizations in South Australia were under a disadvantage for many years for this reason, and were ultimately forced to go to the Federal Court. There was a time when South Australian employees in one industry received a higher rate than those in any other State, but when the industry became involved in overseas competition these employees were at a disadvantage. This is the reason why a number of unions federated. I say that whether an organization consists of 10 or 20 employees it should be encouraged to come under the wages board system where they can all get around a table without any publicity; there is a much better and more friendly feeling around a table than in an Arbitration Court which is open to the public. Our legislation is lagging. We have to blame ourselves because we have forced our people to go to the Federal Court when they could well have been kept in South Australia, thereby lessening the troubles we have experienced for many years. Even in the last fortnight the Government has denied the right to certain employees to come under the wages board system. Even if there are only nine, or 15 or 19 involved, they should be able to have a wages board to settle their conditions of employment, and we should not compel them to affiliate with an interstate organization and force them under Federal jurisdiction. I hope the Government will consider, at some future time, the question of improving our Industrial Code to give all men the right to sit around a conference table, under a chairman appointed by the Government, in order that their case may not be overlooked as in the past. I support the second reading.

The Hon. F. T. PERRY (Central No. 2)—I do not think that the alteration proposed in this Bill will do any harm, but it is rather a pity that conditions have reached the stage where an employee earning a thousand pounds a year has to submit his case to arbitration to get it settled. It seems to me that wages board and court awards were intended to apply more to people in the mass and not to those in receipt of £1,000 a year. It is true that that amount has only recently been involved, but I would rather that recipients of the higher wages had their personal and individual approach to the authority controlling them without resort to wages boards or courts. Mr. Condon instanced cases where the fact that the Industrial Code has not been amended has resulted in disability to South Australian unions. I have been acquainted with wages boards ever since their inception, and my view is that if people have the desire and inclination

to use them, that is probably the best way to settle wage rates, especially if the ambit is within a reasonable area; it is impossible, of course, when the ambit covers the whole of Australia. My experience is that the leaving of the State court for the Federal court is an act of the unions and not the fault of the court. It is far better for people within the boundaries of the State to settle their conditions and wages within the State, and consequently I, too, support the State system of wage fixation. However, I draw attention to the fact that the two industrial troubles through which the Adelaide public is suffering today are both under the jurisdiction of the State Arbitration Court, and wages boards decisions have figured quite a lot in the discussions in the press, for it is those decisions to which objection is being taken. While we have such a system it is a pity that those within its jurisdiction do not honour their awards. I will offer no further comments, though I might have been able to do so on some of the points raised by Mr. Condon. However, they do not affect the Bill and I simply intimate my support of the second reading.

The Hon. Sir WALLACE SANDFORD (Central No. 2)—I support the second reading of the Bill, which is brought forward with the object of increasing the monetary limit which governs wages boards under the Industrial Code. I agree with Mr. Perry that it is an expression of appreciation and value of the wages board system as a means of maintaining that amity and good-will which is highly desirable in every enterprise and this system is to be preferred to the later development by which both sides have gone to the court. However the Industrial Code is operating here. In 1948, when the limit was raised to £15 a week the basic wage was £5 17s., whereas it is now £9 4s. Prior to 1948 the limit of weekly wage was £10 so that from that time the wage limit of the jurisdiction of the Code has doubled having regard to the £20 which is now proposed in the Bill. Each rise in the basic wage has generated further price rises and these in turn have brought automatic increases in the basic wage.

At present there seems to be no end in sight to what has been referred to as a mad chase. The further it goes the more difficult does it appear for us to be able to stop and everything is affected by the continuing rise from the modest haircut to the most elaborate service. Such an adjustment as the one before us appears to be only a palliative. It does not strike at the roots of the problem which confronts us as a community. Unless we correct our ways it is difficult to see any light ahead. In this Bill we are charged with having to deal with the effect and it is abundantly clear that correctives must be faced if we are to overcome the inflationary spiral. Hoping that this further adjustment will in some way lend real assistance to our emerging finally from the difficulties that surround us I support the second reading.

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

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

Received from the House of Assembly and read a first time.

SUPERANNUATION ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—The recent decreases in the value of money have rendered it unavoidable that the Government should again review the rates of superannuation and invalidity pensions payable to ex-members of the State public service including ex-employees of the railways department and ex-teachers. The rates of these pensions were last adjusted in 1948, when the unit of pension, which had previously been £26, was increased by 25 per cent to £32 10s., and the maximum number of units for which an employee could subscribe was increased from 12 to 20. In ordinary times one would have expected these adjustments to be sufficient for a few years, but so rapidly have salaries and wages moved in the last year or two that the Government deems it just to follow the example of the Commonwealth and Victoria and again make consequential adjustments of pension rates. The Bill, therefore, is mainly concerned with the increase of pensions. At the same time the Government considers it fair that some increases should be made in the contributions of employees. The fund was originally instituted on the understanding that half of the cost of the pensions would be borne by the Government and half by the employees. But by the end of last financial year the Government's share of the cost was approximately three-quarters and that of the employees one-quarter; and even allowing for

the increased contributions prescribed by this Bill, the effect of it will be an immediate increase in the Government's share of the cost.

The basis of the Bill is that on and after December 1 of this year pensions and contributions will be increased by one-fifth. The increase of pensions will apply automatically to all pensions in force on November 30 and, of course, there will be no question of collecting any increased contributions from those who are pensioners on that day. Pensions commencing on or after December 1 will also be increased, unless the contributor elects not to take the increase. The Government realizes that there may be some employees who feel they will be adequately provided for with their present pensions and any private means they may have, or any benefits which may be available to them under the social services legislation of the Commonwealth. Such employees may prefer not to incur any expense in subscribing for increased pension from the superannuation fund. The Bill therefore allows any employee at any time before March 1, 1952, to elect that all or some of his units shall not be increased from £32 10s. to £39. When such an election is made increased contributions in respect of the number of units to which the election applies will cease to be payable as soon as the Superannuation Board can make arrangements to stop them; and any increases previously paid by the employee will be refunded to him.

If a man has units being paid for at different rates of contribution, and elects only to increase some of his units, the increase in his contribution will be based on the average rate at which he is contributing for all his units. Even allowing for the increase in contributions the Bill will increase for some years the Government's share of the cost of the pensions. As regards the pensions which are now in force or will be in force on November 30 next the full cost of the increase will fall upon the Government. As regards future pensions the Government's share will be more than it pays in respect of units taken up in the usual way at present because the additional contributions which contributors will pay for their increased pensions are less than the rates appropriate to their present ages. Some consequential and other amendments of the Superannuation Act are made by the Bill to which I will draw members' attention in order of the clauses.

Clause 4 enables the Superannuation Board to deal with any special problems which may arise in connection with the alteration of pensions and contributions. Although the general principles of these alterations are clear and have been carefully worked out, many complex problems will necessarily arise in practice as a result of special circumstances affecting particular employees. It is impossible to foresee all of these and it is most desirable that the board should be able to deal with them as they arise and give a binding decision. Clause 4 therefore provides that if any circumstances arise in connection with the alterations proposed by the Bill, which are not provided for by law, the board may give a direction as to what is to be done. A direction so given must not be inconsistent with the Superannuation Act, and as all interested parties are represented on the board it can be assumed that proper and just directions will be given.

Clause 5 is a general clause dealing with the rights of contributors who have elected not to take or have not elected to take units available to them. Cases constantly arise where owing to inadvertence, wrong information, absence or other cause, employees lose the right to take units through making no election, or through making an election which they afterwards desire to rescind. The board has found it impossible to do justice to employees in such cases unless it has power to allow employees to take up, after the prescribed time, the units which they have missed. Clause 5 will enable this to be done on terms and conditions approved by the board. Clauses 6 and 7 provide for the increase of 20 per cent in contributions for ordinary and reserve units of pension. In cases of ordinary units, as I mentioned, the employee can elect not to increase. In cases of reserve units, if the employee retains the units he must pay for them at the increased rate; but under the principal Act he can surrender any reserve units if he so desires.

Clause 8 provides for the increased contributions to be paid by the Government. These involve complicated arithmetical calculations which are difficult to express in words and difficult to follow when so expressed. It is provided by clause 8 that they shall be prescribed by regulations under the Act. As the regulations have to be recommended by the board, as well as approved by the Government, all interested parties will have the opportunity to satisfy themselves that they are in order. Clause 9 carries into effect a

promise given by the Government to certain employees who were on their final long service leave when the Act was passed last year for making pensions payable as from the commencement of such leave. Last year's Act only applied to those who retired after it was passed. Those who were on long service leave at that time were not covered. The proposal in the Bill is that those who were on long service leave when last year's Act was passed will be entitled to pension as from the passing of that Act. Clauses 10, 11, 12, 14, 15, and 16 provide for the increase of the value of the unit from £32 10s. to £39, as I have explained, and also that widows' and children's benefits will be increased in proportion. The only exception to the increase is where an existing employee elects that all or some of his units will remain at their present value.

Clause 13 provides for an allowance for the children under 16 of a widow pensioner, who had previously been a contributor to the fund. The allowance will be at the rate of £39 a year a child. At present the Act provides for a similar allowance in the case of the death of a widower pensioner. Recent cases have arisen which demonstrate the need for a similar provision for widows. Clause 14 provides (*inter alia*) that where a widow pensioner dies leaving children over 16 and the amount of pension and allowance received by the widow and her children is less than the amount of her contributions to the fund, the excess of the contributions may be paid to or for the benefit of the children. A similar rule previously applied in the case where a widower pensioner died in the like circumstances. Owing to the increasing employment of married women it is now desirable to extend the principle to widows. Clause 17 sets out the scale of contributions for new units of pension taken up after November 30, 1951. The rates prescribed are those now in force, with minor adjustments to bring them to the nearest shilling and ensure a smooth progression. None of the adjustments exceeds 3s. a year. I move the second reading of the Bill.

The Hon. F. J. CONDON secured the adjournment of the debate.

ADJOURNMENT.

At 4.5 p.m. the Council adjourned until Tuesday, November 20, at 2 p.m.