LEGISLATIVE COUNCIL.

Tuesday, September 4, 1956.

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

SUPPLY BILL (No. 2).

His Excellency the Governor intimated by message his assent to the Act.

QUESTIONS.

TONSLEY PARK AND MARINO RAILWAY LINES.

The Hon. E. ANTHONEY (on notice)—

1. What progress is being made with the deviation of the railway to Tonsley Park?

2. Is it the intention of the Government to continue the line to Marino?

The Hon. N. L. JUDE—The Railways Commissioner reports—

1. Most of the land required for the spur railway to Tonsley has been obtained and negotiations are in hand for the acquisition of the remainder. The construction of the railway itself will be undertaken to suit the requirements of Chrysler Australia Limited.

2. It is not intended to continue the line to Marino.

ELECTRICITY TRUST STAFF.

The Hon. K. E. J. BARDOLPH (on notice)—

1. What numerical increase in the executive staff has taken place in the management of the Electricity Trust of South Australia since it was acquired from the Adelaide Electric Supply Co. Ltd.?

2. What has been the total increase of salaries since acquisition?

3. What is the ratio of outside manpower to that of executive manpower?

The Hon. Sir LYELL McEWIN—The Chairman of the Electricity Trust reports—

1. The executive staff engaged in the management of the Electricity Trust of South Australia, excluding executive staff associated with the Leigh Creek coalfield, numbered 23 at the 30th June, 1956. The number of comparable staff of the Adelaide Electric Supply Co. Ltd. in 1946 was 18.

2. The total of salaries paid to the executive staff in 1946 amounted to approximately £22,000. The total of salaries paid to similar staff for the year ended the 30th June, 1956, excluding the Leigh Creek Coalfield salaries, was £55,000.

3. The number of employees in the Electricity Supply Undertaking (i.e., excluding Leigh Creek coalfield), including salaries and wages staff at 30th June, 1956, was 4,053. The executive staff numbered 23 as indicated in the reply to question 1.

MILLICENT TO BEACHPORT RAILWAY.

The President laid on the table the report of the Parliamentary Standing Committee on Public Works on the Millicent to Beachport railway.

ADELAIDE UNIVERSITY COUNCIL.

The Hon. A. L. McEWIN (Chief Secretary) moved—

That the Council do now proceed to elect by ballot two members of the Council to be members of the Council of the University of Adelaide.

The Hon. F. J. CONDON (Leader of the Opposition)—It is not my intention to oppose the motion or the election of the gentlemen who will be nominated for this important position, but I ask the Government to consider amending the Act in order to give the Opposition representation. We have appealed to the Government previously to do this. At present three members are elected from the House of Assembly including one member of the Opposition, and two members from the Legislative Council. As we have been asked to vote £650,000 to the University Council, it is only right that my Party should have representation, because it is just as concerned with the university as anyone else.

Motion carried.

A ballot having been taken, the Hons. L. H. Densley and Sir Frank Perry were declared elected.

HIDE AND LEATHER INDUSTRIES LEGISLATION REPEAL BILL.

Adjourned debate on second reading.

(Continued from August 28. Page 390.)

The Hon. F. J. CONDON (Leader of the Opposition)—It is very seldom that an Act of Parliament is repealed, and when such action is proposed it is always desirable to have a good look at it. When speaking to the Bill, Mr. Bevan explained the reasons for the proposed repeal and this was also outlined by the Attorney-General. On September 8, 1948, the Chief Secretary in his second reading speech referred to a certain discussion. Originally the control of hide and leather was under the Federal Government, but this ceased on December 31, 1948. Therefore, it was necessary for legislation to be passed by the State Parliament. Controls were inaugurated in October, 1939, under National Security Regulations, the basis of the scheme being that all hides and yearling and calf skins produced in Australia were acquired by the Australian Hide and Leather Industry Board, and prices

within limits were approved by the price fixing authority. At that time export prices were very much higher than Australian prices, but today circumstances are different, because for nearly everything the local consumer is paying an additional amount to make up export prices. Many commodities are exported overseas at a lower price than that paid by the Australian consumer. I could mention quite a number where this occurs in order to put some of the industries on a better basis.

The Hon. W. W. Robinson—For a long time that was in reverse for some commodities.

The Hon. F. J. CONDON—That has whiskers on it. That happened many years ago, probably before I was born. The honourable member is referring to wheat, but it can be purchased overseas cheaper than in Australia. When a Bill was introduced to fix the price of wheat sold on the home market, all members supported it, so we were prepared to meet that position. In the last two years people have been paying exorbitant prices for boots and shoes.

The Hon. L. H. Densley—But they are under price control, aren't they?

The Hon. F. J. CONDON—They are not. Not only are they dear but they are also of poor quality. The effects of the scheme were to ensure an equitable distribution of Australian-grown hides, the return to hide suppliers of the money acquired by the board in the course of its Australian and overseas marketing activities, stabilized prices of leather, boots and shoes for use in Australia, and organized stability of the leather, boot and shoe industry. Under the National Security regulations there was a certain amount of protection, but price fixation, unless controlled by the Commonwealth, is not of much value. Some States have fixed the price of potatoes and onions, but that has been of very little value because the other States have not done so. The same applies to wages. Workers in some States are receiving 15s. a week more than in others, and this makes the position very difficult.

The Hon. S. C. Bevan—Do you think this legislation had any effect on the supply of leather goods during the war?

The Hon. F. J. CONDON—It probably had some effect. There was some protection, which was necessary at the time. In 1914 everything was fixed but prices, which in the first 12 months of the war increased by 28 per cent, making it very difficult for the workers. When the 1948 Bill was introduced I spoke about the high penalties it contained, in some cases of £400. Only two speeches were made apart from the second reading speech. Although I will support this Bill, I think that the Government should be very careful in these matters; if wages are pegged there is no alternative but to peg prices. I support the second reading.

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

LIMITATION OF ACTIONS AND WRONGS ACTS AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 21. Page 321.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—This Bill has several objectives, the first being to clarify the law in a certain regard, of which the Attorney-General has already given details and on which I feel there is no need for me further to dwell other than to say that any clarification of the law must be admirable unless, of course, it brings in its trail other injustices. I do not think this amendment does that except in one possible regard to which I will refer later. In other respects, the Bill sets out to reduce the time for the institution of actions in legal form and in yet another respect it sets out to extend that time limit. It is obvious that time limits are essential for justice for reasons on which I need not elaborate, and of course the march of time alters things and is liable to alter the suitable time in which legal action should be brought.

Clause 3 strikes out four subsections of the Act and substitutes in their place one new subsection. The subsections struck out relate to a number of varieties of actions for personal injuries and for injuries to real property, such things as actions for detention of goods, and actions for libel, malicious prosecution and arrest and so on. At present the time limit is six years which the Bill seeks to reduce to three years. I think, with the reservation I have mentioned, that three years is a reasonable period for the bringing of such forms of action, particularly as in nearly every case oral evidence rather than the written word is relied on. It must make for justice if these actions are brought within a reasonably short period. On the other hand, I do not think that three years can be said to be a long time, because it is well known that hasty administration of the law does not always bring justice, and in certain forms of actions, particularly for personal injuries, it is often necessary for time to elapse in order to see the extent of those injuries.

Clause 4 is really a clarification of section 36 of the Limitation of Actions Act. It strikes out the section relating to actions for assault, trespass to the person, menace, battery, wounding or inprisonment, and substitutes actions in respect of personal injuries. It also defines "personal injuries," the main implication of that definition being to include diseases and the impairment of a person's mental condition as well as his physical condition.

Clause 5 seeks to amend the existing law by extending the time in which actions may be brought from one year to three years in cases of wrongful acts or neglect causing death. I think this is a step in the right direction. I do not wish to appear cynical about this, but in the law a year is not really a long time for bringing an action. Actions can be delayed by all sorts of things, and in particular by negotiations between the parties, always a very satisfactory way of doing justice if it obviates the necessity of recourse to the court. Negotiations are apt to be protracted, and 12 months can soon pass, particularly when large sums of money are involved.

The Hon. Sir Frank Perry—Would that 12 months be from the commencement of the action?

The Hon. Sir ARTHUR RYMILL—The statute in this regard would start to run from the time of the injury, and in the case of death from the time of the injury whether death ensues immediately or not. I have some doubt about the verbiage of clause 6 which I think should be clarified. I have been in communication with the Law Society, which feels that an injustice could be wrought in certain circumstances because of the verbiage of clause 6, which says:—

> This Act shall apply to every action commenced after the passing of this Act whether the cause of action arose before or arises after the passing of this Act.

I am rather in accord with that body on the point that some litigants may have already delayed actions where the cause of action has existed for more than three years. If it is an action in respect of which the time limit is reduced by this Bill from six years to three, the Bill in its present form could strike out that cause of action altogether. A person may have been injured four years ago and been advised that he has six years to bring his action. If this Bill applies to causes of action which arose before the passing of this Act, it could have the effect of striking out cause of action which at present exists, and that would be completely unjust. No doubt this matter will be taken into account by the Attorney-General in his reply.

The Hon. S. C. Bevan—It could apply in reverse, too.

The Hon. Sir ARTHUR RYMILL—Yes, it could. I see no reason why that should not be so, because no injustice would be done. I see no reason why clause 6 should not extend the time limit in cases where the Bill sets out to do that, but if it could have the effect of striking out an existing cause of action it is something that should not be supported. I will raise this point if necessary in the Committee stage. In other respects I support the Bill.

The Hon. J. L. COWAN secured the adjournment of the debate.

ROYAL STYLE AND TITLES BILL.

Adjourned debate on second reading.

(Continued from August 28. Page 392.)

The Hon. E. ANTHONEY (Central No. 2)—The purpose of this Bill is to make general the style and titles of Her Majesty Queen Elizabeth II. I presume that every State in the Commonwealth will pass similar legislation. One cannot help noting the changes that have taken place in what used to be called the British Empire, but it is all a part of the great Empire plan of granting countries their independence and the right to govern themselves. They have drifted away from the Empire and become self-governing.

The Hon. K. E. J. Bardolph—They have not drifted from the Mother Country.

The Hon. E. ANTHONEY—I am happy to say that they still show allegiance to the Mother Country, but that allegiance is more loosely held. They are governing themselves as the Imperial authorities used to advocate that they should. Great Britain did not set about enslaving her people but gave them their independence. That applies in the case of South Africa and many other countries. It shows that her intentions were that the countries should set up their own Parliaments, and the Mother Country gave them every possible help.

The Hon. K. E. J. Bardolph—Don't you think that that strengthens the ties?

The Hon. E. ANTHONEY—I hope it will and I trust that the countries that have set up their own Parliaments will become more attached to the Mother Country than they were when more strictly bound in an Empire because her influence for good has been tremendous over the centuries and we would not like to see it diminished.

The point raised by Sir Frank Perry in regard to South Australia's position is perhaps worthy of the notice of the Attorney-

General. Of course, this has happened since we lost our taxing powers—our sovereign powers.

The Hon. A. J. Shard—The honourable member would not want to have them back.

The Hon. E. ANTHONEY—We do want them back; at least we give lip service to that principle.

The Hon. A. J. Shard—That is all. You would die of fright if you had them back.

The Hon. F. J. Condon—It is all bluff.

The Hon. E. ANTHONEY—Our own Premier contested an action at court and I would not say that he was bluffing, nor would I care to say that the Premier of Victoria is bluffing in his challenge in the court.

The Hon. K. E. J. Bardolph—Does the honourable member say that in handing over our taxing powers we gave away our sovereign rights?

The Hon. E. ANTHONEY—The country that loses its power to tax has lost its sovereign powers, and I think that would be the opinion of most constitutional theorists.

The Hon. F. J. Condon—Under State taxation the taxes would be much higher.

The Hon. E. ANTHONEY—There are opinions to the contrary, but it is generally held that once a State has lost its power to tax it has lost any sovereign powers it may have had. I suppose it is all right for the States to follow the Commonwealth in adopting titles, but unless we stand up for some of the principles which formerly guided us we will probably lose them all, for the Commonwealth Parliament has always been great at receiving but not so good at giving much away, and we must be ever watchful to see that our powers as a State are not further diminished.

The Hon. C. D. ROWE (Attorney-General)—I have given careful consideration to the point which was raised so clearly by Sir Frank Perry because I agree with him that nothing should be done which in any way suggests that the Queen does not hold the same position in South Australia as she has always held, nor to indicate in any way we are giving away status as a sovereign State with complete power over our own affairs.

The report I have obtained from the Parliamentary Draftsman makes it clear that the Bill does not interfere with the position as it previously existed, but that we are simply adopting the style and titles which Her Majesty has herself decreed shall be adopted and used by the Commonwealth and the States. The Parliamentary Draftsman says:—

The Hon. Sir Frank Perry in his speech on the Royal Style and Titles Bill indicated that he thought it desirable, if possible, to retain some reference to South Australia in the official title of Her Majesty the Queen. The object of this is to give some recognition in the Bill to the sovereign status of the South Australian Parliament in its own sphere. One can, of course, sympathize with this desire; but it does not appear likely that any inference as to the status or powers of this State could validly be drawn from the form of the Royal Title. It is quite possible, of course, that the South Australian Parliament has power to describe Her Majesty in any way it likes, but it would be out of harmony with constitutional practice of long standing to prescribe an official title to which Her Majesty had not assented by proclamation. For hundreds of years the Sovereigns of Great Britain have determined their own style and titles. Originally it was done by the Sovereign by proclamation without Act of Parliament. For example, Edward IV, who had previously been known as King of England and France, added the words "and Lord of Ireland." Henry VIII altered this title to "King of England and France and Ireland." For the last hundred and fifty years at least the Royal Style and Titles have only been altered by proclamations made by the Sovereign in pursuance of Statutes. A number of such alterations have been made. Up to the time of the passing of the Statute of Westminster the proclamations were authorized only by Imperial Acts. But the Statute of Westminster, in effect, laid it down that the assent of the Dominion Parliaments also was required to alterations of the Royal Titles. The present titles of Her Majesty for use in the Commonwealth have been fixed by a proclamation made by the Queen herself. It would be contrary to constitutional practice for a State Parliament to prescribe any other titles. In connection with this matter the question arises whether in the Parliamentary Oath of Allegiance it would be proper to include any words indicating that the Queen is Queen of South Australia. This, I think, could be done. The Parliamentary Oath does not purport to set out the official title of the Sovereign, but merely her name, coupled with words indicating that a member of Parliament, when taking the oath, swears loyalty to her as Sovereign of Great Britain, Ireland and of South Australia. In this respect the form of oath differs from Supreme Court writs and other legal documents, which set out the actual official title of the Sovereign. In my opinion it would not be inconsistent with the present Bill or the Constitution Act to use a form of Parliamentary oath in which it was mentioned that the Sovereign was Sovereign of South Australia. Such an arrangement would not necessitate any amendment of this Bill. I suggest that the Bill be passed in its present form.

I point out that the altered description of Her Majesty has been used in the swearing in of members in this Council, certainly on the last occasion, and I think on the previous occasion.

The Hon. Sir Frank Perry—Then it would not comply with the Constitution as the words "South Australia" appear in the Constitution.

The Hon. C. D. ROWE—I think the honourable member will find that as long as the oath that we take here makes it clear that the Queen is Queen of South Australia the position is covered and the actual verbiage is not important. I think the report I have given answers the question as to whether or not we should adopt these styles and titles. The facts are that over the centuries we have always used the title that the Sovereign has proclaimed, and that is what we are doing still.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Royal Style and Titles."

The Hon. Sir FRANK PERRY—I appreciate the reply given by the Attorney-General, but I noticed that he said that this Bill would not alter the Constitution. I gathered from his second reading speech that it would affect all Acts, by-laws and regulations now in existence and for the future. If it does not do that and we retain the privilege in giving our oath of allegiance, of recognizing Her Majesty as Queen of South Australia I am quite satisfied; as a sovereign State we should at least have that right in performing our own acts of allegiance. Queen of Australia may be appropriate outside this House, but in its precincts we should be able to recognize Her Majesty as Queen of South Australia. I would like the Attorney-General to make it quite clear whether, in taking the oath in this Chamber on the last occasion, we used the older form of oath or the form now proposed, and whether the Constitution Act, which prescribes the form of oath, was adhered to. It seems to me that we were a little wrong in procedure if that was adopted.

The Hon. C. D. ROWE (Attorney-General)—The honourable member has raised two points. The first is whether it will be competent for us to insert the words "Queen of South Australia" in the oath which we take in this House after this Bill is passed. I think it is perfectly clear that that can be done. I do not mean to indicate that it should be done. Her Majesty has proclaimed that she should be described in a certain manner and whether it is advisable to depart from that I do not know.

The other point is whether if we took the oath in this amended form when members were sworn in at the commencement of this Parliament and we had not then passed this Bill we were in fact in order. There has been some doubt whether a Bill of this nature was required as probably it would have been sufficient to do it by proclamation. However, to put it beyond doubt and to indicate to everybody what Royal style and titles shall be used in the various documents and writs issuing out of the courts where it is necessary to use the Royal Titles it was thought wise to introduce this Bill. I do not think anything has been done that was out of order, but the Bill will clarify the position and indicate to anyone who has need to refer to Her Majesty by her style and titles what form shall be used.

Clause passed.

Title passed.

Bill reported without amendment and Committee's report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL (MOTOR PARKING).

Adjourned debate on second reading.

(Continued from August 28. Page 394.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—This is an amendment designed to bring the principal towns of South Australia into line with those of other States and other parts of the world and extend to them powers similar to those already possessed by those other towns. Mr. Condon was rather guarded in his address, but I think he summed up public reaction to the proposal accurately and admirably when he said, or to use his own word, "admitted" that in various parts of the Commonwealth strong objection had been taken to the introduction of similar legislation, but in the end those who had been critical were very favourably disposed towards it. That has been my own reading of the matter. The same applies to New Zealand, where precisely similar experience was found, and no doubt that will be the attitude in England which, as Mr. Condon has pointed out, is in the throes of passing legislation for the introduction of parking meters. I feel that that reaction will be the same in South Australia, because there is no reason why it should be any different from that of other people. I must confess that I examined this question of parking meters in much the same light when I came into contact with it a few years ago, and my first reaction was not altogether in favour of it; but I found that an analysis of the situation in one's mind is just as valuable in coming towards the view that these meters are desirable, as practical experience of them has apparently proved elsewhere.

Adelaide is only one of the cities to which the Bill will apply, but I imagine it will be the first to take advantage of the legislation. The introduction of parking meters seems to be following a fairly understandable pattern—that in the inner hub of the city surrounded by Rundle, Hindley and King William Streets and so on, parking meters would be introduced if the Bill becomes law. If one can imagine a few circles around that inner hub, the next circle would be a place where parking would be indulged in, but possibly not to such a major extent, with a time limit of half an hour or one hour. The next circle would possibly have a limit of a couple of hours or longer, and beyond that again we have the parklands.

Much has been said about parking in the parklands, and I am one of those who believe it must come sooner or later. If it does, the facilities provided would be available at all hours of the day and I imagine at reasonable times of the night if necessary. I am also one of those opposed to the erection of any permanent buildings on the parklands, and I do not believe that the parklands should be used for cows only, as certain other people seem to hold. We see the situation in the further flung streets of Adelaide which are open to all day parking where cars remain outside people's dwellings all day, blocking up the whole of their frontages, which I believe is wrong. I believe that with the application of parking meters with reasonable time limits in various parts of the city, and possibly parklands parking, this state of affairs can be avoided.

Coming to the hub of the city, where I understand the City Council is at present planning to put meters if and when Parliament passes this legislation, the precise area I refer to is surrounded by North Terrace, Pirie, Waymouth, Pulteney and Morphett Streets. That is the principal part of the city where short-term parking is required and where a turnover of space is most desirable. I have no time for the person who wants to dump his car in the middle of the city if his business happens to be there and leave it there all day to the exclusion of others. I believe that people who want to make short urgent visits or carry parcels should have a reasonable time at the kerb space, and have the chance of getting the space at all reasonable times. As I understand it, that is the principal aim of parking meters—that those most in need of the space are able to get it for a very small fee. It might be said that that is the present aim of the City Council by its by-laws which permit parking or ranking in those parts for half an hour only; but in truth it has been found that that method has proved ineffectual because of the almost impracticability of policing it. The council has a large staff of traffic inspectors fully engaged in policing mainly parking, but even so if any honourable member goes to any of those streets to which I have specifically referred at almost any time of the business day he will find it almost impossible to get parking space, despite the efforts of the council to have its half hour by-law observed.

On the other hand, meters have proved in practice valuable from the point of view of making space available. One might say that this is surprising in view of the smallness of the meter fee, but in fact even that small fee proves a deterrent to people who really do not need the space, or people like the all-day parker who has to keep feeding the meter all day with sixpences. At the end of the day it amounts to a fairly large sum. I understand that the fees which the City Council intends to charge in 30-minute streets, like Rundle Street, is sixpence for each 30 minutes, in one hour parking streets 1s. an hour and in two hour parking streets 1s. for two hours. If a man wanted to leave his car in Rundle Street all day at sixpence for each half hour it would cost him 8s. for eight hours, which would be rather expensive. At present, parking stations charge 3s. for each session, which is about the minimum fee available and which has gone up considerably in recent years.

The Hon. C. D. Rowe—Does one session cover virtually the whole day?

The Hon. Sir ARTHUR RYMILL—I understand that one session is up to about 6 p.m., and a similar fee is paid during the evening. Mr. Condon appeared to fear that parking meters might give an advantage to people able to pay and that they would monopolize the whole space.

The Hon. S. C. Bevan—The honourable member's reference was to people who would be able to pay 8s. a day and stop there.

The Hon. Sir ARTHUR RYMILL—Such people would be very fortunate and rare. By his interjection the honourable member underlines what I was saying—that the all-day parker would be so badly hit financially by these meters that he would not want to take advantage of them. The small fees prove quite a deterrent to the continuous use of the streets or to their use even for half an hour

or an hour when a person does not want the space. I think that has already been proved in experience at Adelaide Oval. I live about half a mile away from the oval, and it is amazing to notice the number of people who park their cars there and are prepared to walk half a mile up and down hill to save the fee, which until recently was 1s. I understand it has now gone up or is to go up. That lends colour to the argument, as has been proved in other places, that these meters will make space available to those who really want it. So, we have these advantages from the installations of meters. First, you get a turnover of the space because not many people will keep coming back to feed another 6d or 1s. into the meter and then go away. That has been the experience elsewhere. A turnover of space in the heart of the city is, of course, desirable and democratic.

It is the wish of the City Council and, I have no doubt, of this House, that everyone should as far as possible get the advantage of whatever parking space is available. Secondly, people really needing this space will be able to get it. If a person wants to take a wheelbarrow out of the boot of his car or to take delivery of a big parcel he will be able to do so. Thirdly, there will be more effective policing at less cost. The usual mode of policing meters under this system is to send an inspector around on a motor cycle. He does not have to mark the wheel of each car and wait half an hour or an hour for the driver to come back because, if the meter has expired, the offence is created, and all the inspector needs to do is take the number of the car. That in itself will create a greater turnover of space. If the present by-laws could be policed effectively, there would be a better turnover, but not every offender by any means is caught now.

The Hon. C. D. Rowe—If a motorist puts 6d. into a meter for half an hour's parking but inadvertently stays 40 minutes, will he be expected to put in another 6d. when he comes back?

The Hon. Sir ARTHUR RYMILL—I would think that would depend on whether an inspector is in the offing.

The Hon. Sir Frank Perry—Would the motorist be fined immediately after the 30 minutes?

The Hon. Sir ARTHUR RYMILL—Yes.

The Hon. K. E. J. Bardolph—If he wanted to be there an hour could he put two sixpences into the meter?

The Hon. Sir ARTHUR RYMILL—That would depend on the type of meter. I believe some cities have that type, but I do not know whether that is what the council proposes. That might be fair in some ways, but in other ways it might defeat the object of the legislation, which is to bring about a turnover of space. No doubt any council wishing to use this legislation will take this into account.

The Hon. K. E. J. Bardolph—It would be a good idea to allow 10 minutes grace.

The Hon. Sir ARTHUR RYMILL—That could be dealt with by the council concerned.

The Hon. C. D. Rowe—I think that should be taken into account, because my experience has been that most appointments take at least half an hour.

The Hon. Sir ARTHUR RYMILL—Of course, there will be one hour and two hour spaces as well as half an hour and, as I understand the proposal, there will one hour as well as half hour parking in the area I referred to as the "hub of the city". I think where half hour parking is in vogue now there will be half hour meters, and where hourly parking is permitted there will be one hour meters.

Mr. Condon asked whether or not motor car owners should be obliged to make these contributions. I think he was worried about their having to pay for parking space because he has the fear, which is dominant in the minds of many people on a first approach to parking meters, that raising money is their objective. I can say that that is not their primary objective, although it is something that necessarily follows in their trail because it is no use having them without charging a fee. Is it such a bad thing that people who want to park with the facility of these meters should have to pay a small fee? In that regard, one can point out first of all that people do not have to use the metered space; they can go elsewhere, as there will be plenty of free parking space in the city outside the two blocks to which I have referred.

The Hon. F. J. Condon—I think there will be considerable congestion.

The Hon. A. J. Shard—Do I understand you to mean that the present 10s. fee will be abolished outside the metered areas?

The Hon. Sir ARTHUR RYMILL—No. I think I have dealt with the point relating to congestion. Whether one wants to relieve congestion in the sense of having unoccupied parking space is another matter. I think all properly available space should be available all the time and should be used provided that everyone has a chance to use it. Contributions for parking

are not the objective of any council but are necessarily wrapped up with the proposal. What is wrong with people who use parking space having to pay for it? Someone has to pay for the roads in every city. Is it necessarily right and just that the ratepayer should have to pay 100 per cent of road construction and maintenance charges, or is it fair that the people who continually use roads should pay something towards their cost if they want not only to use them to pass along, which is the main object of roads, but to park on the roadside?

The Hon. L. H. Densley—Don't all motorists pay something for the roads at present?

The Hon. Sir ARTHUR RYMILL—I suppose they pay some contribution, but in the City of Adelaide the general taxpayer pays practically nothing because the roads are not on the Main Roads Schedule. The only contribution the taxpayers make is for the parklands roads, in respect of which the Government grants the council £15,000 a year. I think £18,000 has been granted in one or two years for these roads. Other councils participate in Government grants if they have main roads running through their areas. The use of these meters will be voluntary. If a motorist does not want to park his car he will not have to do so and therefore will not have to pay for the use of the road. If he wants to park, the meters will ensure that he will have to pay a small fee towards the upkeep of the road. I cannot see anything wrong with this; I think it is quite just.

The Hon. K. E. J. Bardolph—Perhaps it will relieve congestion on South Terrace.

The Hon. Sir ARTHUR RYMILL—South Terrace is one of the places to which I was referring when I said that people's houses are being cluttered up, and an extension of parking facilities will no doubt relieve that position. Generally, in a busy town, parking meters do not necessarily free space, but they do make it freely available to everybody. They make a big turnover and thereby give everyone a chance. The person who really needs the space is the person who is prepared to pay a small fee for it.

Mr. Condon said that the manner in which the by-law is to become law it somewhat unusual, and I think that is correct. The usual procedure with a by-law is that it lays on the table of both Houses, is subject to disallowance, and does not come into force until the time for disallowance has elapsed. This Bill makes a much more practical approach for this type of by-law. I do not necessarily advocate the method adopted in this Bill for all by-laws—in fact, I do not think it would be a good thing—but where by-laws relate to limited matters I think this is a good method because it saves the waste of time that councils find frustrating if Parliament is not sitting when they want the by-laws to come into effect. If a council passes a by-law in December, it might have to wait for nine months before it can become law.

This Bill sets out to provide that the by-law shall become law at once although it still requires it to come before both Houses, which can disallow it, and on such disallowance it will cease to be law. This is obviously done so that councils will not have to wait for perhaps nine months. A council utilizing this facility will have to be careful because, if it does anything unreasonable, such as placing meters where they should not be installed, Parliament could disallow the by-law and the council would have to go to the expense of taking out the meters. I believe this Bill contains a satisfactory method of dealing with some by-laws although I would not advocate it generally by any means.

A matter that is normally commented on by members is owner onus. This Bill provides for owner onus—that is, the owner is liable unless he can show he did not leave the car there. Without such a provision the virtues of this legislation would practically disappear because it would be impossible to police the meters. Every motorist would have to be seen leaving his car. I do not like this alteration of the onus any more than other honourable members do. The fundamental principle of British law is that a man is innocent until he is proved guilty, whereas this Bill provides that he is guilty unless he can prove otherwise. Although I do not like the principle, I support it because, firstly, the offences are only minor ones; secondly, it would be impossible to police these meters or similar road traffic offences without that owner onus; and thirdly, the owner can still relieve himself of the offence by proving that he did not do it himself. I do not think injustice can be done there. In these cases, where masses of road users are being dealt with, there seems to be no alternative to owner onus, and indeed it has worked for many years in the city of Adelaide and in other parts of Australia without one hearing of any outcry against injustice. Over many years I cannot remember hearing anyone say that he has been harshly treated by the owner onus provision in respect of traffic offences.

The Hon. C. D. Rowe—The facts would be within the knowledge of the owner, and he knows all that he requires to know to excuse himself.

The Hon. Sir ARTHUR RYMILL—Yes. If he cannot persuade the prosecuting authority, which I think he could if he were innocent, that he did not leave the car there, he would only have to go into the witness box and swear on oath that he did not leave it there and in the circumstances he would have to be believed.

The Hon. A. J. Shard—Does that provision operate in the other States?

The Hon. Sir ARTHUR RYMILL—Yes, and I believe that in one of the States the onus is even higher, requiring a man not only to prove he did not leave it there but to nominate the person who did. I am not certain, but I think that operates in Melbourne.

I think it is proper that the Bill provides that the application of the revenue be left to the council concerned. There has been quite a deal of talk by a senior motoring authority in this State about the idea of money from the meters being put aside in a special trust fund to pay for off-kerb parking. Councils have heavy expenses with regard to their roads. They have full control of the rest of their revenue, and I cannot see any reason why this revenue should be earmarked in any particular direction. I believe the council is the best authority to determine what is a fair application of the money.

The Hon. Sir Frank Perry—Are these meters expensive?

The Hon. Sir ARTHUR RYMILL—I believe they cost about £60 each, and that takes quite a deal of recouping. Mr. Condon referred to the fact that the legislation did not extend to district councils. I do not know of any town within a district council area of sufficient importance to warrant the installation of parking meters, but if there were I see no reason why this Bill should not extend to them. Mr. Condon also mentioned penalties. The penalty which can be imposed by the courts is a maximum of £20, which I do not think on today's money values is an inordinate maximum for the worst type of offence that one can imagine under this legislation. Mr. Condon mentioned that courts were liable to take the maximum into account in fixing the penalty. That is true to some extent with certain offences under various Acts, but in my experience it is not taken into account very much in these minor traffic offences.

I now come to the fee which a council offers to accept for the purpose of expiating the offence. The fees to expiate are fixed by regulation under the Police Act, and the maximum fee that can be fixed under that Act is £1 for any offence. In fact, the fee fixed by regulation at the moment is 10s., and I am informed that that amount is the expiation fee proposed in respect of any meters which may be installed by the Adelaide City Council. I think honourable members will agree that that is not too large a fee to ensure that these meters are properly used. I support the Bill.

The Hon. E. ANTHONEY secured the adjournment of the debate.

CITY OF MARION BY-LAW.

Adjourned debate on the motion of the Hon. E. Anthoney—

That By-law No. 27 of the Corporation of the City of Marion relating to weight limit on streets made on September 5, 1955, and laid on the table of this Council on May 8, 1956, be disallowed.

(Continued from August 15. Page 292.)

The Hon. E. ANTHONEY (Central No. 2)—As this matter has been disposed of in another place, I move that the motion be read and discharged.

Motion read and discharged.

COUNCIL BY-LAWS: UNSIGHTLY CHATTELS AND STRUCTURES.

Adjourned debate on the motion of the Hon. E. Anthoney—

That By-law No. 25 of the District Council of Stirling, laid on the table of this Council on May 8, 1956, By-law No. 29 of the District Council of Tumby Bay, laid on the table of this Council on May 8, 1956, By-law No. 58 of the Corporation of Woodville, laid on the table of this Council on May 15, 1956, By-law No. 41 of the Corporation of Brighton, laid on the table of this Council on August 14, 1956, By-law No. 26 of the District Council of Minlaton, laid on the table of this Council on August 14, 1956, and By-law No. 36 of the District Council of Salisbury, laid on the table of this Council on August 14, 1956, all dealing with unsightly chattels and structures, be disallowed.

(Continued from August 21. Page 324.)

The Hon. E. ANTHONEY (Central No. 2)—This matter has also been disposed of in another place, and I move that the motion be read and discharged.

Motion read and discharged.

ADJOURNMENT.

At 3.33 p.m. the Council adjourned until Tuesday, September 18, at 2 p.m.