LEGISLATIVE COUNCIL.

Wednesday, December 2, 1959.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS.

APPOINTMENT OF QUEEN'S COUNSEL.

The Hon. F. J. CONDON—A few weeks ago two gentlemen who were in silk were appointed to the Supreme Court Bench, and I understand that there is now a shortage of Q's.C. I ask whether it is the Government's prerogative to appoint new Q's.C. and, if so, will the Attorney-General advise what is the position?

The Hon. C. D. ROWE—The matter lies largely in the hands of people outside of the Government, but I am of the opinion that it is desirable that additional appointments should be made and I am prepared to report the honourable member's request to the appropriate channels.

SALE OF LAND TO OVERSEAS INTERESTS.

The Hon. L. H. DENSLEY—I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. L. H. DENSLEY—In this morning's *Advertiser* appears an article under the heading of "Sale of Land to Asians," in which it is stated that a leading Australian land development company plans to sell from 200 to 300 blocks of land a year in various States to Asians in Hongkong and Singapore. Has the Attorney-General noticed that statement and can he state whether our position is protected, or what the general position is?

The Hon. C. D. ROWE—I noticed the article. Speaking offhand, I think our position is protected, but if possible I will get more detailed information and let the honourable member have it tomorrow.

CONSOLIDATION OF STANDING ORDERS.

The Hon. K. E. J. BARDOLPH—During the recess will you, Mr. President, call the Standing Orders Committee together for the purpose of reviewing Standing Orders with a view to consolidating them?

The PRESIDENT—Certainly there are Standing Orders that require looking into and I propose to call the committee together during the recess to see what alterations, if any, should be made.

ALAWOONA MAIN STREET.

The Hon. C. R. STORY—I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. C. R. STORY—I understand that the new road which is being constructed and sealed between Loxton and Karoonda has, where it passes through the town of Alawoona, been built up to a height of about 2 ft. above ground level. It seems that this will cause considerable trouble to householders in the street because of the run-off of water, as there is no kerbing in the town, and also because their properties will become lower than the road. Will the Minister of Roads ascertain whether that is so, and whether something can be done by the department to make the position a little better?

The Hon. N. L. JUDE—I am not aware of the details, but I will get a report and let the honourable member have it at an early date.

LEAVE OF ABSENCE: HON. A. J. MELROSE.

The Hon. L. H. DENSLEY moved—

That one month's leave of absence be granted to the Honourable A. J. Melrose on account of ill-health.

Motion carried.

SUCCESSION DUTIES ACT AMENDMENT BILL.

(Continued from December 1. Page 1919.)

On the motion for the third reading:—

The Hon. F. J. CONDON (Leader of the Opposition)—When speaking on the second reading I offered some criticism and said that if certain amendments were not carried I would vote against the third reading, which I propose to do. I do not want what I am about to say to be taken personally, for I have great respect for members' opinions, but I think the time has arrived when something should be said on this subject. When the Opposition moves amendments in this Council there is not a chance of their being carried because this place has become a vicious Party House—more this session than ever. When members of the Opposition put their case they are ridiculed as if they had no right to be here. The Government looks for our support on occasions, but that does not seem to be appreciated. If ever this was a House of Review it has long ceased to be so.

The Hon. L. H. Densley—Then why are you attacking us for criticizing the Government?

The Hon. F. J. CONDON—No-one in this place upholds the dignity of the Legislative Council more than I do, and I think we should get away from Party politics.

The Hon. Sir Lyell McEwin—Hear, hear!

The Council divided on the third reading:—

Ayes (14)—The Hons.—Jessie Cooper, L. H. Densley, E. H. Edmonds, G. O'H. Giles, A. C. Hookings, N. L. Jude, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Noes (4)—The Hons.—K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), and A. J. Shard.

Majority of 10 for the Ayes.

Bill thus read a third time.

Bill passed.

WRONGS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

LOCAL COURTS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

LOTTERY AND GAMING (CHARITABLE PURPOSES) BILL.

Returned from the House of Assembly without amendment.

MOTOR VEHICLES BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1906.)

The Hon. S. C. BEVAN (Central No. 1)—This is a very important Bill as it removes from the Road Traffic Act certain provisions administered by the Motor Vehicles Department and establishes a new Act to deal with such things as the registration of motor vehicles, drivers' licences, third party insurance and other matters. There are 146 clauses, and as I understand that Parliament will prorogue on Thursday, although we have not been officially notified to that effect, the Council will have only a limited time in which to give attention to it. Members will be expected to pass this measure, among others, within two days, and yet this Bill was before the House of Assembly for about a month. It was introduced there on November 3. How can full consideration be given to such an important matter in such a limited time?

The Hon. Sir Arthur Rymill—It happens every year, doesn't it?

The Hon. S. C. BEVAN—It is not the first occasion this has happened, and other important legislation is yet to come before the Chamber and we have not had an opportunity to look at it and do not know when we shall get it. This important measure dealing with motor vehicles comes before us in the dying stages of this session. We are here to legislate in the best interests of the State, but because of the circumstances mentioned we cannot give full consideration to this measure. If this Chamber is to be a rubber stamp for legislation passed by the House of Assembly, the sooner the electors realize that and voice their approval or disapproval of the methods, and the sooner this Council is abolished the better for everyone concerned.

The Hon. Sir Lyell McEwin—You advocate that?

The Hon. S. C. BEVAN—I am advocating it openly in this Chamber now.

The Hon. A. J. Shard—We make no apologies for it.

The Hon. S. C. BEVAN—It is a gross injustice that members of this House should be asked to give full consideration to such an important measure in so short a time.

The Hon. Sir Arthur Rymill—You were criticizing members who voted against the Government the other day, too.

The Hon. S. C. BEVAN—Yes, and I shall continue to do so if I think it is just. At least I have the courage of my convictions and do not go back on them when I come into this Chamber. This Bill is most important.

The Hon. Sir Lyell McEwin—And very good.

The Hon. S. C. BEVAN—It deals with further concessions. It is time we looked at these things. Today concessional rates on our railways are allowed for the cartage of particular classes of goods, and concessions are given to primary producers for their vehicles that are being used in competition with the railways.

The Hon. N. L. Jude—Concessions are given to workers in the metropolitan area, too.

The Hon. S. C. BEVAN—The concession given to the worker in the metropolitan area is an increase in fares in travelling to and from work to make up some of the losses that the railways have suffered. We should now analyse the Railways Commissioner's report tabled in Parliament this week. It states that

merchandise carried by the railways in the last financial year was 236 million net ton miles, which represents a loss of 22 per cent or the equivalent of a loss of earnings of £1,200,000.

The report further tells us that the total debt as at June 30 last was £52,836,104, and the annual interest charges on this amount were £1,971,427. How can the railways pay if we are going to hand out concessions all over the place for everything? How can the Minister himself justify coming here for higher passenger fares when this sort of thing is going on? The time has arrived when we should examine these things and go into the whole matter. Our railway system is an important and integral part of the State. Who is carrying these losses and the interest due?—the taxpayers of the State. Surely they are entitled to some consideration.

I do not intend to discuss the 146 clauses, but some cannot be passed over lightly. Clause 5 deals with the definition of a primary producer for the purposes of this Bill. It gives a good definition. Another interesting subclause is that which provides that this Act shall apply to motor vehicles engaged in interstate haulage. At present the owners of these vehicles do not contribute a penny in registration fees to this State. They have the full use of our roads and, not only that, they use the roads for parking their vehicles.

The Hon. C. R. Story—Which subclause is this?

The Hon. S. C. BEVAN—Clause 5 deals with interpretations. Subclause (4) reads.—

Subject to section 22a of the Acts Interpretation Act, 1915-1957, this Act shall apply in relation to motor vehicles engaged in trade commerce and intercourse between the States.

I will leave it at that. This Act is intended to apply to interstate hauliers who have had full immunity from contribution to State taxation in registration fees for the use of our roads for many years. We know why that has been the case. Many accidents have happened through their vehicles being parked on the roads, but that is not dealt with at all in either this legislation or the Road Traffic Act. It is about time these vehicles were prevented from using the roads as parking stations. They should be compelled to use an off-road parking place at night. Clause 33 deals more specifically with the position of interstate hauliers. It says:—

If the owner of a motor vehicle—

(*a*) applies for registration of that vehicle and pays a fee of one pound; and

(*b*) undertakes that the vehicle will not be used on roads in the State for any purpose other than trade commerce or intercourse between States unless the balance of the registration fee as defined in section 40 of this Act is paid,

the Registrar shall in consideration of the fee so paid register that vehicle for twelve months.

We observe that the present phraseology is, "If the owner of a motor vehicle applies for registration." What happens if he does not apply? Is that a breach or does it mean that again we are faced with costly litigation under section 96 of the Commonwealth Constitution to see whether or not this is valid? The State itself could be faced with litigation on this matter. Test cases have been heard in both New South Wales and Victoria on this question and it has been held by the High Court that the legislation operating in those States is valid. Their charges are considerably higher than £1 and I suggest it is only toying with the question to charge a £1 registration fee to the interstate hauliers who do most of the damage caused on our roads. They cause much more damage than do any of our State vehicles. Even if the owner of an interstate vehicle does make application to the Registrar, pays the £1 fee, and is registered under the State Act, I fail to see anything in the Act which makes it obligatory on him to have a third party insurance cover, and I am concerned with the position applying to third party insurance.

Members are aware that some years ago it became compulsory in this State for motorists to have a third party insurance cover and that legislation was introduced for that purpose. Before it was introduced, in court actions judgments were often given against the guilty party for substantial sums of money and in some cases the defendant subsequently became insolvent and the aggrieved persons received no compensation at all. It was because of this that the State Government decided it would be better for every motorist in this State to be covered by third party insurance and that legislation was introduced to protect persons who suffered injury or if they suffered death to protect their dependants.

I am concerned at the effect of this legislation on third party insurance. There are some clauses in the Bill that make certain provisions relating to this matter but I cannot see in them any possible safeguard for the persons I have mentioned. There is nothing definite in the Act that states that after an interstate

vehicle has been registered the owner must produce proof that he has a third party insurance cover operative in this State. He may have it, but on the other hand he may not, and I would like to ensure that he has it because it is very important. Clause 10 states:—

A motor vehicle may be driven on roads without registration if it bears trader's plates issued under this Act and is driven in conformity with the provisions of this Act as to trader's plates.

This is an exemption from registration and I suggest the clause is rather vague. Here again we have to look at further explanations that are contained in clauses 62 to 71. The clause I am particularly interested in is clause 66 (*d*), which reads:—

If the vehicle is a motor car or if its weight does not exceed thirty-five hundredweights, and upon a sale of the vehicle by the trader it is delivered to the buyer on a day when the office of the Registrar is not open for business, the buyer or any person authorized by him may drive that vehicle for any purpose until the expiration of the first day on which the office of the Registrar is open for business after the day on which the vehicle was delivered.

I understand that this clause has been written into the Bill as a result of representations made to the Premier by the Motor Traders Association. That clause enables the buyer of a motor vehicle, if he buys the vehicle on a Saturday morning, to drive the vehicle with trader's plates until the day on which the Registrar's office is next open for business. Where trader's plates are issued there is an insurance cover while the vehicle is being driven by the owner of the business, a partner in the business, or a *bona fide* employee. I suggest we could again in this matter visualize costly litigation in future if an accident occurred during the week-end. The reason for this clause is to enable the buyer to have the use of the vehicle over the week-end.

The Hon. N. L. Jude—The driver is not insured—it is the vehicle that is insured.

The Hon. S. C. BEVAN—I wonder whether the insurance on that vehicle has become void. The trader does not own the vehicle: he has sold it to someone else.

The Hon. N. L. Jude—The trader's plate covers the vehicle.

The Hon. S. C. BEVAN—This Bill does not specify in any clause that the insurance cover on the vehicle is transferable during the period the plate is used on the vehicle by any other person or that the insurance company is prepared to carry the insurance on the vehicle after it has been sold. It is impossible for the new owner to obtain third party insurance cover because the insurance company's office is closed and the car cannot be registered until the first day of business after the sale, so no demand is made on the new owner. I doubt whether in law that vehicle does carry a third party insurance cover. The Minister said it would be covered and if that is so I am happy, but from my reading of these clauses there is nothing which says the vehicle is covered. The trader's plates would cover the trader for the cars he has on his floor, but I doubt whether the insurance policy is transferable to some other owner. If it is I think the clause should say so.

It should say that for the purpose of this clause a vehicle does carry third party insurance cover because, unless that is done, it could lead to costly litigation if the insurance company disputed that the vehicle was insured with it. If it were not insured we would have a nice sort of a court case to determine who was right and who was wrong. Clause 12 deals with the exemption of farmers' tractors and implements and says that a tractor may be driven without registration on roads within 25 miles of a farm occupied by the owner of the tractor, for certain purposes that are enumerated, and subclause (2) goes on to say that if there is no workshop where repairs can be efficiently carried out within 25 miles of the farm, the tractor may be driven on roads more than 25 miles to the nearest workshop. We are left to assume that it carries third party insurance, but not one of these clauses says that it shall.

The Hon. Sir Arthur Rymill—There is a general provision in the law that requires all vehicles driven on roads to be insured.

The Hon. S. C. BEVAN—I will deal with that aspect later, but this clause gives an overall exemption. We are left to assume that the onus is on the owner of the tractor to carry third party insurance, but he is free of registration so he does not have to go near the Motor Vehicles Department. In the case of the ordinary motorist this provides a check because he has to produce a certificate of insurance before his vehicle can be registered. In this case the tractor owner does not go near the office, but he can drive 25 miles to the nearest workshop and return, a total journey of at least 50 miles, and it is quite possible to be involved in an accident. If it is subsequently found that the owner has omitted to insure for third party cover what are we faced with? Firstly, there is a breach of the Act for which

the owner is liable and, secondly, there is no cover for the injured party. I suggest that he would be involved in very costly litigation that would yield a harvest for members of a certain profession.

The Hon. R. R. Wilson—But the owner knows the risk he is taking.

The Hon. S. C. BEVAN—That is so, but if the intent is what I believe it to be, namely, that they should carry third party insurance, would it not be simple to insert in clause 12 (1) "without registration but with insurance"?

The Hon. N. L. Jude—I think there have been three accidents with tractors in 10 years.

The Hon. S. C. BEVAN—There is always a possibility of any vehicle becoming involved in a road accident. Why wait until it happens before we take action? We could obviate much trouble later by inserting two or three simple words.

The Hon. Sir Arthur Rymill—But there is no need for it.

The Hon. S. C. BEVAN—I have heard it suggested on other occasions that there is no need for certain provisions, but as a result of subsequent litigation we have found it necessary to make amendments later. We should make the position clear to everyone now that insurance is compulsory. Clause 12 (4) says that a self-propelled farm implement may be driven without registration or insurance on roads within 25 miles of a farm, and so forth, and subclause (5) defines "farm implement" as meaning an implement for ploughing, cultivating, clearing or rolling land, sowing seed, spreading fertilizer, harvesting crops, spraying, chaff-cutting or other like operation, and includes a trailer bin for attachment to the harvester for the purpose of collecting grain in bulk and a grain elevator. That is a very wide interpretation. I have seen any number of tractors with plough shares attached direct and used as a plough, and by a little stretch of imagination it could be argued that that was an implement coming within that definition and therefore need not be registered or insured. On the other hand, clause 16, which deals with permits, makes it quite clear that the vehicle must be registered and insured, because it requires the owner to produce certificates of registration and insurance to the police on demand if any accident occurs. It would be a simple matter to put a similar provision in the clauses relating to insurance. Clause 102 is entitled, "Duty to insure against third party risks." This provides that a person shall not drive a motor vehicle on a road unless a policy of insurance is in force, but it exempts a tractor driven in pursuance of the provisions of section 12 (1).

The Hon. Sir Arthur Rymill—No, it says they are not subject to the same penalty.

The Hon. S. C. BEVAN—Section 12 (1) is a straight-out exemption in relation to third party insurance. If the assumption is that these tractors must carry third party insurance we should make it quite clear in clause 12 because clause 102 expressly exempts them from it.

The Hon. Sir Arthur Rymill—This is a penalty.

The Hon. C. R. Story—It exempts them only until proclamation.

The Hon. S. C. BEVAN—It may be another five years before these vehicles are proclaimed, or it may be within a few weeks of the passing of the Act. It is not a penalty, but purely and simply an exemption. The time to deal with these anomalies is while we have the measure before us, and we should not wait until something happens. Clause 118 relates to schemes for payment of liabilities of nominal defendants and says:—

(1) Any association consisting of not less than 10 approved insurers may submit for the Treasurer's approval a scheme under which it is proposed that all approved insurers will contribute money in proportion provided for in the scheme.

Clause (1) (*a*) includes the following:—

. . . satisfying claims made in respect of death or bodily injury caused by negligence in the use of a motor vehicle where the identity of the vehicle cannot be ascertained or where the vehicle is not insured under this Part;

It would be an unregistered vehicle. If it were uninsured, normally it would be unregistered. It is intended to set up a body comprised of the insurance companies to pay out moneys where the identity of a person causing an accident cannot be ascertained, such as a hit-and-run motorist when there are no witnesses. The dependants could then apply to the Treasurer, who would nominate one of the companies, which would pay. It is also provided in subclause (3):—

The Treasurer may by notice in the *Gazette* declare that any approved insurer who refuses to enter into or execute such an agreement or fails or refuses to carry out any such obligation shall cease to be an approved insurer.

Apparently one or more insurance companies could refuse to have anything to do with this association and could withdraw when a claim

was made, and then the Treasurer by notice in the *Gazette* could declare that these people were outside. Where are we to go from there? In clause 119 (1) (3) it is provided:—

Every person who was an approved insurer at the date of the accident giving rise to the injury shall be liable to pay a contribution to the Treasurer to reimburse him for the amount paid by him pursuant to this section.

If the insurance companies dispute any liability, how can we levy a particular company and collect the amount for which it is liable? In subclause (4) of the same clause it is provided:—

The contribution of each insurer shall be determined by the Treasurer and in so determining the Treasurer shall have regard to the premium income received for insurance under this Part during the previous years by each insurer.

How can we determine that and enforce payment by an insurance company that will not accept liability? Another clause makes provision for damages to be paid by the Treasurer out of general revenue. It is provided that the Treasury shall reimburse itself from the insurance companies. It is incomprehensible to me that the Treasurer shall reimburse the Treasury from an insurance company which has no liability and has no claim pending against it. How can we get something back to the Treasury from an insurance company when no liability is upon that company to reimburse anyone? Clause 122 provides:—

If a person is convicted of driving or using a motor vehicle without first obtaining the consent of the owner thereof, and an insurer pays any money or incurs any costs in respect of a claim for death or bodily injury caused by such driving or use, the insurer may recover the amount of the money so paid and the costs so incurred from the person so convicted.

It could be 12 months or longer, depending upon the offence. A person may steal a car from a garage or from a parking area and be responsible for killing someone. Because the vehicle is insured, provision is made for the insurance company to be liable for injuries or death under third party insurance. The person concerned can be prosecuted and ordered a term of imprisonment for a number of years; and yet it is provided that the insurance company may claim recovery of any payments made. In many instances it would have as much chance of recovering the money as it would have of flying. I do not think that a company could recover from a person under those circumstances. The clause gives the insurer power to recover any moneys paid for bodily injury. I should say that in common law it would have that right in any case; but it may be dealing with a person who has no money and then the company could get no redress. I cannot see any need for the clause. In Committee I should like the Minister to give more information about the clauses. I believe that adequate safeguards are already provided under third party insurance. While we have this legislation before us, we should have an opportunity to give it full consideration. It would be far better if we were not to proceed with it at this stage, but have an early session after Christmas to deal with this most contentious matter, and then members could give full consideration to all the clauses so that the legislation would be absolutely foolproof.

The Hon. R. R. WILSON (Northern)—I realize that this is an important Bill; any Bill with 146 clauses must be very important to members. I pay a tribute to Sir Edgar Bean, who on his retirement agreed to revise this legislation. The Bill deals mainly with the registration of motor vehicles, the issue of drivers' licences and third party insurance. Mr. Bevan referred to the short time that members have had to consider this legislation, but he should remember that it was explained in the House of Assembly on November 10 and as all members receive a copy of *Hansard*, they could have studied it. I cannot think that the honourable member is serious when he suggests that the Legislative Council should be abolished on this score. We have had ample time to study the Bill, apart from the amendments inserted by the House of Assembly.

The Hon. A. J. Shard—Rubbish!

The Hon. R. R. WILSON—It is not rubbish, but commonsense.

The Hon. A. J. Shard—No honourable member could give a good speech now because of the short time that the Bill has been available to him.

The Hon. R. R. WILSON—But members have had a chance to study it. It is mainly a Committee Bill. I notice that provision is made that horsedrawn vehicles shall not be registered. It is to be regretted that horses are passing out. All that drivers of horses will have to do in future will be to obey the rules of the road. One clause provides that primary producers and share farmers may carry their own goods to market in a registered vehicle. This will be a great assistance to these people, who sometimes can ill afford to pay the full registration rates. I do not think the privilege is abused. Not many would take advantage of the concession.

The Hon. S. C. Bevan—They are not all broke.

The Hon. R. R. WILSON—No, and it would be a sorry day for everyone if they did go broke. I notice that vehicles registered in another State will have to carry a number plate from this State; this is mainly for the purpose of identification. This is needed, because some interstate vehicles are hard to identify. Fire fighting units will also be exempt from registration, and so they should be. Vehicles will also be exempt when engaged in training or in burning fire breaks. Because of the service that fire fighters give the community, this is a concession they will appreciate. Tractors will be permitted to be driven 25 miles from a farm without being registered, but it is provided that any tractor used on the road must carry third party insurance. I agree that on main roads this is necessary. I should like to see it confined to all roads under the main roads schedule. On many district roads it will be a real problem, because sometimes a road goes through private property; if the owner even drove across the road from one part of his property to another he would be liable. I admit that it is a great risk to take an uninsured tractor on the road. The Bill provides that it must be insured. Tractors are used extensively these days to cart farmers' own goods, and they are registered at one-quarter of the full rate. Clause 39 deals with incapacitated ex-servicemen. They can now transfer the concession to another incapacitated man and, on death, it can continue in force in the family. The draftsman who prepared this Bill must be credited with great thought there.

Mr. Bevan referred to self-propelled vehicles on the road. I agree with him that many vehicles such as headers and spray units are 14ft. wide. They are allowed to travel on the road without being insured or registered. They, too, should come within the ambit of this Bill. With those few remarks I support the Bill, which I hope will be improved later by amendments.

The Hon. JESSIE COOPER (Central No. 2)—I rise to support the Bill which, I feel, deserves the commendation of all honourable members. Considering its many excellent features, I was struck by one serious omission —namely, that no provision is made for the spouse of an insured driver to be recompensed for damages sustained in a motor collision. Owing to the way in which the law concerning the relationship between husband and wife has been evolved over hundreds of years, there are specific peculiarities that allow insurance companies to refuse to pay damages in these circumstances and that prevent a wife or a husband suing the spouse for damages.

It is not good enough to suggest that, because a husband and wife have a motor accident, they do not deserve any recompense. That is a barbaric and out-of-date attitude. Even after the Married Women's Property Act of 1883 (now contained in the Law of Property Act, 1936) a husband and a wife were still unable to sue one another for a wrong, except in the case of a wife where the wrong damages her property. So today we have the queer anomaly that a wife may receive recompense from an insurance company for damage to her handbag, her jewellery, perhaps even her model hat, but not for the loss of her limbs.

This is a matter that concerns every married couple who own a car. I should like to give just two simple examples of how hardship can accrue from the present situation. First, take the case of a wife driving and an accident occurring. The husband is seriously injured and may be in hospital for months, and unable to work for a year. The wife can get no recompense. She and her family are forced to fall back on social service benefits only. Then take the case of a husband driving and the wife being seriously injured. She is in hospital for a long period at colossal expense. A housekeeper has to be employed. Altogether, in both cases, this present set-up can bring a family to ruin.

It is extraordinary that today, when we are protected in every way by varieties of insurance so that we cannot be ruined by the loss of our businesses or the destruction of our homes, when every workman is insured against damage to sight or limb, when even our hearthrugs and cameras are insured against damage, we leave a field like this wide open for not only the financial ruination of a family but the partial or total loss of one of its members, without ability to enforce any recompense at all. I therefore intend in the Committee stage to move an amendment to remedy this injustice. The contention that any such provision will cause insurance premiums to be raised should not be given undue weight, for it is evident that this type of accident does not represent a high proportion in the wide field of motor accident insurance.

If the suggestion is made that a separate policy can always be taken out to cover such contingencies, I would say that motor vehicle accidents should all be part and parcel of one policy. There is no reason why one type of person should be excluded from benefit—and this not by Parliament's original intent but by virtue of ancient legislation. The South Australian Parliament over the years has built a reputation for righting wrongs and doing justice to all groups and classes in the community. The amendment I am proposing will give yet another opportunity to see justice done to a section of the community.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—This is purely a Committee Bill. I do not propose to deal with any of the clauses at this stage but will refer to any representations I have to make about the individual clauses when we come to them in Committee. I have been through all the 146 clauses and, if I have had time to do that, then other honourable members should have been likewise able to do so. It is a good Bill. Some amendments are good; some concessions to motorists are good; some modernizations embraced are also good. The draftsmanship of the Bill is clear and excellent. I am sure we are all grateful to Sir Edgar Bean for his wonderful gesture in agreeing to prepare this Bill as well as the road traffic amendments. I have also carefully reconsidered the second reading speech on this Bill, which is very clear and easy to follow. I should like to congratulate the Minister on it. As I say, I shall deal with the clauses as they come up in Committee and shall content myself at this stage with saying those few words in general support of the Bill.

The Hon. C. R. STORY (Midland)—Like other honourable members, I realize that this Bill would be better dealt with in Committee, but I wish to make one or two observations now. Like Sir Arthur Rymill, I believe this is a very good Bill. The drafting is clear. It is a pity that it was tampered with in another place because that has made some parts of it rather clumsy. I refer particularly to clause 12 dealing with exemptions for vehicles owned by primary producers. I notice that the interpretation clause says:—

"primary producer" means a person.

I should like to know from the Minister handling the Bill whether "person" includes a body corporate. If it does not, I shall move to have those words included in the definition; otherwise, we shall exclude a great many people who should be included in this clause, such as small family companies formed to run a particular business. I notice, too, that clause 5 says:—

"trailer" means a vehicle, or a machine on wheels, which vehicle or machine is not self-propelled and is constructed or adapted for being drawn by a motor vehicle, but does not include the rear portion of an articulated motor vehicle.

Further on, reference is made to a trailer being deemed to be driven by the driver of the prime mover or the instrument drawing it. I am wondering whether now a trailer is excluded from insurance and registration if it is being drawn by an insured and registered vehicle.

Clause 10 deals with the exemption of vehicles with traders' plates. This provision will make it much easier for traders to operate. It has not been easy in the past for some traders with limited traders' plates. This goes a long way towards assisting them and making their work easier.

Clause 12 deals specifically with tractors owned by primary producers. When first introduced, this clause read:—

A tractor may be driven without registration or insurance on roads within 25 miles of a farm occupied by the owner of the tractor on journeys to or from that farm for all or any of the following purposes.

Those purposes are all clearly outlined. By the deletion of the word "insurance," the whole sense of this clause has been lost, because certain things have not been looked after in the amendment. So we find the tractor has been singled out for insurance whereas a number of other things have been left completely alone. I cannot see why, if we make it obligatory to have insurance on a tractor, we should exclude a self-propelled farm implement for, if there is anything more dangerous than a 14ft. header on a road, I do not know what it is. Either we should revert to the Bill as it was when first introduced in the House of Assembly and reinstate the word "insurance," which will give this clause some sense, or we should look closely at the things that are excluded specifically from insurance. To my way of thinking the amendments that have been inserted have made this clause clumsy. On clause 13, I intend to move an amendment. At the moment that clause reads:—

A tractor, bulldozer, scarifier, grader, roller, tar sprayer, tar kettle, or other like vehicle constructed or adapted for doing work in constructing, improving or repairing roads or making fire-breaks on roads may without registration . . .

That means that it must be insured but not registered. I want to add the words "or for the provisions of the Noxious Weeds Act or the Vermin Act." I want to insert those words specifically for things not covered later in this clause under "farm implements," where there is no mention of a chain, which is most essential for the removal of noxious weeds on a road, for pulling boxthorn and things of that nature. It is not mentioned under "farm implements." Therefore, noxious weeds should be included in this clause. There is no mention of a ripper although there is mention of a scarifier. This House should also include under that clause the destruction of vermin so that if a man goes on the road to do either of those things he can go out there quite safely and be included for the purpose of making firebreaks under the Bush Fires Act. Clause 29 deals with registration fees and it sets out how one arrives at the power weight of a vehicle. Although there is no specific mention of the word "tractor" that vehicle comes under subclause (4) and would fall in the £5 10s. category. I refer now to clause 35 which deals with tractors that are used to draw a trailer for the purpose of "transporting goods the produce of the land of the primary producer, from that land to the nearest railway station, or if there is a port nearer to that land than any railway station then to that port." There are two categories referred to in that clause. One is restricted usage under which the owner may be charged one-quarter of the registration fee set out in clause 29 and the other is a little more liberal in that half the rate allowed for a primary producer must be paid.

I cannot understand why, in clause 35, the verbiage is suddenly changed and what has been referred to as a "tractor" suddenly becomes a "motor tractor." That expression appears twice although the word "tractor" is used all the way through the Bill. In the interpretation clause it all comes under the one thing.

The Hon. Sir Arthur Rymill—It may include a "steam tractor."

The Hon. C. R. STORY—It does not. Clause 31 deals with certain organizations that may obtain registration without fee. Specific mention is made of the Renmark Irrigation Trust. Subclause (*g*) reads:—

Any motor vehicle owned by the Renmark Irrigation Trust and used solely or mainly in connection with the construction or maintenance of all or any of the following works, namely, roads, irrigation channels, irrigation drains and other works for irrigation or drainage of the Trust's area.

Last week this House had before it a Bill dealing with the Renmark Irrigation Trust's activities and the provision then before us gave that body a franchise over electricity and I think it would be an improvement if this House were now to add after the word "drainage" the words "or electricity supply." That responsibility is part and parcel of the function of that organization and it is specifically mentioned in the previous legislation. That would cover all the fields with which the trust deals.

I would also like to see an amendment to clause 46, which deals with number plates, and I think it is quite unnecessary to have number plates both at the front and at the rear of a tractor. A tractor does not move at more than 15 miles an hour and as long as it carries some form of identification it is unnecessary to have two number plates. My experience is that the rear number plates are always being knocked off in any case and the clause would be improved if after the word "trailer" appearing in subclause (2) the word "tractor" were added. That would mean a tractor and a trailer would have one number plate on each and I think a new subclause (3a) should be added saying, "A tractor shall carry one number plate, which shall be on the front thereof." Clause 69 deals with the liability of the holder of trader's plates. This clause reads:—

If a vehicle is driven in contravention of any provision of the last three preceding sections by a person other than the person to whom the trader's plates were issued, the person to whom the trader's plates were issued, as well as the driver, shall be guilty of an offence.

I think after the word "driven" first appearing, the words "with the knowledge and permission of the person to whom the plates were issued" should be added. I believe it is quite wrong to place the onus on the person who has those plates if he should suddenly find that someone has taken the vehicle without his knowledge. In that case I do not think that both the driver and the person to whom the plates were issued should be guilty of an offence. The person to whom the plates were issued should, under those circumstances, be specifically exempted. Clause 96 of the Bill deals with the duty to produce a licence on request and it reads:—

The driver of a motor vehicle, if requested by a member of the police force to produce his licence, shall produce such licence either—

(*a*) forthwith to the member of the police force who made the request; or

(*b*) within forty-eight hours after the making of the request, at a police station named by the driver to the member of the police force at the time of the making of the request.

If a person is travelling within the State and leaves his licence at home it is extremely difficult for him to produce his licence at any police station within 48 hours and it would be better and would not inconvenience anyone much if seven days were allowed for the production of the driving licence to a police station. If the driver should live far from the city it is going to take him nearly a week to have the licence sent to him so that he can produce it at a police station. If a person lives outside a 25-mile radius of the G.P.O., I think that provision would be a very useful one.

Clause 102 deals with the duty to insure against third party risks. This clause is the clause on which the Hon. Mr. Bevan spoke at some length. I do not read the clause in the same way as he does. I think this provision is put in to exempt clause 12 and it will come into operation only when the Governor is satisfied that the committee appointed under clause 128 has fixed a rate of insurance for primary production throughout the State. If the committee can reach agreement and can fix a reasonable premium that will not be too exorbitant to cover all those provisions relating to tractors under clause 12 that will be a good thing. At the present time persons living within 12 miles of the G.P.O. and using tractors for primary production purposes have to pay £5 10s. for third party cover whereas people living out further have to pay only 10s. That is because the people within the 25 mile radius are in a higher risk zone. If some unanimity can be achieved under clause 128 perhaps 15s. or £1 could be the premium. I think that is a good provision.

The penalties under clause 102 have been watered down considerably and I do not think they are too severe. I objected strongly to the severity of the penalties under this particular section when I first saw this Bill but this clause will help considerably by excluding people who come under clause 12. The Hon. Sir Arthur Rymill mentioned that clause 13 should be brought into the same category otherwise a severe penalty will be provided regarding clause 13 whilst clause 12 is exempt. I think an amendment is necessary to bring that clause into line with clause 12. The provisions relating to third party cover have been dealt with fairly fully and they will be dealt with clause by clause when this Bill is in Committee. I am sorry it was found necessary to include the provisions under clause 12 without insurance. I believe that has made the Bill very difficult and I am not sure yet whether this House should not do something to put the Bill back into the same form as when it first came into another place. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—''Interpretation.''

The Hon. C. R. STORY—The definition of ''primary producer'' commences ''primary producer means a person . . .'' I would like to know whether ''person'' means a natural person or whether it also includes a body corporate.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I think that under the Acts Interpretation Act a body corporate and a person are the same thing.

Clause passed.

Clauses 6 to 11 passed.

Clause 12—''Exemption of farmers' tractors and implements.''

The Hon. C. R. STORY—I feel strongly on this clause. As was pointed out on the second reading, although a tractor may be driven without registration and without insurance for certain distances upon a road, subclause (4) exempts such things as self-propelled farm implements. To meet a 14ft. self-propelled vehicle on the road at dusk can be quite frightening. I have had the experience and I know that it is dangerous. We should bring self-propelled farm vehicles in that form under the conditions of third-party insurance. I would like to hear the Minister on that point.

The Hon. Sir LYELL McEWIN—I do not think that self-propelled farm implements are in any way associated with tractors. It may be argued that tractors can travel up to 20 or 30 miles an hour, but a self-propelled farm implement does not travel at anything like that speed. Furthermore, a tractor can be used all the year round, whereas a self-propelled autoheader probably makes two trips to the paddock in a year and for the remainder of the time is in the shed. I do not see how it would be possible to operate insurance on it. If the honourable member objects to meeting one

of these vehicles in the dark and moves to prohibit them from travelling on the roads later than, say, half an hour after sundown, or some defined time, perhaps he would have a debatable point.

The Hon. Sir ARTHUR RYMILL—This clause has been giving me the same sort of trouble as it has given Mr. Story because it shows that when we get into the realm of compulsory insurance it is hard to know where to draw the line. I have had difficulty in deciding whether these tractors should be compulsorily insured. The Minister of Roads said, I think, that there have been only three accidents with tractors in the last 10 years, but when we get into this realm all sorts of illogical features come in. For instance, have tractors to be insured when they are exempt from registration in certain uses? Under subclause (3) a farm implement may, without registration or insurance, be drawn by a tractor. That shows the illogicality of these provisions because, although it would seem ridiculous to insure every farm implement, there could be many circumstances where farm implements being drawn by tractors were not covered by the insurance of the tractor. For instance, if a farm implement dropped off unbeknown to the owner what would be the position of the owner of a following vehicle in the event of an accident?

Then we get to the subclause mentioned by Mr. Story under which, although tractors have to be insured, self-propelled farm implements, which are much wider and bigger, although admittedly slower, do not have to be. The Chief Secretary has given substantial reasons for that. He says that they are much slower than tractors, but it cannot be denied that they are much wider and, in certain circumstances, could be much more dangerous. My feeling is that these self-propelled vehicles ought to be insured. I am not a country member and do not propose to intervene unless country members do so. If they do I will certainly consider anything they move.

The Hon. C. R. STORY—I am satisfied with the Chief Secretary's reply, but I am not yet satisfied why we should single out a tractor from all these things for special treatment, when there are so many other things which are just as dangerous when being drawn along the road by other vehicles. Spray plants, for example, are virtually trailers, and trailers come under the provisions of this Bill. I think we should revert to the original provisions of the Bill in this respect before it was tampered with in another place. I move—

In line 1, after "registration" to insert "or insurance."

The Hon. G. O'H. GILES—I completely agree with Mr. Story's amendment. I am against the regimentation of country vehicles by force to insure in the case of tractors, whether on district, main or any other roads. A great many farmers already insure where they decide that there is a high degree of risk in driving tractors.

The Hon. S. C. BEVAN—I oppose the amendment which touches on the point I mentioned on the second reading. The amendment makes it clear that these tractors can be driven on the roads without registration or insurance. Either we believe that vehicles on the road should be covered by insurance or that they should not, and I think that members believe they should be covered, so that in the event of accident the insured person shall have some rights. If tractors are excluded from insurance there will be no safeguards whatever.

The Hon. C. R. Story—The owner is still liable.

The Hon. S. C. BEVAN—Perhaps, under common law, but are we to have costly litigation to prove who is right and who is wrong? Let us be conscientious and say that it is necesary to have third-party cover for all vehicles.

The Hon. Sir Arthur Rymill—Tractors do not have to be insured at the moment.

The Hon. S. C. BEVAN—When I was speaking on the second reading the honourable member said, by interjection, that they were compelled to be insured. Now he says they are not.

The Hon. Sir Arthur Rymill—I am saying under the existing law.

The Hon. S. C. BEVAN—The honourable member's interjection was that this Bill provided that they had to be insured, and when I drew attention to another clause that exempted them he said that that related only to penalties. I do not believe they should be exempted.

The Hon. Sir Arthur Rymill—They are at the moment.

The Hon. S. C. BEVAN—They are exempted from all registration while travelling a distance of 25 miles, or further in some circumstances, and back again, so do not let us fool ourselves

into believing that accidents cannot happen. There is no coverage on these vehicles and if an accident occurs I hate to think what will happen. I urge members to insist on the clause as drafted.

The Hon. Sir LYELL McEWIN—It is necessary that we should clearly understand what the position is. At present the law does not require insurance. A number of farmers protect themselves by insuring and in some cases they pay only 10s. or £1, and it may be as high as £5 10s. There is nothing to be alarmed about, because clause 102 provides that clause 12 will come into operation only by proclamation after the Insurance Premiums Committee has studied the position. Statistics show that there are not many accidents through the movements of these vehicles on the roads and the premium is not likely to be higher than reasonable rates, and it may even be lower. It has been said that there should be a complete revision of this legislation this year. In view of the protection provided by clause 102, we should accept this clause and give it a trial, and then it could be corrected if it did not work as expected.

The Hon. C. R. STORY—In my district and in a number of other parts of the State where a trailer is drawn behind a tractor it has been necessary for many years to register the tractor and trailer, and so they are covered by third party insurance. Provision is included for certain tractors to be registered and covered by third party insurance, but clause 12 relates to a different type of tractor—tractors that are used to go from one part of a farm to another. These tractors do not travel at 30 miles an hour when drawing an implement behind them.

The Hon. L. H. DENSLEY—We must be a little realistic where tractors are allowed to travel at 25 miles an hour without being insured. These tractors do not travel at only three or four miles an hour and are quite a danger element on the road. Because of the cheap rates at which they can be insured, it would be in the best interests of farmers themselves if they were insured. I know many farmers would not trouble to insure. There may be some difficulty in enforcing the provisions of an insurance policy when a vehicle is not registered. If these vehicles can be insured for 10s., as the Minister suggested, it is desirable that farmers should insure. I have seen tractors driven on the road up to 25 miles an hour and then they are even more dangerous than the average motor vehicle. If it is practicable, I favour these vehicles being compulsorily insured.

The Hon. Sir ARTHUR RYMILL—I feel strongly that we should either exempt the lot or make the lot insure. Self-propelled farm implements are motor vehicles. The clause envisages farm implements being drawn on the roads on the way to a workshop up to a distance of 25 miles. These vehicles are far beyond the permissible width allowed on the roads (which I think is 8ft.). They would be up to 14ft. wide and I cannot imagine anything more dangerous, even if they do travel slowly. If we provide for the insurance of tractors, these other motor vehicles should also be insured.

The Hon. R. R. WILSON—I support Sir Arthur Rymill's remarks that the insurance should apply to all vehicles and not only to tractors; it should also apply to vehicles travelling on all roads. Reference was made to auto headers. They are slow moving, but are hard to manoeuvre.

The Hon. Sir FRANK PERRY—Some people are insurance minded and insure everything. Insurance for the type of vehicle under consideration is not justified. The owner is liable if he contributes to an accident, and he knows that. If a man thinks the danger is great, he will insure. If he lived at Kimba there would not be so much danger as if he lived at Norton Summit or Gawler. In the main the owners of these vehicles are able to stand up to a compensation claim.

The Hon. F. J. Condon—If that is so, why are they always seeking concessions?

The Hon. Sir FRANK PERRY—If a man did not wish to insure, I would not compel him. Statistics referred to do not support the compulsory insurance of this type of tractor. Accidents would be very few, and yet it is proposed to compel every tractor owner to spend shillings in applying for insurance and the insurance companies to spend shillings in making out a policy. The insurance premium may be considerably more than 10s. We are going a little too far, when there is not the demand for it. I intend to support the amendment.

The Committee divided on the amendment:

Ayes (6).—The Hons. G. O'H. Giles, A. C. Hookings, Sir Frank Perry, Sir Arthur Rymill, C. R. Story (teller), and R. R. Wilson.

Noes (12).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, Jessie M. Cooper, L. H. Densley, E. H. Edmonds, N. L. Jude, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, and A. J. Shard.

Majority of 6 for the Noes.

Amendment thus negatived.

The Hon. Sir ARTHUR RYMILL—I move—

In subclause (4) to strike out the words "or insurance."

Although I voted against the compulsory insurance of vehicles, if we are going to have it it must be on a logical basis. Thus, I think that self-propelled farm implements should be insured. In many instances, they are more dangerous than tractors.

The Hon. Sir LYELL McEWIN—Plenty of implements travel on the roads with special permits. In many cases they are wider than the farm implements that have been mentioned. For instance, houses are carted along the roads under police supervision. Often, when moving around the country I have to pull up and wait to get through a flock of sheep somehow or other, because I do not just foolishly run into them. The same can be said for the odd occasion when these implements are on the roads. It can be only at harvest time or in some special circumstances where they have to go to a workshop for repairs. I do not think there is a strong case for insurance in this case, even though I am as much in favour of insurance as any honourable member is. When these implements are on the roads they try to avoid traffic and keep off the main highways. Where practicable they keep to the side of the road and take the precaution to see that there is no traffic in sight before they take possession of the road. This is a case where practical common sense should prevail.

Amendment negatived; clause passed.

Clause 13—"Exemption of plant used for roads and firebreaks."

The Hon. C. R. STORY—I move—

After "firebreaks" in line 4 to insert "or for the destruction of dangerous or noxious weeds or the destruction of vermin."

As I explained earlier, the provision is specifically there for firebreaks. This is being done without registration of the vehicle and also third party insurance cover on these tractors, but the implements that are drawn are not specified, in some cases, in subclause (5) of clause 12. Therefore, if we are going to force people by law to do these things, to cut firebreaks, to destroy weeds and to destroy vermin, we should make provision specifically for those two acts in this clause. I ask the Committee to support this amendment because it will tidy up the clause and introduce some reality into it.

The Hon. Sir ARTHUR RYMILL—I support this amendment. I discussed this previously with Mr. Story. Certain Acts of Parliament require people to do certain things on roads and in public places construed as roads or within the definition of roads, such as destroying noxious weeds and vermin, at which this amendment is aimed. To do those things one has to use a tractor on a road. If people are forced by Act of Parliament to use tractors on roads, surely they are entitled to the same concessions, when they are required to do these things largely for the benefit of other people, as when using a tractor on the roads for their own purposes. We should not compel a man to put his tractor on a road without giving him the same exemptions from registration as he is entitled to when taking a tractor to a workshop. This amendment is logical.

The Hon. F. J. POTTER—A small point arises from this amendment and the wording of the Bill itself. The construction of firebreaks or the destruction of dangerous or noxious weeds or vermin does not always have to be carried out on roads, but it may be necessary to go on to a road for the purpose of so doing or getting to the places where the work is required to be done. Therefore, I do not know why it is limited in the fourth line to the making of firebreaks on roads. I agree that in paragraphs (*a*) and (*b*) the wording is all right, that the tractor can be used or driven on a road, but why restrict it to the making of firebreaks on roads or the destruction of vermin on roads? It seems to me that the words "on roads" appearing after "firebreaks" could be deleted from line 4 to amend this amendment. That would add to its effectiveness. I do not know whether that idea appeals to Mr. Story, whether he would like to incorporate that amendment, which I think is worth some consideration.

The Hon. Sir ARTHUR RYMILL—The destruction of dangerous or noxious weeds or vermin is qualified by the first part of clause 13, which, with the amendment, reads:—

A tractor, bulldozer, scarifier, grader, roller, tar sprayer, tar kettle, or other like vehicle constructed or adapted for doing work in constructing, improving or repairing roads or making firebreaks or for the destruction of dangerous or noxious weeds or the destruction of vermin on roads may without registration . . .

I do not think that is quite what the honourable member means by his amendment. To be exempted under this amendment, it would be necessary for a tractor to be constructed or adapted for doing work on roads or repairing roads or making firebreaks. I think the honourable member should look at that point.

The Hon. C. R. Story—I am sorry, but I was not able to concentrate on what the honourable member said.

The Hon. Sir ARTHUR RYMILL—I was pointing out that the word "tractor" in this clause proposed to be amended is qualified by the words "constructed or adapted." To get this exemption, a tractor would have to be constructed for the purpose of repairing roads or making firebreaks. It does not seem to me to be sufficiently all-embracing.

The Hon. N. L. Jude—The word "constructed" refers to "or other like vehicle," not a tractor.

The Hon. Sir ARTHUR RYMILL—I think the words "constructed or adapted" qualify all those implements named, but perhaps I am wrong. If the honourable member is satisfied, I am. I merely draw his attention to that.

The Hon. C. R. STORY—I have not had legal training but, reading this as a layman—and perhaps that is where I have the advantage over the honourable member, in that he is looking at it from a legal point of view—I would read it to mean "tractor or other like vehicle," and the other things thrown in are incidental to it. I should be happy to get this amendment through.

Amendment carried; clause as amended passed.

Clauses 14 to 30 passed.

Clause 31—"Registration without fee."

The Hon. C. R. STORY—I draw attention to subclause (*g*) which deals with the Renmark Irrigation Trust. I would like to include a provision to enable the trust to carry out its normal functions with relation to its electricity undertaking. That undertaking is part and parcel of the trust's functions and could be included without worrying anybody. It would also make the trust's administration easier.

The Hon. Sir LYELL McEWIN—I have not the actual wording of the amendment, but I understand the honourable member is trying to cover equipment used by the trust such as hole borers or machinery used for the erection of poles. In that case the amendment would appear to be all right. If the honourable member would be more explicit with his amendment I would be in a better position to give consideration to it.

The Hon. Sir Arthur Rymill—Would that come within the definition of a motor vehicle?

The Hon. Sir LYELL McEWIN—It may be a motor tractor as referred to by the honourable member earlier.

The Hon. C. R. STORY—I move—

After the word "area" in paragraph (*g*) to insert the words "or in connection with the supply of electricity by the trust."

The Hon. L. H. DENSLEY—The addition of those words carries a wide implication because the Renmark Irrigation Trust is not the only body that supplies electricity to an area. If the trust were to be given this privilege the Tatiara council, the Millicent council and a number of other bodies would be entitled to ask for it. Even the Government pays registration fees on its vehicles and I do not think this amendment should be allowed.

The Hon. C. R. STORY—If the Tatiara District Council runs an electricity undertaking as a local government body it is already provided for regarding its vehicles.

A division on the amendment was called for.

While the division bells were ringing:

The Hon. C. R. STORY—Mr. Chairman, I have had some further information since I moved this amendment and I want to withdraw my call for a division and I ask the Committee for leave to do so.

The Hon. K. E. J. Bardolph objecting:

The CHAIRMAN—The division must go on.

Ayes (5).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, A. J. Shard, and C. R. Story (teller).

Noes (13).—The Hons. Jessie Cooper, L. H. Densley, E. H. Edmonds, G. O'H. Giles, A. C. Hookings, N. L. Jude, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill and R. R. Wilson.

Majority of 8 for the Noes.

Amendment thus negatived; clause passed.

Clauses 32 to 45 passed.

Clause 46—"Duty to carry number plates."

The Hon. C. R. STORY—I move—

In subclause (2) insert before "trailer" the words "tractor or"; and after subclause (3) insert the following new subclause (3a)—

A tractor shall carry one number plate which shall be on the front thereof.

My reason for this is that a trailer carries only one number plate, which is at the rear. In many cases a tractor and a trailer are coupled together and then there is a number on the front of the unit and one at the back. It is extremely difficult to retain number plates on tractors. They have to be painted on or carried on a special bracket. If the numbers are painted they can be completely obliterated with mud. I think it sufficient that a tractor should have a number plate on the front because it is not a fast moving vehicle and it is therefore not difficult to identify.

Amendment carried; clause as amended passed.

Clauses 47 to 95 passed.

Clause 96—"Duty to produce licence on request."

The Hon. C. R. STORY—I move—

In subclause (*b*) insert after "hours" the words "or, where the driver's place of residence is 25 miles or more from the G.P.O. at Adelaide, within seven days."

It can be extremely difficult—and a good many people have had this experience—if one happens to be checked when travelling 300 or 400 miles away from home, and proposing to journey still further, and having left one's licence at home to have to supply it, or a duplicate of it, within 48 hours. I think it fair to allow seven days in which to produce the licence to a police station nominated, or to provide an opportunity for it to be sent from home or obtained in some other manner. I have known people to be put to great inconvenience by having to produce their licence at a police station within 48 hours.

The Hon. Sir LYELL McEWIN—It does not make much difference to the owner or to the Registrar of Motor Vehicles, but the police would be inconvenienced if we extended the time from 48 hours to one week, and the Commissioner of Police is opposed to the amendment for that reason. People in these circumstances, as they do in the vast majority of cases, can produce the registration certificate of the car itself. I do not think this is serious enough to warrant an amendment.

The Hon. C. R. STORY—I do not see how the police would be inconvenienced if the period was a week instead of 48 hours. If a person is given a week in which to produce his licence, he would have some chance to get there in time, but if it were only 48 hours he would have no chance of doing it. Therefore, the police would be forced to go and find him and check up on the position. If action were taken against him, he could be liable to a penalty of £50, which is pretty steep. I therefore ask the Committee to support the amendment.

The Hon. Sir ARTHUR RYMILL—I disagree with the amendment, but for a different reason from that stated by the Chief Secretary. I disagree with it because it is class legislation. I take it that the object of the amendment is to exempt people who live more than 25 miles from the G.P.O. when they come to the city. I point out that people who live in the city can just as easily go to Renmark for a week as people who live at Renmark can come to Adelaide for a week. If it is fair to apply it to people living more than 25 miles from the G.P.O., surely it is fair to apply it to people living within 25 miles of the G.P.O. Although the amendment is well intended, it is aimed at only a specific class of the community. If it is to be effective it should embrace everyone who finds himself in the position envisaged by the honourable member.

The Hon. C. R. STORY—I do not think there is any hardship on people who live within 25 miles of the G.P.O. If a person is in the city he can go to the Registrar within 48 hours and get a duplicate of his driving licence. If I should be at Kimba on my way to Ceduna, I should have to go back to Adelaide to get a duplicate or have to write and get it sent over by air.

Amendment negatived; clause passed.

Clauses 97 to 99 passed.

Clause 100—"Application of this Part to Crown and Tramways Trust."

The Hon. Sir ARTHUR RYMILL—I should like the Minister to assure the Committee that this clause does not relieve the Crown and the Tramways Trust from any liability over and above the liability covered by the Act. There is a limitation in respect of any person of £4,000 in respect of an insurer. This clause says that it shall not be obligatory for any vehicle of the Crown or the Tramways Trust to be insured and it is provided that where a vehicle owned by the Crown or the trust is not insured under this Part, the Crown or the trust shall be deemed to be an insurer who has issued a policy of insurance complying with this Part in relation to the use of the vehicle, and any person who drives a vehicle either with or without the consent of the Crown or the trust shall be deemed to be an insured person. Does that mean he is deemed to be an insured person

instead of the owner of the vehicle, or that he is still the owner and deemed to be an insurer as well? No doubt it is intended that he is deemed to be an insurer in addition to being the owner, but is there any construction of this clause which would mean that he could escape liability over and above the £4,000 limitation? I feel that there may be some difficulty in this clause and that it could be construed that the Crown or the trust was deemed to be the insurer instead of the owner and thus would be limited to a liability of £4,000. I feel sure that is not the Government's intention, but it seems to me there may be some difficulty in the language.

The Hon. Sir LYELL McEWIN—I shall check up on the position and not take the Bill to the third reading.

Clause passed.

Clause 101 passed.

Clause 102—''Duty to insure against third party risks.''

The Hon. S. C. BEVAN—I am under the impression that clause 12 provides that these tractors shall carry third party insurance. I therrefore move—

To strike out all the words after ''vehicle'' in line 3 of subclause (1) down to the word ''State.''

This removes the provision that the clause shall not apply to clause 12 until the Governor by proclamation declares that the clause shall so apply.

The Hon. G. O'H. GILES—I disagree with the honourable member and remind him that clause 12 deals with the delivery of a tractor to a farm upon its acquisition, or from the farm upon its sale, the removal of a tractor to a workshop for repairs or the return of the tractor to the farm from the workshop after repairs, the drawing of farm implements, and the drawing of a registered trailer between two or more portions of the farm. I am completely opposed to third party insurance on tractors in outlying areas. I consider that this is bureaucratic interference with the rights of individuals. The amendment provides for even worse than that and therefore I oppose it.

The Hon. Sir ARTHUR RYMILL—The clause has a proviso that it shall not apply in respect of certain tractors until clause 12 is proclaimed by the Governor, and the proclamation shall not be issued until a uniform rate of premiums has been fixed. It would be impossible for the legislation to work properly with the proposed amendment unless that time was given for the Insurance Premiums Committee to consider the position.

Amendment negatived.

The Hon. Sir ARTHUR RYMILL—I move—

In line 5 of subclause (1) after ''12'' to insert ''or section 13''; and after ''12'' in the paragraph dealing with ''penalty'' to insert ''or 13.''

The Assembly deleted the words ''or insurance'', thus making it obligatory on a person to insure and consequently an amendment in respect to clause 13 was overlooked. Clause 13 refers to tractors, bulldozers, etc. I feel sure that this was an omission when the amendments were made by the House of Assembly.

The Hon. Sir LYELL McEWIN—The honourable member pointed that out to me and I was inclined to agree with him but, as a result of further inquiries, the Parliamentary Draftsman has pointed out that there is a difference, in that clause 12 is restricted to a distance of 25 miles of travel whereas no such restriction is involved in clause 13.

The Hon. Sir ARTHUR RYMILL—That suggests to me that a further mistake has been made because the first amendment is in respect of the proclamation by the Governor and the application of insurance to tractors. Surely if such a proclamation needs time in respect of tractors in clause 12, it needs time in respect of tractors in clause 13. In other words, if a person has a tractor coming under clause 12, he will wait until uniform rates have been fixed for that and then the Act is proclaimed. If he has a tractor under clause 13, he does not have to wait for uniform rates before the Act applies. It does not make sense.

The Hon. C. R. STORY—In clause 12 provision is made under clause 102. As Sir Arthur Rymill has pointed out, there is not very much choice under clause 13 because one has to go on the road to do these very things.

The Hon. Sir Arthur Rymill—It is worse than clause 12.

The Hon. C. R. STORY—Yes, because one is forced to go on the road to comply with the law, to get rid of noxious weeds, etc. The penalties here, unless clause 13 is combined with clause 12, are vicious. It is possible for a person who is doing what he ought to be doing—looking after his rabbits and his weeds—because he has omitted by some mischance to get a third party insurance policy for his tractor, to lose his licence for three

months as well as pay a substantial fine. That would almost put him out of business for doing what he ought to do under the provisions of clause 13. I support this amendment.

The Hon. F. J. POTTER—I think Sir Arthur Rymill said that he wished to insert "and 13" in two places, but there are three references in the clause. Another occurs in line 18.

The Hon. Sir ARTHUR RYMILL—I am grateful for that. Perhaps I could move that when we come to it.

The Hon. Sir Lyell McEwin—Take one at a time.

The Hon. Sir ARTHUR RYMILL—If I can take one at a time, I think what the Chief Secretary has been told by the Parliamentary Draftsman is not correct and that, in the Government's own interest, that amendment should be made. I repeat that this is to delay the proclamation of the Act in relation to tractors until a uniform rate has been fixed but at present it delays that proclamation in respect of tractors under clause 12, and not in respect of, in many cases, the same tractors under clause 13.

The Hon. Sir FRANK PERRY—Clause 12 refers to farmers' implements whereas clause 13 refers to contractors' plant. A tractor may be a farm implement but a bulldozer, a scarifier, a grader, a tar sprayer, or a tar kettle is nothing whatever to do with the primary producer. This clause gives assistance to contractors' plant to make roads, as it gives assistance to district councils. That is the way I read it.

The Hon. C. R. STORY—With regard to firebreaks, plenty of people these days have a bulldozer blade that they affix to a good-sized farm tractor, and most of them have scarifiers in various forms. Many people look after their own weeds with a grader either behind or in front of a tractor.

The Hon. Sir Frank Perry—Attached to the tractor?

The Hon. C. R. STORY—Yes, or drawn by the tractor with a blade on it. In view of the things that one is supposed to do under the various Acts, what is contained in clause 13 ought to be treated similarly to what is contained in clause 12. Under clause 102 people are given plenty of time; it will not operate until the proclamation. By clause 13 some people are being forced to pay £5 10s. for a third party insurance policy the moment this Act comes into operation. Those under clause 13 do not receive anything like the same benefits as those under clause 12. I cannot see why clauses 12 and 13 should not be coupled together and given similar treatment, any more than I cannot see why people under clause 13 should lose their licence for a first offence and be fined while those under clause 12 are given that concession.

The Hon. Sir LYELL McEWIN—I ask leave to report progress as the debate has shown that this matter requires further examination.

Progress reported; Committee to sit again.

Later the Committee resumed.

The Hon. C. D. ROWE—I understand that the purpose of Sir Arthur Rymill's amendment is to provide that the same exemption shall apply to those vehicles which are mentioned in clauses 12 and 13. It appears to me that the exemption applies only until such times as the authorities fix the amount of insurance in respect of these particular vehicles. In the circumstances the amendment appears to be reasonable and therefore could be accepted.

Amendment carried; clause as amended passed.

Clauses 103 to 111 passed.

Clause 112—"Liability of insurer when judgment obtained against insured."

The Hon. F. J. POTTER—I move—

After "hearing" in subclause (*b*) to strike out "the insurer knew that the action had been commenced" and insert "a copy of the statement of claim in such action had been served upon the insurer."

This amendment has been suggested to me by two legal practitioners with some knowledge of this matter. The clause deals with the liability of an insurer when a judgment has been obtained against an insured. As the clause stands, it is rather nebulous—the insurer knowing that the action had been commenced. As amended, the subsection would read:—

Before the action came on for hearing a copy of the statement of claim in such action had been served upon the insurer.

It must not be forgotten that accidents may occur in other States. There is no better way of notifying an insurer of a person in this State of an action commenced in another State than having his statement of claim sent to the insurer in South Australia instead of a mere note in writing about obtaining judgment. If an action is commenced in another State the insurer may want to know at some stage before final judgment is obtained what is going on, what the nature of the statement of claim is and whether he wants to do anything about it before the person obtains judgment. This is

a simple way of making sure that the person does know that the action has been commenced because he will get a copy of the statement of claim.

The Hon. C. D. ROWE—Yesterday, when a matter was raised on another Bill, I suggested we adjourn and report progress, with satisfactory results. I feel that in this matter it would be appropriate if we reported progress to examine it. Perhaps equally satisfactory results will follow. Mr. Potter has raised a matter that appears to me to be of some substance, and I should be grateful for an opportunity to consider it. Therefore, I move that the Committee report progress, and ask leave to sit again.

Progress reported; Committee to sit again.

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

In Committee.

(Continued from December 1. Page 1910.)

New clause 2aa moved by the Hon. Sir Arthur Rymill:

Section 21 (2) is amended by substituting the word "sixty" for the word "forty."

The Hon. C. D. ROWE (Attorney-General)—This new clause is to have the effect of increasing the rents by an amount of 20 per cent. The Government wanted to look at the matter so that we could consider the position. Having looked at it very carefully, I have to say that the Government does not feel that it can accept this amendment. I propose to give some detailed reasons for the view it has taken. First, over the years the Government's attitude has been that it wants to relax rent control as fast as it feels the economic circumstances and the position of the housing market enable it to be done. Also, it has felt that, as circumstances warrant it, a gradual increase should be permitted in the amount of rent allowed to be charged. Anybody who has studied it over the years will realize that that has been done, to the satisfaction of the majority of people involved in this matter.

I want to illustrate what the development has been. At present all shops and business premises are completely free from the provisions of this Act. Secondly, all houses built since 1953 are free from control. Thirdly, all houses let for the first time since 1953 are free from control. In addition to those exemptions, all lettings for any fixed period in writing, whatever the period may be, are free from rent control; also any letting in writing for two or more years of a house is free from all control whatsoever. We see that at present the Government has gone a long way, where it feels that the circumstances justify it, to decontrol the rental and, in some cases, the matter of repossession of houses. Houses that are still subject to control are in the main the older type of home that commands, relatively speaking, a low rental and that, in the main, has been purchased by the owner at a very low capital cost.

In most cases, therefore, the rent that we permit under the Act at present does allow to the owner a very reasonable return on the capital investment that was made by him in the purchase of the property. It seems to me that the 40 per cent increase that we do allow under the present Act on the 1939 values must be taken into consideration in relation to the other matters that have to be considered by the trust in fixing the rent. I draw attention of honourable members particularly to those matters set out in section 21 of the Act. I mention these matters particularly because they are relevant and have to be taken into consideration by the trust in addition to the question of the increase of 40 per cent that I have mentioned. Section 21 says—

(1) In fixing the rent under this Act of any premises to which this Act applies, the trust or, as the case may be, local court shall fix such rent as the trust or, as the case may be, local court considers to be fair and equitable, and after having regard to—

(*a*) the accommodation provided in the premises and the state of repair and the general condition thereof;

(*b*) the neighbourhood in which the premises are situated;

(*c*) if the lease relates to a part of any premises, the rent (if any) of the whole of the premises;

(*d*) whether the premises or any part thereof is sublet by the lessee for the purpose of accommodating lodgers or boarders and the number of persons residing in the premises;

(*e*) if the lease relates to a part of any premises, any rights conferred upon the lessee to the use of any other part of the premises or any fittings therein;

(*f*) if the lease provides for payment for the use of furniture or other goods, the value, condition, and suitability of the furniture or goods;

(*g*) if the lease provides for any amount to be payable by the lessee to the lessor for any electricity, gas, water, fuel, or other domestic commodity, the reasonable value of the electricity, gas, water, fuel, or other domestic commodity for which payment is to be made;

(*h*) amount which pursuant to the lease the lessee is required to pay or expend for the purposes of the repair, renovation, or improvement of the premises;

(*i*) any expenditure reasonably incurred by the lessor for rates, taxes, insurance and other costs in respect of the premises beyond the expenditure which would have been reasonably incurred for that purpose immediately prior to the first day of September, nineteen hundred and thirty-nine.

That section makes it perfectly clear that, in considering this matter, the Housing Trust takes into consideration all adjustments made in rates and taxes and any repairs and improvements made to the property, so at the moment the lessor is entitled to every benefit, in an increase in rent, for the money spent for those particular purposes. Further, the trust must take into consideration:—

The difference between the reasonable value of any repairs or maintenance work carried out with respect to the premises and the reasonable expenditure which would have been incurred in carrying out those repairs or maintenance work immediately prior to the first day of September, 1939.

It must also consider:—

Any additions or improvements which have been made to the premises by the person who is the lessee of the premises at the time the rent is fixed and which have been made with the express or implied consent of the lessor.

The first thought we have to get into our minds is that in addition to the 40 per cent increased rate pursuant to the provisions of the Act all these other matters have been and are in fact taken into consideration.

The Hon. Sir Arthur Rymill—He is getting his own money back.

The Hon. C. D. ROWE—He is getting a reasonable investment on his own money. The second point—and I was criticized for this in the House in 1957 but was subsequently proven to be correct—is that in fixing and determining what is to be regarded as the base rent for 1939 the figure which is taken into consideration is not the rent that was actually paid for the house in 1939 but the rent that could be charged for a house of that type at that time which the Housing Trust assessed at more.

The Hon. Sir Arthur Rymill—Which the Housing Trust assessed at less.

The Hon. C. D. ROWE—I produced figures to support what I said and don't want those facts contraverted. In many cases, because of the depressed market in 1939, houses which were worth £1 to 30s. a week were let as low as 12s. 6d. a week. I gave actual instances. Although people were getting houses for 12s. 6d. a week in 1939 the 40 per cent increase is not on the 12s. 6d. but on £1 or 25s., which was considered a fair rental value for those houses at that time. This means that the increase is very much more than the 40 per cent which is set out in the legislation.

I want next to deal with what has happened with regard to control of rents in other States to see how we have handled the situation in this State compared with those States. I find that in other States rents are based finally on capital value. In New South Wales the basic rent is fixed on the basic capital value as at August 31, 1939. In other words, they take the value of the house in August, 1939, and fix their rents on that basis, which is a very much more severe basis than we have ever attempted in this State. In Victoria the basic capital value is as at December 31, 1940, plus 25 per cent, so that the rent control in Victoria is still very much more severe than in this State. In Queensland, the basic capital value is as at February 10, 1942, and in Canberra, where everybody seems to think that costs are allowed to rise, we find they take the basic capital value of the house as at August 31, 1939. So we have been very much more generous in this State than in any of the eastern States with regard to our control of rents.

What in fact is the view of landlords with regard to the amount of rent which they are entitled to collect at the present time? This is very important because we have had all sorts of suggestions put to us. One day we are told a 50 per cent increase is appropriate and the next day we are told a 20 per cent increase is appropriate. We should see what people think of the position. From the beginning of this year to the present time the Housing Trust has fixed rents for 980 houses. Over 980 people have applied to the Housing Trust to have the rent fixed and the proof that people have been satisfied with what has been done is that there has not been one appeal to the local court from the housing trust's fixation. There is no evidence that people are dissatisfied with what has been done by the Housing Trust in this regard.

The other point is that if the landlord is dissatisfied with his investment and feels he can do better by placing his money in some other investment we have already provided the machinery whereby he can get possession of his house property and sell it on a vacant possession market and whereby he will be able

to get the best capital realization he can on his property. All members know what we have done and that on six months' notice the landlord may get tenants out of his property for the purpose of sale and can realize on his asset. If he is not satisfied with the rent he has his rights.

I come now to what is the most important aspect of the matter, and that is that if we agree to this increase of 20 per cent it will mean not only an increase of 20 per cent in rent for the houses which are controlled, but it will mean an all-round increase of 20 per cent for every house let in any part of the State, and this is the most serious and far-reaching consequence of this amendment. Everybody will assume he is entitled to put up the rent. The proof of this is in what happened last time. We found then that there was a corresponding increase in the cost of living. The people who advocate that we agree to this increase are not helping those they seek to help but are setting in motion a spiral that can add to the cost of the development which has gone on in this State. We have made progress in this State because we have been able to keep our costs at a reasonable level, and to inflict on the economy of this State a 20 per cent increase in rentals, which is what will happen and is what happened previously, is something which could not be more serious at this time when the State is passing through probably the most difficult season in history.

I do not feel, having regard to all these circumstances, that the amendment can be supported and I ask the Committee very seriously to oppose it because I feel it is in the interests of everybody that it should be opposed. We have refused to grant increases in other directions because we felt the time was not ripe. That applies to us personally regarding our salaries, and looking at the circumstances as a whole I think the case is perfectly clear. We would be doing something very much against the interests of a large section of the community if we were to allow something which would start another increase in the cost of living.

The Hon. Sir ARTHUR RYMILL—I made my case for this new clause yesterday and do not propose to labour it. I told honourable members the position as I saw it and I do not propose to repeat what I said, but I must challenge the extraordinary statement of the Attorney-General in his last sentence. I would like to tell the House, and nobody knows better than the Attorney-General, that this increase applies only to pegged houses and it is not a general increase at all.

The Hon. C. D. Rowe—It will have the effect of a general increase.

The Hon. Sir ARTHUR RYMILL—The Attorney-General is fond of using the term "red herring," and if ever there was a "red herring," and a pretty rotten one dragged before the House, this is it.

The Hon. L. H. DENSLEY—The Attorney-General said there would be a 20 per cent increase in rents. As I understood the amendment it would be 20 per cent increase on 1939 rentals.

The Hon. Sir FRANK PERRY—The Government has built up an edifice it is frightened to ditch now. The edifice has mounted so high that the Government is frightened to give it a push because of the effect it will have outside. What the Attorney-General mentioned has occurred to me more than once, and that is that the announcement that we are giving these increases will have an effect on rents, but whose fault is that? If we had released this long ago the effect would now have died down. If the Bill quietly faded out it would be better than giving an increase because that starts the ball rolling again. I am sorry that another excuse is now found to permit more injustice to the landlord. Nothing more disastrous could happen. It is the fault of the Government in supporting the control that is inherent in this type of legislation. That is why the Government should allow it to fade out quietly.

The Committee divided on new clause 2aa:—

Ayes (8).—The Hons. Jessie Cooper, L. H. Densley, G. O'H. Giles, A. C. Hookings, Sir Frank Perry, F. J. Potter, Sir Arthur Rymill (teller), and C. R. Story.

Noes (10).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, E. H. Edmonds, N. L. Jude, Sir Lyell McEwin (teller), W. W. Robinson, C. D. Rowe, A. J. Shard, and R. R. Wilson.

Majority of 2 for the Noes.

New clause thus negatived.

Bill read a third time and passed.

[*Sitting suspended from* 6 *to* 7.45 *p.m.*]

SOUTH-WESTERN SUBURBS DRAINAGE BILL.

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

The Hon. C. D. ROWE (Attorney-General)—I move—

That this Bill be now read a second time.

The object of the Bill is two-fold. It will authorize the construction and maintenance of drains and improvements to the River Sturt to control flooding in the south-western suburbs, and will provide for reimbursement by the councils of the areas concerned of half the total capital cost and all maintenance costs. The Bill is based upon the report of the Parliamentary Standing Committee on Public Works dated October 6 of this year. As honourable members know, the committee investigated the whole question in pursuance of a reference made by Parliament in 1957.

Part II (clause 6) of the Bill authorizes the Minister of Local Government to construct drains, to construct works for the improvement of the River Sturt and to build a flood control dam on that river, all for the purpose of flood prevention and control. Ancillary powers are conferred by clauses 4 and 5 (acquisition of land and easements), 14 (calling for tenders), 15 (general powers), 18 (delegation of powers), 19 (disposal of surplus land and property), 25 (indemnity against certain claims) and 26 (power to require councils to have the river cleared). Clause 16 provides for compensation for damage done in the exercise of the Minister's powers.

Part III of the Bill concerns the provision of finance by the councils of the area affected. It provides, broadly, that the councils of Marion, Mitcham, West Torrens, Unley, Brighton, Glenelg, Meadows and Stirling and the Garden Suburb Commissioner shall pay one-half of the total cost of the works with interest, the payments to be spread over a period of 53 years commencing after the Government has expended £1,000,000. The percentages payable by the councils are set out in clause 7 (2). The rate of interest is to be 5⅛ per cent until the works are completed, after which interest will be at a rate to be struck by reference to long-term loan money rates during the period of construction subject, however, to a variation every ten years.

The mode of payment and rates of interest are covered by clauses 8 to 11 inclusive. They are based upon the Parliamentary committee's report which recommended also the proportions in which councils should contribute to the capital costs. The annual payments by councils will, of course, be adjusted both at the time of completion of works and at the ten-yearly periods which I have mentioned so as to take account not only of the actual total cost when it is known but also of the variations in interest rates, as well as any variation in costs attributable to unknown amounts of compensation (clause 17).

Clauses 12 and 13 deal with maintenance. Each council will be directly responsible for the maintenance of drains in its area, while the Minister of Works will be responsible, but at the expense of the councils, in the same proportions as those relating to capital costs, for the maintenance of works on the River Sturt. With regard to the latter, councils are to pay into a maintenance fund £5,000 during each of the first three years after the completion of the River Sturt works and thereafter an amount to be determined by the Treasurer every three years, having regard to actual maintenance costs from time to time. These provisions are, like the rest of the Bill, based upon the Parliamentary committee's report.

Clauses 20 to 24 inclusive are of a general nature covering a number of ancillary matters. As members know, the Parliamentary committee made a very full inquiry into the question of flood water drainage and recommended the works for which this Bill provides, the proportions in which councils should contribute towards costs, the rates of interest and the mode of payment. It is obvious that the Bill comes to this Council as a result of a careful and thorough inquiry by the Public Works Standing Committee, which had the advantage of much expert information and detailed evidence in working out the proposal. I therefore commend it to honourable members.

The Hon. F. J. CONDON (Leader of the Opposition)—This is one of the most important Bills introduced into Parliament this session. It authorizes the Minister of Local Government to construct drains and works, improve the River Sturt and build flood control dams on the river. I am sure the Minister is capable of handling this important matter. The control of floodwaters in the south-western suburbs is a very difficult problem. I refer members to the report of the Public Works Standing Committee on this matter. I was rather surprised at the attitude of one council which is in opposition to the Bill, and trust that no honourable member will be misled. Councils render valuable service to the community and those coming under the provisions of the Bill are very fortunate, because in the past various councils throughout the State have been compelled to find their own finance when under taking such works; but on this occasion Father Christmas has come to the aid of the councils concerned.

An Act was assented to in 1957 concerning works for the drainage of floodwaters in the south-western suburbs. Five questions were referred to the Public Works Standing Committee for inquiry and report and 32 witnesses, including experts, were examined. The committee took about two years to consider the question, which gave it a few headaches, but I think members will agree it presented a very fair report and one worthy of favourable consideration. It opened its inquiry by taking evidence from members of a committee consisting of the Engineer-in-Chief (Mr. J. R. Dridan), who was chairman (and I do not think anyone will question his qualifications), the Commissioner of Highways, who was then Mr. P. A. Richmond, and Mr. D. H. Susman, City Engineer of Marion. They were asked to report on the problem. There was also a technical sub-committee consisting of Messrs. L. F. Lierich (designing engineer, Highways Department), who was chairman, D. H. Susman and J. S. Gerney (designing engineer, Engineering and Water Supply Department) relating to the design of the proposed scheme. The report of the drainage committee stated that the local governing areas concerned to a greater or lesser degree were Marion, Brighton, Glenelg, West Torrens, Unley, Mitcham, Meadows and the Garden Suburb. Later the district of Stirling was included. The Public Works Standing Committee circulated copies of the two reports to the Local Government Association. It must be recognized that the uplander should make a smaller contribution to the cost of the work than the lowlander, who was relieved of the danger of inundation of his property. The Public Works Standing Committee included this in its report:—

Mr. Dridan appointed a group comprised of officers of his department to carry out the technical work necessary to form a basis for recommendations and he subsequently submitted his recommendations in writing. Mr. Dridan told the committee that having regard to the extent and nature of the "contributing" and "benefiting" areas he was of the opinion that a fair apportionment would result if one third of the cost were apportioned to the "contributing" areas and two thirds to the "benefiting" areas.

Assuming that the works in stage one cost £2,158,000, of which the local governing bodies meet £1,079,300, and based upon a repayment period of 53 years with interest at £5 5s. per centum on outstanding amounts of capital, the annual instalments payable by the councils in respect of percentages as mentioned in the report would amount to £60,691. That was based upon repayment by the end of 53 years at the rate of 5⅛ per cent.

Councils had every opportunity to submit their case. There were two expert committees and also the Public Works Standing Committee which comprised laymen, who could not be expected to have the knowledge of the experts. The committee quoted this statement in its report:—

We do not suggest that the doctrine of benefit should be altogether abandoned, but we consider that its proper and fitting interpretation is somewhat wider than that hitherto placed upon it, and that the benefit of land drainage to any given area is not confined to the discharge of water beyond its own boundaries, but includes some responsibility for its passage to the sea.

There have been complaints that water was being wasted by being allowed to flow to the sea. Some years ago the councils concerned in the metropolitan drainage scheme had to pay certain amounts annually to get rid of flood waters that flowed eventually through the Henley Beach area. In order to conserve more water it will be necessary for the Government to build two more reservoirs within the next few years. The projects have been examined, but have not yet been submitted to the Public Works Standing Committee. The Government is to be commended for the way it has endeavoured to conserve water during the last four or five years, thus keeping the metropolitan area free from water restrictions. The Committee's report is a valuable one. I want to make one or two references to it without taking up too much time. All the information and reasons can be found in this report. At page 7 we read:—

The Committee advised each local governing body of its instalment on the foregoing basis and, although the Committee's advice did not ask for a reply, replies were received from most of the local governing bodies. While some of the councils protested against their instalment, no arguments were advanced to justify the Committee altering its view with regard to the distribution of costs.

On page 7 also can be seen the percentage of the total for each local governing body and its annual instalments. A bone of contention with some councils is that they think they have to pay amounts that they say they cannot afford. The councils receiving the most benefit should be the ones who pay the most. In this proposed scheme the district councils will benefit because they will get an increased value of land and increased rates and, in the long run, they will probably achieve a great deal. What the councils are asked to pay will be over a

period of 53 years. In introducing this Bill the Government has been reasonable, given them every chance, and tried to help them to overcome their troubles. They have not had any troubles this year because there has been a severe drought, but I hate to think what would have happened had there been a rainfall of 21in. and some flooding. The report continues on page 9:—

During the course of the Committee's inquiry some councils expressed a desire to construct works under the scheme. The Committee expects that tenders will be called for much of the work and it sees no objection to a tender being accepted from a council; on the contrary, the Committee feels that tenders should be encouraged from councils which have the necessary plant and staff and that councils should be authorized to tender for and carry out work outside of their own boundaries. It is essential, of course, that any council or contractor carry out work strictly in accordance with the plans and specifications of the constructing authority so that the whole of the works are of a consistently high order requiring a minimum of subsequent maintenance work.

That calls for sympathetic consideration.

The recommendation at the end was simple; just a few lines. It showed that a considerable amount of expert evidence of a technical nature was tendered and examined by the committee from all angles. Where the councils submitted proposals, they were referred back to the committee for report. The Public Works Committee pointed out the reports of men whom I have mentioned here this evening, who were quite capable of making recommendations. We all know that taking part in our councils are men who are qualified, but they cannot be expected to have the knowledge of expert witnesses like the Engineer-in-Chief, Mr. Dridan, and others I have mentioned. Therefore, it is natural that the committee would consider every aspect and listen carefully to all the evidence tendered so as to do the right thing.

In introducing this Bill, the Minister explained its contents. Without taking up further time, I assure members that the Public Works Committee was unanimous in its decision, it gave the matter a great deal of thought, it tried to do the best it could in the circumstances, and, while its report may not have been favourable to one council, it was favourable to nearly every other council. The one that is complaining will, I think, receive the greatest benefit of them all. Time will tell. Probably some day it will thank Parliament, if this Bill is passed, for what it did in 1959.

In conclusion, let me pay a compliment to the chairman of the Public Works Committee, Mr. Shannon. He is most able and devotes much time to its work. He applied himself whole-heartedly to this inquiry, which is one of the most important we have ever conducted. It is costing a lot of money. The Government could say, "If these people do not want this work, there is no need for it." I hope the work will be proceeded with and that there will be no objection to this scheme, because this is the best we could do, in the circumstances. We are very proud of our chairman for the work he has done in connection with this scheme over a period of a few years. It is my pleasure to sit under him. He is one of the most able chairmen we have had. I support the second reading.

The Hon. F. J. POTTER (Central No. 2)—I support the second reading. I regret that it has come before this Council at such a late stage in this session. I agree with Mr. Condon that this is one of the most important Bills we have had to examine for some time. Mr. Condon made a good point—that the Government could have left the responsibility for the drainage of the Brighton and Marion areas and other council areas in the south-west suburbs to the individual councils concerned. There was no legal or moral obligation on the Government to undertake to pay half the cost of such works. Indeed, it is because the Government did undertake that expenditure that we now have this Bill before us and some likelihood of the work being undertaken in the near future. I know that this measure has aroused some opposition, particularly from the Mitcham Council, but so far I have not heard anybody either in the Mitcham area or in the Colonel Light Gardens area, put up any alternative to this scheme. There is no suggestion from anybody, as far as I can see, that this work is not absolutely necessary in the Brighton and Marion areas. Therefore, if we start with that fact, we must all recognize that the work has to be done.

The Public Works Committee fully investigated the matter. It has done an excellent job in preparing its report. It has been guided throughout by expert evidence. I have no doubt that it is convinced that no alternative scheme will do. Of course, there are some aspects on the matter of financial contribution that may seem to be somewhat arbitrary, to the extent that it has been agreed that the councils other than Marion and Brighton are to contribute one-third of the

cost of the scheme. I do not know exactly how that figure was arrived at, but it seems somewhat arbitrary and is the starting point for some of the opposition about which we have heard from the Mitcham Council.

As I see it, the problem for the Mitcham Council is threefold. First, the council says it is being compelled to contribute too much towards the cost of the scheme having regard to the benefit it expects to get from it. Secondly, it thinks the scheme is altogether too grandiose. Thirdly, it thinks it can do all the necessary drainage work in connection with the Mitcham area at a greatly reduced cost. As Mr. Condon has said, if it thinks it can do the work there, I hope that every opportunity will be given for the council to tender for those works, and the acid test will really be whether it can in fact do these works for the very low cost that it estimates. I understand it claims it can carry out works that will link up with the rest of the scheme throughout the whole area involved. If that is so, then I am sure that the Government and the Minister will give it every opportunity to make its contribution in its own way towards this scheme, but it seems to me that the Mitcham Council will have to face the inevitable fact that the scheme is necessary, that a great deal of the water that flows into the Sturt Creek comes from the Mitcham area, and that consequently it must expect to make some contribution towards the cost of the scheme.

Whether or not a proper proportion of the cost has been worked out I should not like to say. The whole difficulty about this Bill is that we must inevitably rely on the advice of the experts, both on the engineering works to be constructed and on the actual distribution of the cost. I am not an engineer nor am I in any way skilled in subdividing fairly the basic costs of a scheme like this between the people who will benefit from it. We are, therefore, bound by the report of the Public Works Committee and must, I submit, support this Bill because it carries out exactly what that committee recommended after a long and exhaustive inquiry into all aspects. I, as a resident within the Mitcham Council area, am very conscious that I may have to share in the form of some increase in rates towards the cost of the development and drainage of the whole of this area.

The Hon. K. E. J. Bardolph—That applies in every case.

The Hon. F. J. POTTER—I agree, and it is one of those factors which cannot be shuffled off or lightly criticized. This is a matter which should have been tackled many years ago and not left to this late stage when costs are so high and the overall cost of this scheme is much greater than it would have been five or six years ago. There have been certain procrastinations at least on the part of one of the councils involved. However, the plain fact is that it was not done five or six years ago and we must now tackle the problem as soon as possible. I feel I cannot make any further contribution to the debate now as the Bill came to the Council at such a late stage. I am aware of some of the troubles and difficulties that the particular council concerned has vociferously complained about and I trust it will be given an opportunity, as far as possible in its own way, of using its own equipment to contribute towards the construction of drains in its own area and, if any modification of the scheme is necessary and will save any cost to the Mitcham area, I think the Government will be prepared to give the Mitcham Council an opportunity of carrying out those works it claims it can do. I support the second reading.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—As the Minister said in explaining this Bill, the Public Works Standing Committee investigated this question in pursuance of a reference made by Parliament in 1957 and those members who were here at the time will recollect there was a little controversy about it then. The Bill is based on the report of the Public Works Standing Committee which, as previous speakers said, thoroughly investigated the matter.

This is a scheme which involves a number of different municipal corporations and district councils. I have found, in my experience over the years, that when a number of councils are involved it is always difficult for anyone to do justice between them, and in fact I imagine it would be impossible for human beings to do absolute justice in such matters as this, but the matter has been investigated by very competent people who have done their best to do justice and who know a good deal more about the matter than we do, and upon whom I feel we have to rely to a great extent. When one hears criticism by the various councils one naturally takes the fullest note of them, but one must remember, as the Hon. Mr. Potter and other honourable members have said, that the Government is paying for half

of this scheme. The Government, as I see it, has no obligation to pay anything at all towards the scheme because floodwater drainage is a matter in the hands of the councils concerned. However, the Government in its wisdom has stepped in on this matter and has said it is a very big thing involving the development of Adelaide. I refer to Adelaide in the broad sense as including all the suburbs on the Adelaide Plains and it is probably a matter of State interest wherein the Government itself should be involved.

I think, as Mr. Potter has said, the party that feels most aggrieved about the matter is the municipal council of Mitcham. It complained that it was not granted representation on either the Marion and Brighton Drainage Committee or the technical committee which drew up the scheme, whereas two other councils were, one of which is principally involved and had direct and permanent representation on both committees to guard their interests. One of those councils, the municipal council of Marion, is assessed at 58.91 per cent of the councils' half of the scheme, so it is quite obvious it should have the representation. The other council—Brighton—is assessed at 13.50 per cent, whereas the Mitcham Council is assessed at more—that is, 16.90 per cent—so one can feel it is perhaps a pity that the Mitcham Corporation did not have representation on those committees. However, it is easy enough to be wise after the event. It is difficult to anticipate in a technical matter like this who is going to bear the major share of cost and, therefore, while it is easy to be wise after the event, it is not easy to be wise before the event and to know which people should have representation. However, it does seem to me that it is a pity that the Corporation of Mitcham did not have representation on those committees, but I feel that one cannot blame anyone for that altogether because those committees were set up to investigate the scheme and the proposals have been recommended, not as a preview of the matter, but as an outcome of the investigations by the various committees.

I also have a good deal of sympathy with the Mitcham Council because in fact it has had the field to itself for many years. It has been able to pour its storm waters into existing channels, which were natural channels and would take the flow when that council was developed and other councils were not and now it is confronted with a percentage of the expense involved in getting these floodwaters away after they have left its own area. That is quite a traditional thing in the development of cities and can be said also to be traditional in the development of the Adelaide Plains. I remember quite clearly, as a young member of the Adelaide City Council, feeling frustrated in the same sort of way when the City Council was obliged, by Act of Parliament, to subscribe to the metropolitan floodwaters drainage scheme. That happened well over 20 years ago when the drainage scheme was developed to drain the lower parts of the Adelaide Plains near Henley Beach and in the areas surrounding that part. The Adelaide City Council at that stage—and I must say I agreed with it—thought that as it had done nothing and had merely been putting its storm waters into the River Torrens for years and because nothing had changed as far as it was concerned, it should not have to contribute to the scheme. I have realized over the years that that is a rather superficial outlook because the obligation on a council is not merely to push its flood waters into the next area but surely it has an obligation to see the water gets into its ultimate destination which, in our case, is the sea. Nevertheless, that same council has had the field to itself in that sense and I think it is entitled to feel it has some sense of grievance when it is asked to contribute to a very expensive scheme most of which does not arise from within its own bounadries.

Something was said in another place about the Town Clerk of Mitcham. I should like to say in this Chamber that I have had the pleasure of being associated with that man—Mr. Hayes—on several matters. He is a very active, energetic and efficient administrator, and I know whatever he says is said in good faith and that he is doing his utmost for the council that he represents.

This is a difficult problem, and I would also like in passing to sympathize with the council of Marion which, as I have already said, has to contribute no less than 58.91 per cent of the total half of the councils which, as the figure indicates, is considerably more than all the other councils put together.

As a member of local government over the years since the war I have had a great sympathy with the City of Marion in its problems. I suppose that city has had possibly as great a development as any other suburb. Before the war it was sparsely inhabited. Its development after the war has been very great and it is still continuing. That

council has had to make roads and give all the other amenities which local governing bodies have to give to a continually increasing population and number of houses and it has had to do it in an area that has not a high rating value. In a place like the City of Adelaide, which is already heavily developed, it is easy enough to find money for further development because you have a high rating value, but with suburban councils, such as Marion, I believe it is very difficult for them to find the money for intense development without increasing their charges against their ratepayers to a great extent. Although I have read criticism in the press from time to time I think they have done a wonderful job in the circumstances and I would like to pay a tribute to them. I do not think that any council has been faced with a more difficult problem than Marion and they have got out of it extremely well. Other councils are involved in the scheme. West Torrens, and the Garden Suburb Commissioner have only a small percentage to bear, as has Glenelg. Brighton and Mitcham have larger shares, but the bulk of the councils' burden is being carried by Marion. Local government people know that where there is an intensive housing development the question of getting storm water away becomes more difficult, because the roofs of houses catch the waters instead of their soaking into the ground, and where there are many houses there is a terrific catchment of water that has to be got away in bulk somewhere. That is where the necessity for this scheme originated.

I feel that we have to rely upon our expert committees. We have the Public Works Committee, consisting of splendid and capable men of great experience, who have looked into this matter, as well as other committees. I have heard of no dissent between these committees of experts. They have put in hours and hours of thought upon it; they have heard evidence and have gone far more thoroughly into the scheme than any member of Parliament, however keen or energetic, could possibly do. Also they have had before them evidence and facts that no member of Parliament could possibly collect. Therefore I feel that all the elements exist to make the scheme necessary. It has been investigated as fully as any scheme could be. As far as I know we have had practically unanimous recommendations from the various committees—at least I have heard of no great body of dissent. Consequently I feel that, as ordinary members of Parliament whose representatives have examined the matter thoroughly, unless we have something before us that can be regarded as sufficient to make us feel conscientiously otherwise, we must support the scheme.

The Hon. G. O'H. GILES (Southern)—I support the second reading. As a representative of the Southern district I take this step because the district councils of Meadows and Stirling are part and parcel of the scheme and have to pay a percentage of the cost. I have watched with a great deal of interest the arguments as they have developed from time to time. Quite a lot of literature has been distributed by one section and another, and as a representative of the Southern district that borders on and includes some of the districts concerned I appreciate the opportunity of supporting the second reading. I have no doubt that as time goes on there will be very beneficial results from the scheme, but my main purpose in rising is to congratulate various people and bodies who have been concerned in this matter. Firstly, I congratulate the Government on having the courage to go ahead and accept the liability of 50 per cent of the financial burden in order to do something to alleviate this difficult situation. Secondly, I congratulate the expert committees whose findings have obviously had a great impact on the decisions arrived at and, thirdly, I would like to refer to the remarks of the Leader of the Opposition with reference to the Public Works Committee. I like very much to hear such remarks as those that came from the Leader of the Opposition in praise and congratulations to the chairman of the committee on which he sits. It is quite obvious that we owe a great deal to the hard working members of this committee. All the various people who have been involved in the investigation have come up with a very sensible solution of a very difficult situation. As a member of the Southern district whose boundary borders on the Sturt River at the bottom of Tapleys Hill, I congratulate them on this matter and say how pleased I was to hear such a statesmanlike approach to the problem by the Leader of the Opposition

The Hon. L. H. DENSLEY (Southern)—I offer some sympathy to those metropolitan members who are presumably so hostile to this scheme, although I do not think all the district is as hostile as we may have been led to believe by some reports. I am rather surprised that we have not had any murmurings from metropolitan members about the Government's

expenditure of so much money in the metropolitan area, for when some small amount is put aside for country districts we hear remarks such as, "More relief for the primary producers!" As a country member I am sure that all country people will be quite happy to share in the expense of drainage in the metropolitan area. I believe that it will pay great dividends to a great many. I have some sympathy for the Marion Council which has to find so much money, but the benefits that it will derive, I am sure, will be commensurate with the share of expense that has been apportioned to it.

Although members of the Public Works Committee have been so well commended already I feel that I would be failing in my duty if I did not make one or two references to it. Mr. Condon has given us an excellent speech on the matter. He had the experience of inquiring into the scheme very carefully, and I appreciated his remarks. The committee has a very responsible job to do. It has to inquire into all Government projects costing over £100,000. Every member of Parliament looks upon this committee with great respect, and it would ill become any private member to find fault with the decisions of the committee in this case. We know that its members have given this matter very close attention for a long time, and although the councils concerned are called upon to shoulder a considerable financial burden I am sure that the ultimate result will justify it. I know that there are primary producing centres, about which we hear murmurings when the Government spends money upon them, that would be very glad indeed if the Government offered to accept 50 per cent of the burden, but we have not yet had that opportunity. In view of the careful investigations that have been made we can support this legislation quite confidently, and I believe that the apportionment of the costs to each council is fair and reasonable. The Government has not only been prepared to meet half the cost, but has offered to lend most of the remainder to the councils on long terms. It is all very well to say that the scheme will cost so much, by adding up all the instalments, but I am sure that the Government would not say "No" if any of the councils wanted to borrow the money outside and pay off the debt in a lump sum. I see no reason why we cannot support the Bill.

The Hon. Sir FRANK PERRY (Central No. 2)—I support the second reading. The Bill vitally affects the district I represent, and although there has been some discussion in the area about it I must say that it came from only one source. The spreading of costs over the areas that have to be drained is no innovation. As already mentioned, district councils as far back as Burnside, Campbelltown and St. Peters contributed to the cost of the metropolitan drainage scheme in which the bulk of the work was west of Hindmarsh. Consequently there is a precedent; not only here, but wherever work of a like nature has been done. Every council must accept the responsibilities that arise from increased population and increased building. The resulting vast expanse of roofs sheds rainwater far more quickly than grasslands and trees, and there is no possible excuse for allowing councils to escape from their liability.

The inquiries of the expert committees and the Public Works Committee are sufficient to satisfy members of this Chamber that the best information that could be obtained has been applied towards solving this problem. I feel that the job must be done well. It is useless for one council to start draining its own area without taking cognizance of areas into which it will have to divert its waters. I have been pleased in examining the report to find that the Public Works Committee has gone into the question so closely. Every attempt has been made to arrive at a scheme that will satisfy the areas concerned for a 100 years or more. I would point out, however, that the work covered in the Bill is not the full scheme envisaged, but only about two-thirds of what will have to be done. Consequently, if the same allocation of costs is applied the ultimate financial responsibility of the councils will be much greater. However, after the eight years which I understand the scheme will take to complete the councils may see the benefits of what has been done and be glad, as most of them already are, to meet the cost of £1,000,000, or half of the sum which the Government has provided. The scheme has been thoroughly examined and should be satisfactory, and therefore I have much pleasure in supporting the second reading.

The Hon. N. L. JUDE (Minister of Local Government)—As I expected, members of this Chamber, particularly those representing the areas concerned, have shown a statesmanlike attitude to the whole project. Mr. Condon's exposition of the scheme and his invaluable knowledge of the operations of the Public Works Committee, showed that that committee had gone into the matter very thoroughly. A

statement by the chairman of the committee clearly indicated that this matter was not one to be attacked in a parochial spirit, and rather proved the generosity of the Government in this problem, particularly as it affected Marion. I listened to honourable members with considerable pleasure. The finding of the committee was one that we could rightly expect it to be. Had the project been delayed unduly it would have meant a big delay in the Highways Department's programme in the lower parts of the districts affected; and that is one reason why the Government has seen fit to make funds available so that it could have a chance to help in the construction of arterial highways to the south-west of Adelaide. There would have been considerable waste if the drainage were not done in the meantime. I have every sympathy with the Marion Council, which will have to pay a considerable sum towards the drainage scheme, but I believe that the finding of the Public Works Committee was on the square with what was a reasonable assessment of the benefits and advantages to be gained by the various areas concerned. I thank honourable members for the consideration given to the Bill.

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

UNDERGROUND WATERS PRESERVATION BILL.

Returned from the House of Assembly with the following amendment:

Clause 21 (2) (*f*)—After "persons" insert "one of whom shall be a landowner."

Consideration in Committee.

The Hon. C. D. ROWE (Attorney-General)—The House of Assembly's amendment will provide that the Advisory Committee on Underground Water Contamination will consist of those persons already mentioned and such other persons as the Minister considers necessary, one of whom shall be a landowner. The amendment is acceptable to the Government and I move that it be agreed to.

The Hon. Sir ARTHUR RYMILL—Does the clause oblige the Government to appoint any persons at all, or does it merely enable it to appoint people if it wishes to do so?

The Hon. C. D. ROWE—There is nothing obligatory in the clause, but it gives power to the Government to appoint additional people if it thinks it is necessary in the interests of the work to be undertaken.

The Hon. Sir ARTHUR RYMILL—Could the amendment be construed to mean that it is obligatory on the Government to appoint at least one other person?

The Hon. C. D. ROWE—I do not interpret it that way. I think the correct interpretation is that if the Government appoints additional persons, then one of them must be a landowner.

The Hon. A. J. Shard—What is the Minister's interpretation of "landowner"?

The Hon. C. D. ROWE—I should think that a landowner would be a person who owned land.

Amendment agreed to.

STAMP DUTIES ACT AMENDMENT BILL.

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

The Hon. C. D. ROWE (Attorney-General)—I move—

That this Bill be now read a second time.

It imposes a stamp duty on hire-purchase agreements at a rate of 1 per centum on the net cash price of the goods comprised therein; where the net cash price is £100 or less the amount payable is 5s. per £25 or part of £25. No duty is payable where the net cash price does not exceed £10. South Australia appears to be the only State, with the possible exception of Queensland, where hire-purchase agreements generally are not subject to payment of any stamp duty. The rate in New South Wales and Tasmania is 1 per cent, in Victoria 2 per cent and in Western Australia one-eighth per cent. I understand that in Queensland the Government has proposed a duty of 1 per cent while the Tasmanian Government has made a proposal to increase the duty to 2 per cent.

The Government sees no reason why hire-purchase agreements should be excepted from the general range of stamp duties. Deeds and conveyances of property are subject to duty and indeed the present Act already provides that a hire-purchase agreement is chargeable as a conveyance in cases where the owner of the goods is not by trade a seller or hirer-out of goods. But this means that for practical purposes hire-purchase agreements are not dutiable.

In the light of experience in other States it appears unlikely that a moderate stamp duty of the order which I have mentioned would bring about an increase in costs to the consumer or react unfavourably upon business generally. The Government has accordingly decided to introduce this Bill which will bring South Australia into line with the other States.

It is difficult, of course, to anticipate what revenue might be expected to accrue from this source, but an estimate of over £200,000 has been made. The Bill imposes the duty through the operation of clause 6 which inserts another line in the schedule to the principal Act. This clause also provides for a general exemption where the net cash price is not over £10.

Clause 5 introduces three new sections, the first being a definition section based upon the definitions in the Hire-Purchase Agreements Bill and the second providing that the duty may be denoted by an adhesive stamp and that hirers shall not be chargeable with duty either by the Crown or by the owner, while the third of the new sections re-enacts the existing provisions of the Hire-Purchase Agreements Act of 1931 that the duty on assignment of a hire-purchase agreement shall be 1s. per £50 of consideration. The Government sees no reason to increase this amount since the agreement itself would already have been subject to duty in the first instance.

Clause 4 of the Bill strikes out the existing provisions of the Act concerning the charging of duty on the very limited class of hire-purchase agreements already provided for at the rates applicable to conveyances.

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

HOSPITALS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1920.)

The Hon. F. J. CONDON (Leader of the Opposition)—The Opposition has always advocated free access to hospital wards. That not being the policy of the Government, fees should be fixed by regulation, which would be subject to disallowance by Parliament if necessary. Since this Bill was introduced in another place, an amendment has been moved and now, instead of people outside Parliament having the final say, Parliament will have the right to disallow any regulation with regard to the fixing of fees. The Hospitals Act contains one section which deals with the cost of maintenance of patients by empowering the Governor, on the recommendation of the Director-General of Medical Services, to fix the rates of payment for maintenance in public hospitals. That is varied by an amendment.

At present a uniform flat rate must be charged. The amendment will give power to fix daily, weekly or other periodical rates, and the fixing of different rates under different circumstances. The Government hospitals in South Australia are administered by the Hospitals Department. The metropolitan area has nine public hospitals and there are six in the country, so 15 hospitals in South Australia are controlled by the Hospitals Department. The receipts from patients' fees in Government general hospitals last year were £459,000. Members know that during recent years charges have been made in public institutions. Excluding the Queen Elizabeth Hospital, the daily average cost per bed in the hospitals was £5 16s. 5d. It is just as well to place on record the costs for the maintenance of our hospitals as a daily average. For the year ended June 30, 1959, at the Royal Adelaide Hospital, the cost was £5 13s. 4d. a day; at Barmera it was £5 13s. 11d.; at Mount Gambier £6 13s.; at Port Augusta £5 10s. 6d.; at Port Lincoln £5 14s. 3d.; at Port Pirie £6 6s.; and at Wallaroo £6 1s. 5d. During the same year the total number of outpatients at the Royal Adelaide Hospital was 22,301. The total attendances numbered 179,551; the total cost was £119,868; and the cost per outpatient was £5 7s. 6d. The cost per attendance was 13s. 4d. Compared with a few years ago, that shows a considerable increase. As it is the policy of the Government that charges be made, it must be understood that a number of people cannot afford to pay. In that respect the department is most generous. Often, if a man meets with an accident, he is taken to the Royal Adelaide Hospital. It may be advisable to keep him there for a few days. If he had his own choice, he would probably go to a private hospital. Therefore, it is expected that people able to pay should pay according to their means. This legislation will give extra power to the Director-General to make charges and grant exemptions where necessary. I support the second reading.

The Hon. L. H. DENSLEY (Southern)—I, too, support the second reading, although perhaps not altogether for the reasons advanced by the Leader of the Opposition. As we all know, the public hospitals were at one time practically free, but it was found as time went on that some charges had to be made. Country hospitals particularly had been responsible for maintaining beds for indigent patients, so they, too, have been called upon to provide free beds when neecssary. Most honourable members know the difficulties associated with the running of country hospitals in recent years. They are not so bad today

as they were, but the practice has grown up—and this is particularly so since the Mutual Hospital Association has become the body with which people are insured for hospital treatment—that, where a person is likely to be in hospital for a short period, he goes to his local hospital and, if he is likely to be in hospital for a long period, he goes into the country hospital at, say, Mount Gambier. If he is entitled to full benefit from the Mutual Hospital Association, he can pay his bill to the public hospital and come away with a bit of pocket money. Consequently, the local hospitals in the country have suffered badly. The fact that the Director-General would have control of this matter would cure that trouble. If a person can pay, he will be charged the full amount of his insurance premium. I feel we can well support this measure. It will help local country hospitals and will ensure that those who can pay do pay.

I am glad that free beds will not be curtailed where they are necessary. In an enlightened community it is essential that people needing hospitalization and not able to afford it should have it available. I do not think the Government intends to write down that aspect of hospitalization. This measure means that those people who can pay will be charged and those who may be inclined to avoid payment will be compelled to pay by the Director-General. The fact that it is being left to an independent person like the Director-General is advantageous. He will be able to fix the rates according to circumstances. This will benefit particularly the hospitals that have to pay their way. I appreciate what the Government has done for them. It is helping considerably by paying subsidies on a basis of £2 for £1. Over the years it has been pound for pound, but it is now two for one as regards hospital buildings and equipment. They are eligible for subsidy for their running expenses. I pay a tribute to the Government for what it is doing for hospitals, some of which have experienced great difficulty in paying their way. This Bill will tend to encourage people to go to those hospitals to which they can afford to go, and not to a public hospital where they get cheaper treatment, thereby being able to pay their bill and have something left over from the money they receive from the Mutual Hospital Association.

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

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1921.)

The Hon. F. J. CONDON (Central No. 1)—Many years ago I remember first visiting what is known as the Eight Mile Creek. Before there was any development in the area the Government was preparing a scheme to settle soldiers on the land. Earlier this year I visited the Eight Mile Creek again and I was surprised at the improvements that had been made over a period of years. Those improvements would not have been of much value if it had not been for the drainage scheme. The land was put into production by the Government with the assistance of the Commonwealth Government and it is essential that the area should be preserved and kept in production. When the rentals for the holdings are finally fixed an appropriate charge will be made on each settler in respect of his holding as a contribution towards the maintenance cost of the drainage system. As long ago as 22 years approval was given for a survey to be made for the drainage system, and four years later the Land Board recommended its division into four sections. At that time there was a certain amount of criticism, but I think that criticism has been outlived.

The Minister, in introducing this Bill, dealt with a number of clauses but the clauses, after the main portion of the Bill, mainly deal with appeals. Clause 4 imposes on the Director of Lands the responsibility of declaring and levying an annual drainage rate in order to raise moneys towards the maintenance of the drainage system. Clause 5 provides:

In order to determine the drainage rate the Director shall before the commencement of each rating period prepare an estimate of the expenditure that would be incurred during that period in connection with the cost and expenses referred to in section 4 of this Act, and shall determine the amount representing the average annual expenditure for that period; and the Board shall not less than one month before the commencement of each rating period make and lodge with the Director a valuation of the land comprised in each holding within the area exclusive of structural improvements thereon, having regard to all matters in connection with such holding that it regards as fair and equitable to be taken into consideration in arriving at the valuation.

There are quite a number of clauses in the Bill, but they mostly deal with appeals to the Minister. This Bill will be of assistance to the people concerned and it refers to leasehold and freehold property. If the people

desire to obtain the freehold of their property they will receive the necessary assistance, but will be asked to contribute accordingly. I think that this Bill may well receive the consent of the Council because it is doing something for men who have done a lot for themselves. They have, over a period of years, worked hard and are soldier settlers who are entitled to receive every encouragement. I support the second reading.

The Hon. L. H. DENSLEY (Southern)—The Eight Mile Creek settlement did not live up to the very high expectations that everybody in S.A. seemed to have about it in the early stages. After the clearing of the land the seasonal conditions were such that for a year or two the country prospered and did grow very good feed. After allotment the seasons became extremely wet and it was scarcely safe for cattle to walk across the paddocks because they would get bogged. There was a regrowth problem associated with the settlement under which much clearing had to be done by the settlers after allocation. There was agitation by many settlers that something should be done about the very wet years and as a result the drainage scheme was put in by the Government. Obviously, the settlers would expect to pay something towards the maintenance of the drains, but there are some settlers who have not derived any benefit from the scheme. Their country has dried out so badly that they have had difficulty in maintaining, or any where near maintaining, their production since the drains were put in. I assume that consideration will be given to all these cases and that payment will be made in line with benefits received, and if a settler has not received any benefit his liability would be nothing, or very little.

I know quite a number of the blocks have been improved considerably by the drains. Probably this year the settlers would, because of the dry season, be better off without the drains, but most of the blocks were too wet and the drainage system has brought them into a condition where the settlers have been able to run their stock under better conditions than ever before. I am in favour of the Bill, but stress that consideration should be given to those settlers who have derived no benefit from the drains; in fact their country may even have deteriorated a little. There are only one or two settlers whose country did not respond to the drainage, and it would not affect the balance of the settlers very much if some consideration were given to the few. The position is so much better at Eight Mile Creek since the drainage was put in that the benefits derived have greatly exceeded the deterioration of the one or two blocks I have mentioned.

The Hon. A. C. HOOKINGS (Southern)—I am sure the Bill now before the Chamber will get every support from honourable members who have heard the speeches made by the Hons. Mr. Condon and Mr. Densley. It was rather interesting to read the proceedings in another place when this Bill was introduced. Besides the second reading speech of the Minister there was only one other speaker, and the Bill passed without amendment. I know there have been difficulties in the Eight Mile Creek area, but I feel sure that that land is some of the most fertile and productive in this State. The main purpose of the Bill is to allow some of the settlers to bear some of the cost of the drainage. If this Bill is passed I am sure it will be of benefit to that area. The whole history of settlement schemes in South Australia has been very interesting, and honourable members will agree that the Eight Mile Creek area is one of the most interesting. I agree with the Hon. Mr. Densley when he says that some of the blocks that were very wet are now providing very good feed. I hope honourable members will support this Bill, and I have pleasure in supporting it.

The Hon. R. R. WILSON (Northern)—The Eight Mile Creek area is one of the settlements that suffered teething problems in its early days. It comprises land that consists of pure peat and dense ti-tree, and it is very wet indeed. I pay a tribute to the Land Development Board for the way in which it cleared this land and for the drains it established in the early stages of the settlement. Many years ago, soon after the settlement was cleared, we had endless complaints from the settlers about their flooding problems. I was delegated to go to the settlement and report on the complaints which had been received continually over a long period.

The Hon. K. E. J. Bardolph—Who appointed the delegation?

The Hon. R. R. WILSON—It was a committee set up by the settlers themselves. It was a central committee and I was the chairman at that time.

The Hon. K. E. J. Bardolph—It is not in your district.

The Hon. R. R. WILSON—I know that, but I am interested in soldier settlement and

want to pay a tribute where tribute is due, and it certainly is due in this area. When I visited the area it was impossible to walk about in ordinary boots. One needed knee boots. We were given a tractor to inspect the various properties. Even the tractor was bogged when we attempted to get through a gateway. It was impossible for the settlers, in those days, to progress and a number of them left their blocks soon after I visited the area. However, the Drainage Board took the matter up and cleared the drains which were not clear when I was there. The drains have been kept clear ever since and the settlement has flourished. I agree with the Hon. Mr. Hookings that it is one of the best dairying areas in South Australia.

The Hon. K. E. J. Bardolph—On whose authority do you say several settlers left their blocks?

The Hon. R. R. WILSON—The request for freeholding the land was brought by the settlers themselves. There was a strong request for freeholding the land and finally the Commonwealth Government agreed that a settler could freehold his land after 10 years of occupation or sooner if the circumstances permitted. This Bill enables the Government, through the Lands Department, to charge those who do make their land freehold to the same extent as it charges those who hold their land on leasehold. I think that is a good provision. If the settlers are dissatisfied with the value placed on the land they have the right to appeal. I notice by the Bill that structural improvements will not be counted in the valuation, which is a good thing because some settlers improve their properties so much more than others that it would not be fair to penalize them on that account. I think it would be an advantage if some of these drains had regulators. Certain blocks are fairly dry and some means of regulating the strong flow at Eight Mile Creek would be of benefit. I have pleasure in supporting the Bill and I am sure it will be accepted by the freeholders as well as leaseholders of that land.

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

SCHOOL OF MINES AND INDUSTRIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1922.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading. The South Australian School of Mines and Industries was established in 1889, and the purport of the Bill is to change its name to South Australian Institute of Technology. It is interesting to recall that the School of Mines was inaugurated by the South Australian Chamber of Manufactures in 1878.

The Hon. Sir Frank Perry—Hear, hear!

The Hon. K. E. J. BARDOLPH—I always give credit where credit is due. The first instructor came from Victoria and he established a course in mechanical drawing. He was followed by a Mr. Gill, who came from England and was a qualified teacher in building construction, applied mechanics, machine construction and drawing, and steam engines. The School of Mines provides skilled artisans, and after they become qualified there they take up responsible jobs. Sir Frank Perry will agree with me that the reason why South Australia developed so rapidly in munition work during the war years was because of the sound basis of technical instruction given in the School of Mines. The trade unions, too, played their part by co-operating with the Chamber of Manufactures in the establishment of a proper technical school.

The two main purposes of this Bill are, firstly, to change the name as I have already mentioned and, secondly, to increase the personnel of the council from 12 to 15. Other modifications provide for a more efficient working arrangement. The history of South Australia is inextricably linked with the growth of the School of Mines, and it is interesting to recall that quite a number of prominent people have played their part in the establishment of the school. The first President of the Council of the School of Mines was Sir John Cockburn, who relinquished that position to become Premier of South Australia. This is the only technical school in Australia that was established by Act of Parliament, and Premier Playford—that is, the grandfather of our present Premier—gave the School of Mines the status that it enjoys today. The School of Mines first established a diploma course in engineering, which was the basis for the subsequent degree course at the university. Many eminent men passed through the School of Mines, notably Mr. Delpratt, who was very closely associated with the development of the Port Pirie Smelters, and Essington Lewis, one of Australia's greatest organizers during the war, and who was closely identified with the expansion of the great Broken Hill Proprietary Company. These men and many others received their initial training and their diplomas at

the School of Mines; men who not only played a prominent part in the development of South Australia, but became renowned throughout the world in their respective spheres of work.

With the change in name to South Australian Institute of Technology this school will be empowered to confer degrees. The Bill transfers certain functions now carried out by the School of Mines to the university and will place the School of Mines on a better basis and in line with similar schools in other States. I have much pleasure in supporting the second reading.

The Hon. Sir FRANK PERRY (Central No. 2)—I have much pleasure in supporting the Bill. As mentioned by Mr. Bardolph, the School of Mines was one of our earliest technical training schools. I was interested to learn from him that the Chamber of Manufactures of that day was instrumental in starting it. It is to the credit of that Chamber that it had enough initiative and foresight to see, even in those early days, the need for technical education. By the passage of time the name "School of Mines" has become a misnomer; it does a lot of things besides training technical people and I think it is time that this change of name was made. The University provides the higher degree and the institute will provide a somewhat lower degree. At the School of Mines the degree involves study for three years, whereas the Bachelor of Engineering degree takes five years. In industry there is a greater demand for the technological trainee or diploma man than for the more highly trained engineer with the Bachelor of Engineering degree. The institute under the present arrangement will provide a three-year course, and if a person so desired he could transfer to the Bachelor of Engineering course at the university, using the institute as a stepping stone towards that course.

The board is to consist of 15 members, all of whom are to be nominated by the Government. We are not aware of the basis of selection, but such a board is generally selected from a known field vitally interested in the work. It would have been better if representatives were selected from the Chamber of Commerce, the Chamber of Manufactures, trades unions and the university, rather than that appointments should be left to the Government. Such boards may continue for a long time with no change in personnel. Any board with such responsibilities should have a constant influx of new members to keep it alive and progressive. I feel that the institute will follow the good work already done by the School of Mines, to which I pay a tribute. It has been instrumental in the training of some of our best technological men. In addition to those mentioned by Mr. Bardolph I have in mind Sir Claude Gibb, who reached great heights in the engineering world in Great Britain. I think that the new institute will be able to perform even more important work than was done by the School of Mines. It will be bigger, have a definite programme, and be able to follow the example of other similar institutes throughout the world. In some ways we are a little behind in technical education. We have not a technological degree, whereas other States have had such a degree for a number of years. I commend the Bill and am sure it will result in an advantage to young men and women in their technical education.

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

ADJOURNMENT.

At 10.05 p.m. the Council adjourned until Thursday, December 3, at 2.15 p.m.