LEGISLATIVE COUNCIL.

Wednesday, October 19, 1960.

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

QUESTIONS.

EMPRESS ELECTRONICS LIMITED.

The Hon. F. J. POTTER—I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. F. J. POTTER—In reply to a question asked in another place on October 12 the Premier made a statement concerning the operations of a firm known as Empress Electronics Limited. The Premier, when questioned on the methods adopted by this firm, said that he had asked the firm why it was taking a rather circuitous way to reduce the price of television sets, because that was what it amounted to.

The Hon. K. E. J. Bardolph—Are you quoting from *Hansard?*

The Hon. F. J. POTTER—This was reported in full in the press. The firm, according to the Premier, said that if it gave an outright reduction in its price of television sets its supply would probably be cut off because some code operated among manufacturers to prevent price-cutting. I have a specific case to place before the Attorney-General in connection with the operations of this firm. In this case the firm sold a Crosley VB 15 television receiver for a cash price of £200 13s. When this matter was referred to me I communicated with the manufacturers of the set, who are in Sydney, and they reported to me that their VB 15 television set was marketed in South Australia at the retail price of 189 guineas, which amounts to £198 9s. If the firm had made a £50 reduction as promised it would have sold the set for £148 9s., but it sold it for £200 13s., and therefore it was charging a price in excess of the proper retail price. In that particular instance there is no suggestion of allowing any £50 reduction.

Since the statement of the Premier it has been brought to my notice by many people in Adelaide that this firm is besieging people on the telephone, and I know that this is so because even the girls working in my office were rung up yesterday and asked the three simple questions and were told they had won a £50 reduction off the price of a television set. In view of these circumstances will the Attorney-General make further inquiries into the operations of this firm?

The Hon. C. D. ROWE—If the honourable member will give me full details of the whole matter I shall be pleased to refer it to the Prices Commissioner and also to the Crown Law authorities to see whether any, and if so what, offences have been involved in this matter.

MARGARINE QUOTAS.

The Hon. F. J. CONDON (on notice)—Will the Chief Secretary, on behalf of the Minister of Agriculture, lay on the table of the Council copies of minutes of the Australian Agricultural Council on discussions regarding quotas of margarine for the years 1956, 1957, 1958, 1959, and 1960?

The Hon. Sir LYELL McEWIN—I have not the answer to the question today, but will have it by Tuesday next.

PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table the following final reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:—

Elizabeth Downs and Stradbroke Primary Schools.
Whyalla (Hincks Avenue) Primary School.
Angle Park Girls Technical High School.
Hendon (Seaton) Boys Technical High School.
New Norwood High School.

EMERGENCY MEDICAL TREATMENT OF CHILDREN BILL.

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave and introduced a Bill for an Act relating to the performing by medical practitioners of certain operations on children in cases of emergency for the purpose of saving the lives of such children: and for purposes connected therewith. Read a first time.

ROAD TRAFFIC BOARD BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1372.)

The Hon. S. C. BEVAN (Central No. 1)—Over the years there has been a noticeable increase in the volume of road traffic in South Australia and motor registrations have reached record figures. Present indications are that during the present financial year the number of new registrations will be greater than ever before. This will aggravate the traffic flow problem, particularly in the metropolitan area.

There is a Bill before the Chamber dealing with the construction of freeways to try to achieve a smoother flow of traffic. I understand that another Bill to consolidiate the Road Traffic Act is to be introduced this session. Several authorities are concerned with traffic control, and for a considerable time I have advocated that there should be only one authority, instead of a multiplicity of authorities. I have also advocated that the most appropriate body to control and regulate traffic throughout the State would be the Police Department, which comes under the direct administration of the Chief Secretary, who is answerable to Parliament for the administration of any amendments or regulations under the Road Traffic Act. I am still of that opinion. When explaining the Bill yesterday the Minister of Roads said that its primary objective was the setting up of a Road Traffic Board. The title of the Bill is as follows:—

An Act to establish a Road Traffic Board, and to make certain amendments of the Road Traffic Act, 1934-1959, and the Local Government Act, 1934-1959, relevant to the functions of the said board, and for other purposes.

The board would act in an advisory capacity to the Minister. On perusing the Bill I find that 13 of the clauses deal with amendments to the Road Traffic Act and one amendment deals with the Local Government Act. I consider that the appropriate procedure would have been for amendments to the Road Traffic Act to be introduced and embodied in a consolidated Bill and not considered under this Bill. The same should apply to the amendment to the Local Government Act. The proposed amendments are very far-reaching and important, and every one is worthy of mature consideration. In his speech on the second reading the Minister said:—

In commending this Bill to Parliament, I would like to make it clear that it is not the object of the Bill to take away powers from local or other authorities.

He then went on to say that the objective was to secure uniformity of control. The board proposed to be set up under the Bill will be all-powerful and will take away powers from local governing authorities. Under the Road Traffic Act councils have powers regarding speed limits.

The Hon. N. L. Jude—No.

The Hon. S. C. BEVAN—If one drives through council areas one will often see notices indicating a speed limit of 20 or 25 miles an hour.

The Hon. N. L. Jude—They have no legal purport whatever.

The Hon. S. C. BEVAN—I should not like to be picked up for travelling at a greater speed than indicated and then have to fight a case in court. The State has a general speed limit of 35 miles an hour in townships. I do not exceed it and I know that I am not breaking that law, but I would not like to take a chance on travelling at a greater speed than is indicated on signs in country towns.

Councils now have by-laws dealing with parking, zoning, islands, lights and other traffic matters. Under the Bill practically everything in relation to road traffic will be controlled by the proposed board. The Bill says that it shall investigate and report to the Governor on various matters, but it also says that any other authority, if it desires to take action on road traffic matters, must first get the board's approval, and until that is received the action cannot be taken. Under the Bill the board can accede to the request, modify it, or reject it. If the council is not satisfied with the board's decision it can ask for the reason, and then, if it is still not satisfied, ask the board to review the decision. It is really a matter of an appeal to the authority that made the decision. This makes the board all-powerful. No authority will admit that it made a wrong decision. Members should seriously consider this matter.

Clause 4 refers to the establishment of the Road Traffic Board and sets out its composition. It is to be a three-member board, two of whom shall constitute a quorum. Although I am not in favour of a large and unwieldy board I think there should be additional members on the proposed board. As I have said, 13 clauses in the Bill deal with road traffic matters generally. They come under the jurisdiction of councils, which should have some say in the control of matters in their areas. They have no representation on the proposed three-member board. I have no objection to the proposed three members, but the councils, perhaps through their own organization, should be represented on the board. They have representation on the board of the Municipal Tramways Trust. Motorists and others who use the roads will not be represented on the proposed board. The Royal Automobile Association might well represent them.

Under the Bill the Governor will be able to make regulations. It seems that the Minister of Roads will have little control over road traffic matters. We have heard much about democracy in this place, but this three-member board could have much bureaucratic power and not be answerable to Parliament. It could promulgate unfair and unjust regulations not

desired by the Government, and questions could be asked in Parliament about the board's activities, and the Minister could easily say that the matters raised were not under his jurisdiction as he had no control over the board. All these road traffic matters should come under the Minister's jurisdiction, and this is another matter that members should consider seriously. I feel that because of the increased traffic in the State there must be adequate and centralized control. I agree that a board should be set up and I intend to support the second reading. This seems to be a Committee Bill and should not be discussed at length now. Therefore I will have more to say in the Committee stages.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I propose to support the second reading of the Bill and agree with the Hon. Mr. Bevan's statement that it is largely a Committee Bill. However, I think it is important that I should make certain general observations now. My reaction to Bills that appoint new boards is always one that causes me to look fairly closely at the particular Bill, because many boards were appointed during the last war, some of which, fortunately, have been disbanded, but it seems to me that there is a general tendency these days to appoint boards to take over responsibility from those who are elected by the people. I think it is unfortunate when that happens. My major criticism of this Bill, a criticism which is very similar to that just voiced by Mr. Bevan, is that this Bill removes from those elected by the people the responsibility for directing in its proper course certain aspects of the Road Traffic Act, and puts this responsibility in the hands of a board which is responsible to no vote, in any event to no vote of the people. Most of the members of boards hold their jobs until they reach the retiring age, and thus even if responsible to heads of departments or a Minister, as individuals they do not have a very great tie.

I agree, as everyone does, with getting the best expert advice on all matters. I have always found in life that the cheapest and easiest thing to get is expert advice on any subject. The top man is the one who has to sort out that advice and apply it, and that takes a great deal of skill and comprehension. That does not seem the pattern of this Bill. The pattern of this Bill seems to be firstly that this board shall report to the Governor and, secondly, that it shall exert certain absolute authority over public authorities consisting of the Commissioner of Highways, local governing bodies and so on. I assume the "Governor" means the "Governor-in-Council" although it does not say so, and the Acts Interpretation Act defines "Governor" as "the Governor of the State, or other officer for the time being administering the Government of the State". That does not seem to be entirely what we assume is meant in this Bill. There would obviously be no sense in reporting to a Governor who had no actual administrative power in respect of legislation like this, unless this does mean the Governor-in-Council. I am forced then to the same conclusion as the Hon. Mr. Bevan, that it means the Governor-in-Council. A certain jargon applies in Acts of Parliament to which not all honourable members are fully accustomed, even those with a legal education.

The Hon. K. E. J. Bardolph—You are quite doubtful, are you?

The Hon. Sir ARTHUR RYMILL—I think it means the Governor-in-Council, but it is probably part of the jargon. I am not one of the experts who fully understand it. Reference has been made to the "Minister" in clause 4, but not to any particular Minister. In the Acts Interpretation Act "Minister" means "the Minister of the Crown to whom the administration of the Act or enactment in which the term is used is for the time being committed by the Governor, and includes any Minister of the Crown for the time being discharging the duties of the office of such Minister". I like Acts to be clear on the face of them. They are directed to the public, regulate the conduct of the public, and particularly an Act such as this, which regulates the conduct and behaviour of motorists, should be clear. I remember the late Mr. Justice Angas Parsons saying in one of his judgments that the Road Traffic Act was directed to motorists and should be construed accordingly by the courts. I suggest that it should be in language which can be understood by the general public, as there has been a certain amount of confusion in the past as to which Minister is the responsible Minister.

I have suggested a number of times since I have been a member of this Chamber that there should be a Minister in charge of the policy of the Road Traffic Act, and have pointed out that at present there seems to be three or four Ministers who are responsible for various portions of the Act. Firstly, there is the Minister of Roads—who would be an obvious choice and it seems from what he said in his second reading speech that he is going to be the choice in this case—then there is the

Attorney-General; the Chief Secretary as head of the police; and possibly the Treasurer. I still urge, and I think this agrees with what Mr. Bevan said, that there should be a Minister in charge of the policy of the Road Traffic Act, and also of this Bill, which is going to be part of it. I suggest that if this board is appointed it should report not to the Governor but to the Minister, because the Minister is a person elected by the people as a member of Parliament and he is elected as a member of the Government, and he has a great responsibility to the public directly in both of those positions. He is a man accessible to the public and one who ought to be the ultimate arbiter on matters referred to in this Act. If Mr. Bevan does not bring down an amendment of that nature, then I propose to do so. I do not think that amendment would unduly hamper the working of the board or unduly hamper the workings of the Government or the Minister. Indeed, it might clarify and facilitate those things for the Government. I strongly believe there should be a Minister in control of this board and that the board in effect should be an advisory one. It seems to me that under the drafting of the Bill the board has absolute powers.

Another point that occurs to me after listening to the second reading speech of the Minister is, what really remains with the State Traffic Committee? We have had pointed out to us, and they are included in the Act, the powers of other authorities that this proposed board will take over, but I do not recollect any reference in the Minister's second reading speech to the State Traffic Committee. I have not been able to check the *Hansard* report of the Minister's speech but, listening to it, I heard no reference to the State Traffic Committee and I wonder what powers, if any, it is intended that the committee shall still exert.

The Hon. N. L. Jude—I said when speaking of the proposed board that I was not referring to questions of general policy such as are suitable for the consideration of the State Traffic Committee.

The Hon. Sir ARTHUR RYMILL—I thank the Minister for that information, because I had apparently missed it. I agree it is not advisable to include matters of general but rather of particular authority in this Bill. I have never been a great exponent of the virtues of the State Traffic Committee because I remember asking a Minister, not long after I first came into Parliament and after having made a few speeches suggesting amendments to road traffic law, what I could do further to try to bring those amendments into being. The Minister said that I should give evidence before the State Traffic Committee. I was astounded at that suggestion because I thought any committee relative to Parliament must be subordinate to Parliament. Surely such a committee should listen intently to, and have referred to it in detail, any suggestions any member of Parliament may make. However, that is rather by the way, but I think this is an important matter.

Clause 11 deals with requests to the board to hear appeals against its decisions. The actual verbiage of the clause is not quite in those terms because it provides that an authority may request the board to review its decision and upon such a request the board shall hear it and reconsider its decision. This type of appeal board is becoming a great favourite of the Government, but I do not regard it as an appeal board at all. It is not termed as such in this Bill in actual words, but that is the effect of it. I do not regard this provision as being any safeguard at all because it is an appeal from Caesar unto Caesar. A board that makes a decision, having made the decision, is then told it has to hear a party which is aggrieved by its decision and review its own decision. We still have to deal with human nature in these matters, and what is the board going to do? Is it going to admit that the local authority or any other person aggrieved is right and that the board's decision is wrong? That is a thing we seldom hear of and I feel if that is all the appeal there will be we might just as well cut it out.

I am not unfamiliar with the application of a number of these matters as a member of a local government authority, and I shall mention a little more of that later. My suggestion on clause 11 is that the Minister should be the person who arbitrates if there is a conflict between his board, which I hope it will be, and the authority that is in conflict with it in opinion. I hope the Minister will consider both the suggestions, namely, that he be in charge of the board and also that he be the arbitrator. I do not think it would be throwing any onerous responsibility on him that would take much of his time, but the mere fact that he was there as an appeal authority would cause the board to be extremely careful with its decisions.

I understand, from conversation with a gentleman holding a high office in another State not unrelated to similar legislation, that Victoria has this sort of board. I have not checked what its authorities are, because I did

not think it was necessary to do so, but apparently it has similar authorities under the Victorian road traffic legislation.

The Hon. N. L. Jude—Is it a country road authority?

The Hon. Sir ARTHUR RYMILL—I do not think so because I believe it has application to the metropolitan area as well. It is a board which has some jurisdiction over the same sort of matters as this board is proposed to have. This gentleman—I will not name him because it was a private conversation and he is an employee of an important body—said that for the first few months the board worked very well, but once it became settled in its job it became rigid and arbitrary. That is familiar to us all and that is what happens to boards. I am not criticizing members of boards, but that is human nature and it happens to all boards. The members of the boards are inclined to get a little browned off. That is what happens to boards that are not responsibly elected in the sense of being popularly elected.

In dealing with one or two other clauses I first of all turn to clause 13 relating to general speed limits. The proposed new speed limit is 60 miles an hour in country areas and it is important for members to understand clearly what that means, because the general public may not understand it. There is at present a *prima facie* speed limit anywhere in the State outside the metropolitan area of 40 miles an hour, prescribed by section 43 of the Road Traffic Act. This clause sets out to amend section 43, which provides that any person who drives a motor vehicle on any road at an excessive speed shall be guilty of an offence but it shall be *prima facie* proof of excessive speed if he drove in any municipality, town or township at a greater speed than 25 miles an hour or outside those places at a greater speed than 40 miles an hour. That is not an arbitrary speed limit but a *prima facie* speed limit, and the defendant has the opportunity to prove that he was not driving at an excessive speed. Motorists are more familiar with section 43b, which was superimposed on section 43 by an amending Act. Section 43b provides that if a person drives a motor vehicle in a municipality, town or township at a greater speed than 35 miles an hour he shall be guilty of an offence, but those provisions run side by side at the moment.

Clause 13 sets out to repeal the whole of section 43 which makes the *prima facie* speed 25 miles an hour in a town and 40 miles an hour outside a town, and it apparently leaves within townships a definite speed limit of 35 miles an hour. The Bill contains certain zoning provisions, and it sets out to raise the country *prima facie* speed limits by 20 miles an hour from 40 to 60 miles an hour. I would not have supported an arbitrary speed limit of 60 miles an hour over the whole State if it had not been for the saving subclause (2) which provides that it shall be a defence to a charge if the motorist can prove that the speed at which he was driving was not dangerous having regard to all the relevant circumstances. With that provision inserted I think it is a fair thing and reasonable and proper. I therefore propose to support the clause.

The Hon. S. C. Bevan—Why have 60 miles an hour in it at all?

The Hon. Sir ARTHUR RYMILL—As a practical driver over a number of years I have found that 60 miles an hour, in a modern car, is a good safe speed in most circumstances when not travelling in built-up areas. However, when one gets to, say, 70 miles an hour it takes a good deal longer to pull up, and that is not an ideal cruising speed, such as 60 miles an hour is, on a good country road today. There are many roads in this State where a motorist could drive at 100 miles an hour with perfect safety to the public, although I do not know whether it would be with safety to himself. However, I do not know whether this Act sets out to protect people against themselves, and I believe that people have to be in charge of their own destinies. The pattern and object of the Bill is to protect people from harming other people. I believe what I have stated is the justification for this clause and that in all the circumstances it is reasonable and good.

Clause 14 goes on to fix speed limits, in declared zones. I could not decide, from listening to the second reading speech of the Minister, whether zoning is to build upwards from 35 miles an hour as well as downwards from that speed, and I am not clear whether it means we can put a speed limit above 35 miles an hour as well as down. I mention the South Road, which is confusing to the average motorist because, south of Darlington, it is in the district council of Meadows right along the lefthand side. On the righthand side it is in the municipality of Marion. I know that as I had cause, unfortunately, to look into this question a year or two ago. The municipality runs right down to Reynella or thereabouts, and so does the district council on the other side. When the Act is changed saying that there is to be a 35 mile an hour limit in municipalities, towns or townships it is hard

for the average motorist to know whether he is in the district council of Meadows on the left or whether he is in the municipality of Marion on the right when he is driving on the lefthand side of the road. The normal human being would think that the borderline was in the centre of the road, but when I investigated that case I found it was not so. No doubt, deliberately to bring it under the Road Traffic Act, the Municipality of Marion has the whole of that road right down to Reynella, and consequently it means there is a 35-mile an hour speed limit to that town, and yet large distances along that road are vacant of houses.

The Hon. N. L. Jude—That shows the desirability of having an overriding authority in special cases.

The Hon. Sir ARTHUR RYMILL—And it shows the desirability of having this zoning upwards as well as downwards.

The Hon. N. L. Jude—It does cover that.

The Hon. Sir ARTHUR RYMILL—I welcome the provision for zoning because of the sweeping dragnet proposal relating to "town, municipality or township." I hope that the Minister when replying can give an assurance that that is in contemplation as well as speed downwards.

The Hon. N. L. Jude—That was in my second reading speech.

The Hon. Sir ARTHUR RYMILL—When one hears the Minister's second reading speech one sometimes misses some of the minor details, with which one becomes more concerned afterwards when one has studied the Bill. When the *Hansard* pulls are received late, one sometimes misses these points. One can often get more from reading a speech than when it is delivered, because one's mind is more closely directed to the details. Provision is made for authority for the Highways Commissioner, municipal and district councils, the Railways Commissioner and the Municipal Tramways Trust. I have had some experience of the way these matters work, and I can say, without intending to be in any way offensive, that the Highways Department is not always right. I had a case in the Adelaide City Council regarding some traffic lights I was investigating only at the end of last week. I had drawn attention previously to certain conflicts regarding traffic lights. I found that they were erected by the city council, but their control was dictated by the Highways Department. I argued it out with one of our engineers and he said, "Exactly what you are saying is what we put up to the Highways Department, but they made us do it the other way."

The Highways Department is not always necessarily right, nor is the group of authorities to which I referred. There are authorities who have much knowledge of these matters and when there is a conflict there should be the right to go beyond the suggested board, as I have already pointed out. In his speech on the second reading the Minister said there was no intention under the Bill to take anything away from local governing bodies. I think that is substantially correct and I do not think the Bill will affect them in any major way. I contend that it does not very much detract from the local governing authority that is already in practice, as I have just illustrated. I can see virtue in having a traffic board when there are a number of local governing authorities so that motorists will not be confused by the various powers relating to traffic lights or other traffic signals, etc., which may not be sufficiently similar to each other for a motorist to have some sense of coherency in them. I would repeat what the Hon. Mr. Bevan has said that there is no provision in the Bill for a representative of local governing bodies to be on the board. The Government should consider that, because these bodies are very closely involved in this legislation. What is more, they are expending the ratepayers' money pretty extensively on many of these devices. No doubt that may be why the Government does not seek to take authority away from the councils altogether, because I do not think it would want to pay for all these things when it can get somebody else to pay for them. If someone else is providing these things, they should have more than a secondary say, whether it be by a direct representative on the board or by some reasonable right of appeal against a decision of the board with which they disagree, and not an appeal just to the board itself. As the saying is, I would give a garden party if the board ever reversed its decision.

When the Bill was first mooted I felt I might not be able to support it, but when I studied it, it did not appear to be as bad as I had expected, in view of the rumours that were drifting around. Therefore, I think I can give it general support. I will move certain amendments in Committee if other members do not produce similar ones. All in all, I think that the Bill is a good one, but consider that certain details need attention and particularly do I think that the Minister should be over the board and not either collateral with it or under it; also, that there should be some reasonable right of appeal against the decision of the

board by local governing bodies or the other authorities I mentioned—the Tramways Trust, the Railways Commissioner, the Highways Commissioner, and so on. I support the second reading.

The Hon. G. O'H. GILES (Southern)—I support the proposed amendments of the Road Traffic Act and find myself in agreement with much that the last two speakers have said. I listened intently to the remarks concerning the setting up of a board and in my opinion it should be purely advisory. I can see good in having an advisory board to make recommendations to an authority. At this stage I am inclined to agree with other honourable members on the question of the authority proposed to be given to the board. Practically every person in the State must be interested in the question of the control of traffic. I support the ideas put forward by the Honourable Sir Arthur Rymill. Some members of boards with their highly technical mentalities can lose sight of the fact that people drive on roads for their own convenience, for the benefit of their business and for other purposes. From time to time I will quote from a report prepared by the Cornell Automotive Crash Injury Research Group in America. On the question of boards working in an advisory capacity it is stated:—

1. Expansion of road system and improvement of road design.
2. Efforts to find the best regulations and laws for the use of cars and roads, and to make these laws uniform throughout the country.
3. Attempts to attain proper and consistent administration and enforcement of regulations.
4. Increasing education of drivers in both driving techniques and in judgment.
5. Industry efforts to improve cars, that is, incorporating safety factors.
6. Attempts to find the causes of accidents and eliminate them. This knowledge is needed before any of the above efforts can be successful; with it, these efforts can be based on facts rather than on guesses and unsubstantiated opinions.
7. Research seeking to learn more about why and how people are hurt and killed when accidents do happen.

I will confine my remarks primarily to clause 13 of the Bill which deals with general speed limits. In his speech on the second reading the Minister had this to say:—

The Government has therefore decided to repeal section 43 and insert in its place a more realistic section which will create an overriding speed limit of 60 miles an hour and be more strictly enforced.

My argument relates to the words "more strictly enforced". Previously there was a speed limit of 40 miles an hour, but it became rather antiquated on which to pin a charge against a driver that he had been guilty of bad driving practices and as a consequence had become involved in an accident. If the Minister looked upon the provision of a 60 mile per hour provision in the same light, I should be less inclined to complain. The thing I complain about is the use of the words "be more strictly enforced". No doubt while he was overseas the Minister looked into the question of speed limits from the point of view that speed is not necessarily a killer. I can quote sets of figures from various parts of the world to prove my contention. Appropriate statistics in Australia are probably not readily available, nor are they so applicable to the circumstances as they will be existing in Australia in another 15 or 20 years because of the increased number of cars on the roads. Therefore, I think there is a strong case in quoting the American figures as being relevant to the position as it may apply in this country in years to come. One can argue the point one way or the other. In the last 30 years 1,210,000 people were killed in automobile accidents in America—more than the number lost in two world wars. The report says that someone is killed in a car in America every 15 minutes; that some authorities are of the opinion that this toll is the price we pay for mobility; that we can retain our mobility without paying this much for it, and that intelligent people are trying to do something to alleviate the immense problems inherent in moving millions of cars and people billions of miles without delay or injury. Then it refers to speed, and states:—

Seventy-five per cent of all injury-producing accidents occurred when cars were travelling under 60 miles an hour and impacting under 50 miles an hour. For this 75 per cent of all injury-producing accidents the ratio of severe injury climbed very slowly as the speeds increased. Average mortality rate of this group was 6 per cent. For the remaining 25 per cent of injury-producing accidents, which occurred above 60 miles an hour travelling and 50 miles an hour impacting speed, the severity of injuries climbed sharply as the speeds increased. Average mortality rate was 17 per cent.

So far these figures on the surface look as though they prove the point made by the Minister about a limit of 60 miles an hour. The final conclusions in the report on this matter, however, were:—

If speed limits could be fully enforced at 50 miles an hour 60 per cent of the dangerous-to-fatal injuries now occurring would continue to occur. Further, there is no reason to expect that of the 25 per cent travelling at

more than 60 miles an hour at the time of their accident all would have survived, or all had less severe injuries, if they had been going more slowly. A.C.I.R. "seriously doubts that control of speed without simultaneous control of interior component design" would permit very much reduction of injury. It should also be pointed out that while the Cornell figures clearly indicate a much-increased rate of fatality, dangerous injury and accident severity as speeds climb above 60 miles an hour, this analysis does not reveal whether or not fast-moving cars have proportionately more accidents than those travelling under 60 miles an hour.

I agree with what I have read from the report. I drive a great deal in areas where there is often no traffic on the road, no dangerous intersections and miles of straight road. One thing that does not please me about the proposed amendment is that people who live in outlying areas are used to driving long distances in what I consider to be a safe manner. Often they drive 200 miles, and do it well and fast. I think that most accidents occur when city people go out for a week-end drive to look at the almond blossom or a lake. When they find themselves on an open road with far less traffic than they are used to they cause most of the trouble. We have read in the press lately of what happened at Wilpena Pound and in northern areas on this very point.

Will legislation of this type prevent accidents? I think it is safe to say that it will not do so. Statistics have been put forward to show the position about reduction in accidents by reducing speed limits. It is possible to make a graph and to show that there are reductions in injuries and fatalities, but it soon levels out to exactly what was the position in the first place. To my knowledge there are four ways, and they are backed by the report, in which it is possible to reduce fatalities and injuries before resorting to speed limits. Again I have in mind the remark by the Minister about "more strictly enforcing" a speed limit of 60 miles an hour. The first is a prime responsibility of the car manufacturer. There could be a steering wheel that would collapse on impact to avoid bad chest injuries; there could be padded dashboards to avoid head injuries; and there are types of safety hats that can be bought overseas, and perhaps the Minister saw them whilst he was away. It is difficult to detect a reinforced safety hat from an ordinary hat. Then there are safety belts. At this stage, Mr. President, I seek leave to include in *Hansard* without my reading them, two tables dealing with mortality in accidents when safety belts are used and when not used.

Leave granted.

Risk of Fatal Injury to those Ejected and those Not Ejected.

	Not Fatally Injured.	Fatally Injured.	Total.	Percentage of Total.	Percentage Fatally Injured.
Ejected	876	121	997	14.3	12.1
Not ejected .	5,843	147	5,990	75.7	2.5
Total	6,719	268	6,987	100.0	3.8

Major Cause of Injury—Percentage of Occupants Injured.

	Any Degree.	Moderate to Fatal Degree.	Dangerous to Fatal Degree.	Order of Importance.*
Steering assembly	29.4	8.4	2.5	1
Ejection	14.6	6.9	3.2	2
Instrument panel	20.6	4.2	0.7	3
Windshield	16.9	4.6	0.6	4
Backrest of front seat (top portion) ..	11.0	2.4	1.1	5
Door structures	7.7	2.4	0.5	6
Backrest of front seat (lower portion) ..	15.1	2.5	—	7
Front corner post	2.0	1.2	0.7	8
Flying glass	3.0	0.5	0.02	9
Top structures	1.2	0.6	0.2	10
Rear view mirror	2.2	0.6	0.02	11

* Based on (*a*) the number of occupants actually exposed to the injury hazard of the object, (*b*) the frequency of injury caused by the object, (*c*) the degree of injury caused by the object.

The Hon. G. O'H. GILES—The figures show that when safety belts are used people travelling in cars are twice as likely to be hurt if ejected; they are 2½ times as likely to be hurt seriously if ejected; and they are five times as likely to be killed if ejected. I have no intention of moving an amendment to the Bill but I ask the Minister whether or not a moral question is involved in relation to people who drive in an irresponsible way.

The Hon. N. L. Jude—If you get the board you can refer the matter to it.

The Hon. G. O'H. GILES—Yes, if an advisory board. A more autonomous board might push things on to people without there being any reference to Parliament.

The Hon. F. J. Condon—Do you favour driving tests?

The Hon. G. O'H. GILES—Yes, but that has nothing to do with the Bill. It is important that we should know whether this type of legislation will have the effect hoped for. Legislation must be reasonable, and there must be the likelihood that people will adhere to the limit of 60 miles an hour. That is necessary if the legislation is to be effective. Also, it is most desirable that if we have that speed limit it should be possible to police it. I am reminded of a silent cop on the road at North Adelaide where it is physically impossible to get around it without changing down to first gear. Here we have an instance of where it is almost impossible to respect the law. There should be a good chance of people being able to honestly try to abide by any new legislation. I was more fortunate than the Hon. Sir Arthur Rymill because I was able to get a copy of the second reading explanation of the Bill without having to wait for *Hansard* pulls, and I know that in the explanation the Minister referred to the raising of the speed limit in certain areas and possibly lowering it in other areas. I agree with the zoning proposal, but I shall have more to say regarding proposed new section 43 when we get into Committee. I support the second reading.

The Hon. JESSIE COOPER secured the adjournment of the debate.

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 18. Page 1366.)

The Hon. F. J. CONDON (Leader of the Opposition)—I do not think that most members will agree with me when I say that I wonder whether there is any value in speaking on this Bill. For years members have spoken on similar Appropriation Bills and it seems that no notice is taken of their remarks at the conclusion of the debate. This place cannot alter a money Bill so I think it is a waste of time debating Appropriation Bills, but as it is the custom to debate them I shall now offer some criticism to the Government. When I want any information on a matter I get a member of another place to ask a question because I cannot get the information here. When a question is asked in this place the member gets a half-baked reply from the Minister, yet on the same afternoon there is often a full reply given by a Minister in another place. It is useless asking questions in this Council because it has lost its independence. Once it was a House of Review, but today it could be called a Party House. It is useless for a member of the Opposition to bring down any Bill or amendment because it is ignored. I am surprised and disappointed that this House is in the position in which it is today. The abolition of this House has been suggested by some people, but that would have to be done constitutionally. First, the franchise would have to be adult franchise, and it is not possible for that to happen.

It is the press which today is endeavouring to abolish this Council, and I will say why. Little reference is made in the press to debates or questions asked in this House, but two or three days later the same question that is asked in this Chamber may be asked in another place, and the press make headlines of it. I am sorry to say these things, but I am convinced that this House and another place are treated like a kindergarten. If anyone wants to know anything about proposed legislation to be introduced into Parliament he can get it by reading about it in the press. I say that Parliament should be the first to get it. Certain Ministers broadcast over the radio and appear on television informing the public of proposed legislation. Parliament should be informed of these matters before they are made known to the public. People who listen to the radio and watch television have come to me and asked about certain legislation. If I have not heard of it on the radio or television I cannot inform them, and they seem to think that I am at fault because I have to tell them I know nothing about it.

I say the Premier of South Australia controls Parliament and controls this House. Once this was an independent House, but it has lost control because the Premier controls Parliament and this House. That is not in the best interests of the country and I hope that this positio-

will not continue. Surely there is some merit in what the Opposition submits to Parliament from time to time. A strong Opposition is necessary in a Parliament, but because of Party prejudices a stand has been taken that nothing good can come from anybody who politically opposes the Premier. I say that with all sincerity, and suggest to honourable members that they take a stronger stand and not make this a Party House, but to make it something it was years ago, when every Bill was considered on its merits.

The Hon. L. H. Densley—That happens now pretty well, doesn't it?

The Hon. F. J. CONDON—I have expressed my opinion. I am not here to tell others what to do. The observations I am making this afternoon are without any personal feeling, without any animosity, and with all sincerity. I do not deny that honourable members have a right to express their opinions, and I do not deny honourable members the right to introduce politics into this House, as everyone has a right to express his opinion. If it is to be a Party House let us be honest about it. When speaking on the Bill the Chief Secretary gave a great deal of information, but did not go far enough. Any questions asked are passed over lightly and any suggestions made are ignored. The Estimates for consolidated revenue for 1960-61 total £85,500,000, and the estimated surplus is £312,000. The Premier said, when explaining the Bill in another place, "This, my 22nd Budget, I put before the House with a greater sense of confidence in the strength of the State finances and assurance of progress in the State's economy than ever before." That is a very strong statement, and if it is so, why is it necessary for the Government to grasp every opportunity to reduce the standard of living of the workers of South Australia, and to submit to the Commonwealth Conciliation Commission that there should be a differential rate in the basic wage between the city and country, and that there should be a reduction in the standard of living in this State to 90 per cent of that of Sydney?

The Hon. C. D. Rowe—The Government did not give any evidence at all on the differential rate between city and country.

The Hon. F. J. CONDON—In the press it was reported that the South Australian representative asked the commission to consider calling the Commonwealth Statistician in reference to the case he put for the South Australian Government. Did the Minister read that?

The Hon. C. D. Rowe—I do not think that report is entirely correct.

The Hon. F. J. CONDON—If it is not correct the Minister can contradict it. The Hon. Mr. Shard said that, and he quoted from reports of Parliamentary proceedings, but his statement was not accepted. We are told on the one hand that we are living in a period of prosperity, and the Government has adopted an entirely wrong attitude in going before the court. The court should decide these matters. We all know that there are large employers and small employers of labour, and they have stated a case for a reduction over a period of years. That statement cannot be denied. If the Government is prepared to do that it must accept full responsibility for its attitude. Last year the trade union movement asked the court in Melbourne for a restoration of the real wage standard that was fixed in 1950. The Government opposed that application and it also opposed an application for the restoration of quarterly adjustments. It opposed the restoration of the 1952 marginal differences. I challenge the Government to deny any of those statements.

The Labor movement stands for higher real standards for the workers from time to time based on a share of the increased prosperity. If production is increased why shouldn't the workers take their share? I do not complain about any employer receiving a fair profit because, having put his money into an organization or industry, he is entitled to a fair return, but the workers, who are largely responsible for making the increased profit, should receive some consideration. I am opposed to strikes, and believe in constitutional methods. However, I do not object to any worker asking for what he thinks is reasonable provided he does it by constitutional means.

The South Australian Government presented material before the commission last year, in opposition to the unions' application, showing what effect a wage increase would have on the finances of the State. The other States presented information but neither supported nor opposed the application. We talk of security. What is the broad meaning of the word as it affects the lives of everybody? I point out that the basic wage case was an application for improved conditions and if the court gave a decision favourable to the workers everyone in the Commonwealth would benefit because of the improved standards. During the last few years this House has passed Bills to give top public servants very high salaries. I do not oppose that, but the point I make is that when marginal increases are granted the ordinary man who does not belong to any organization or

institution receives that benefit too. I do not object to that either, but the basis of the increase is laid down by the trade union movement and I fail to understand why so many people should oppose the trade union movement in its attempt to improve conditions.

Have we any effective legislation in this State aimed at creating stability? No! The legislation on our Statute Book is far below the legislation on the Statute Books of other States affecting the industrial movement. South Australia and the State Government have experienced a period of favourable years and the Government takes the credit for being better off than any other State. I do not agree that that is so because the South Australian industrial legislation is far below the standard of that of the majority of the Australian States.

When explaining the Bill the Chief Secretary said that it was not proposed to increase charges for water rates. What has happened in the Engineering and Water Supply Department? Water rates were not increased, but the assessments were increased, and that amounted to the same thing. Charges in many other departments have not been increased, but by other means revenue has been increased and it all amounts to the same thing. Reference was made yesterday to the question of home and overseas competition and strong comment appears in today's papers dealing with our exports. The Acting Prime Minister (Mr. McEwen) criticized local manufacturers and exporters for not doing something about that matter. Many of our industries are not able to supply the home market and an example of that is the steel industry. The Commonwealth Government, when challenging the manufacturer and telling him what he should do, should examine the subsidy question because many commodities manufactured in Australia are priced out of the export trade by other countries that grant subsidies enabling their industries to take the trade which Australia had for many years. Last year the State experienced a poor season with consequent low wheat and barley production. South Australians pay 15s. a bushel for wheat for home consumption and if wheat is purchased for flour manufacture for sale overseas the price is still 15s. a bushel. The Attorney-General yesterday said the average price of wheat sold overseas from last August to February averaged 13s. 3d. a bushel. When prices like that operate what chance has the manufacturer of extending his industry? That indicates why the export figures given by the Attorney-General, on one line alone, fell by nearly half the previous figure for the whole of Australia. It was stated that our flour exports had increased, but that is not correct. Flour exports have fallen considerably because other countries are granting subsidies and driving the Australian manufacturer out of the markets.

South Australian exporters and manufacturers have played an important part in the economy of the Commonwealth and of the State, but they do not receive the consideration to which they are justly entitled. I have helped, and will continue to help, the man on the land because the primary producer is most important to Australia. Anybody who has studied the position realizes what the man on the land means to Australia, but we must not lose sight of the fact that while we are prepared to help the persons I have referred to other people are also entitled to consideration. If I am any judge of the position this Parliament will shortly be called upon to reconsider the wheat price, and I will not be surprised if the present home consumption price is again increased. That is because the price fixed 12 months ago was based on the cost of production and everyone knows that the cost of production has increased since then. That is a problem we shall have to face. We are now looking forward to a good season, although it is not yet in the bag. A good season will mean much to Australia, but I hope that some action can be taken to consider the manufacturing side.

Recently in this House I asked a question about uniform taxation. The Government is not really serious about having the right to levy its own taxation. I repeat what I said before in this House that 12 months before uniform taxation was introduced the South Australian surplus was £1,240,000, but the Government did not attempt to reduce taxation in any way. No Government is ever anxious to reduce taxation. The Prime Minister said that he was willing to consider the return to the system under which the States levied their own taxes, but I do not believe any State wants to return to that system because each State is receiving good treatment under the present system.

Receipts from water and sewer charges are estimated at £6,250,000, which is an increase of nearly £1,250,000 over the previous year. We know that there will be a fair saving on pumping charges as far as the Mannum-Adelaide pipeline is concerned. Where does the £1,250,000 come from? It comes from

increased assessments. If you do not get it one way, you get it another.

Hospital receipts are expected to amount to £2,215,000, an increase of £130,000. Since the Hospitals Department imposed charges for hospital treatment the Government has received much revenue. However, hospital expenditure is still increasing. The Government has done all it can to provide hospital accommodation, and has paid subsidies to country hospitals, but I think that further consideration should be given to aged people. I have been approached to try to have something done for pensioners who are faced with increased council rates. In one instance a pensioner paid £3 10s. council rates, but this year will be called upon to pay £10.

The Hon. N. L. Jude—That is in Port Adelaide?

The Hon. F. J. CONDON—Yes. A minimum of £5 a block has been fixed. Last year a person was charged 8s. 10d. on a block, but this year the charge will be £5. The law should be amended to give councils the right to provide differential treatment for pensioners. How can we expect them to pay these increased charges? The Government may be sympathetic in cases submitted to it, but no action is taken.

In the last few weeks many reports of the Public Works Standing Committee recommending various types of schools have been laid on the table of the Council. Any money spent on education is money well-spent. However, I consider that the Government should do something for independent schools. This practice applies in some of the other States. In the last few years there has been a big increase in the number of children attending public schools, and there has also been a proportional increase in the numbers attending independent schools. What would be the cost to the State if these additional children were thrown on its hands?

The Hon. K. E. J. Bardolph—It would be more than £3,000,000.

The Hon. F. J. CONDON—The prejudice against these schools must be broken down. When our country is involved in war, it is not a question of which school is attended, but all have to stand side by side and fight to defend it. I appeal to the Government to consider the reasonable claim I have put forward on behalf of the private schools. There have been fluctuations in the various activities of the Produce Department, and this has applied particularly to the Port Lincoln Works, where treatment charges are insufficient to meet costs because of the insufficiency of lambs and sheep received for treatment. During the last 10 years there has been only a small profit on three occasions at these works. The loss has been £47,703, although the number of lambs killed increased by seven per cent. These works are rendering a valuable service to producers on Eyre Peninsula. Although many of our Government undertakings do not pay, we must not forget they are rendering a valuable service.

Another important matter that needs review is the question of payments under the Parliamentary Superannuation Fund. It was established in 1948 and provides for the payment of pensions to former members or their widows. As at June 30 last, there were 59 contributors to the fund, and 13 ex-members and nine widows were receiving a pension. Although the fund has been in operation for only 12 years, it has a balance of £114,782. It is time that Parliament reviewed the question of pensions to members. In order to receive increased benefits, members must be prepared to pay increased contributions. That is a fair proposal. We should not ask for more out of the fund without being prepared to pay extra. Pensions paid from this fund are very low compared with those paid from certain funds outside Parliament. This matter should be considered by the Government.

The total assistance given to industries by way of guarantees, advances and grants since the inception of the legislation in 1941 has amounted to £3,563,900, and the loss sustained during that period has been £125,000, which is only three-quarters of one per cent of the loans advanced. Guarantees amounting to £23,000 have been made to fishing interests. Fishing is an important industry, and from time to time the Government has advanced funds to help it, but I do not think it has done sufficient. In South Australia there are 185 vessels engaged and 380 fishermen work either on a full or part-time basis during the fishing season. However, their production has fallen from £4,500,000 to £3,500,000 a year. In one year the crayfishing industry, because of its exports, earned 8,500,000 dollars. South Australia and Western Australia have developed a big export crayfish trade.

The Hon. L. H. Densley—There has been a big falling off in the numbers caught in the South-East this year.

The Hon. F. J. CONDON—The fishermen are seeking protection so that the crayfish will not be fished out. In fact in the last 12 months the weather was bad and the men could

not always engage in their occupation. I asked a question in this place regarding Law Society administration and the information I sought was given through the press and not to me here. The society administers a scheme for providing legal assistance to people with small means. The Government is providing £10,650 and it will be money well spent, for many people are not in a position to pay for their legal assistance. Not only criminals are concerned in this matter for there are many civil actions where the legal assistance is needed. We have heard much about roads since the return of the Minister of Roads from overseas. I would like to show him some of the roads in the metropolitan area, particularly in Central No. 1 district, that badly need attention. I will not refer to roads in Central No. 2 district because its representatives can care for the residents in the area. I refer particularly to Torrens Road and Newcastle Street, which are main roads. I know that they are the responsibility of the councils concerned, but the Highways Department assists them financially. We were told that later it was intended to do some work on the Torrens Road. I travel on these roads practically every day and I receive many complaints about their condition. Several Government departments have been put to considerable expense in the installation of bulk handling plants. The Public Works Committee has recommended the installation of such plants at Port Lincoln, Wallaroo, and Thevenard, and now it is considering one for Port Pirie.

The Hon. L. H. Densley—Are they making profits?

The Hon. F. J. CONDON—Yes, but they will lose some of the profits later. The Government should get a return for the money it invests in this way. We were told that these bulk handling installations would bring reduced costs for the primary producers, but why should Government departments spend money in this way without getting a return? It has been said that bulk handling of grain is necessary for the quick turn-round of ships. That is so, but why shouldn't the Government get a return on the money expended?

The Hon. L. H. Densley—Do you think the wheatgrowers are getting a better return because of these bulk handling installations?

The Hon. F. J. CONDON—For a number of years other States have had bulk handling installations. South Australia was the only State that did not have them. Because of the quicker turn-round of ships the Government gets less wharfage and tonnage dues, yet it gets no return for the money it has spent on these installations. I hope we do not have a similar position to what we had when coal gantries were erected at Port Pirie on Barrier Wharf at considerable expense. After a few years they were pulled down. Then we were told that at Osborne cheaper coal would be available because costs would be reduced following on the installation of better plant. The Harbors Board last year handled a large quantity of phosphate rock, cinders and coal at Osborne. It handled 110,000 tons more than it did the previous year, and although the plant was increased the board lost £32,000 on its operations. These are matters that need attention.

I compliment the Government on what it has done at the training centre at Cadell. I commend all the officers concerned for what they have achieved in such a short time. When the Public Works Committee first visited the area it was thought that it would not be a suitable place for the purpose desired, but a recent visit showed that great progress had been made and the value that the centre now is to the State. I commend the Government for doing something to assist these unfortunate people.

I ask the Chief Secretary whether something can be done to help alcoholics in South Australia. It is unfortunate for young alcoholics, who are to be pitied more than blamed, that there is no State institution to which they can go. The Government could help considerably by providing a home where they could get treatment. Some young men have committed a misdemeanour and have been sent to gaol, but they have never returned there after coming out because of the encouragement and assistance they have received from people anxious to help them. I hope the Government will continue its good work at Yatala and at New Era, and that it will do all it can to assist unfortunate people who need so much assistance. I hope that the Government will give serious consideration to the matters I have raised today and if it does it will render a great service to many unfortunate people.

The Hon. L. H. DENSLEY secured the adjournment of the debate.

COMPANIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1373.)

The Hon. F. J. POTTER (Central No. 2)—I support the second reading of the Bill which deals with matters that have caused much interest amongst the public in the last few

years. All members will agree that unit trusts and vending machine companies, with which the Bill particularly deals, are the kinds of companies that should be regulated in their operations. This is mainly a Committee Bill, but there is no doubt that on principle these companies, which take money from the public, ought to be regulated and be covered by the Companies Act. The only matter in doubt is whether the amendments in the Bill achieve that purpose.

I have carefully perused the contents of the measure and without being disrespectful to the Parliamentary Draftsman, for in some regards I think he has done a good job, I suggest that there is a tendency in these days to include subject matter more fitted for regulations in legislation of this kind. It is something that has come into being since the war years and it follows the line followed by the Commonwealth Parliamentary Draftsman. We have these long drawn out Bills dealing with many things and endeavouring to cover every possible aspect. As a result, there is a good deal of verbiage which seems to me very difficult to justify. I refer to clause 6 dealing with the appointment of an inspector, which states "The Governor may, on the recommendation of the Attorney-General, appoint as an inspector such person as he considers competent to investigate the affairs of any existing company . . ." Why not just say the Attorney-General can appoint an inspector and leave it at that? We find that sort of verbiage throughout this measure. I understand the draftsman who drew up this Act referred to the Victorian legislation, because much of this is taken from the Victorian Act, though that Act was altered for our purposes. Perhaps it would be better if the Bill had been stated in more simple terms. Unfavourable comment has been caused mainly by the operations of vending machine companies.

I doubt whether there is any unit trust company operating in South Australia that does not substantially comply with the requirements now set out in this Bill. Most of them conduct their affairs in a proper manner, all have proper trustees appointed for their deeds, in some cases trustee companies, and they all issue proper certificates to people who are investing, and they are generally managed by competent people. People who subscribe for the 5s. or 10s. units really have no clear idea as to where the money is invested. Undoubtedly, in nearly all cases the money is invested strictly in accordance with the terms of the trust deed, and the trustee company keeps proper accounts and records, but much of the money subscribed by the people of this State is invested by unit trusts outside this State, usually in Queensland. This is legal, as there is no suggestion that the money subscribed has to be invested in any particular area, but people who do subscribe should know exactly where their investments are and in what State their money is invested. This does not matter so much in the case of unit trust companies operating a scheme for investment in stocks and shares listed on the recognized stock exchanges, because we are all familiar with those stock exchange lists, and any investor if he knows the portfolio should know where a company operates, but the same does not apply to unit trust companies established for investing in real estate and interests in real estate. It is in those cases that a lot of the money has been invested outside this State.

Vending machine companies will be caught by this Bill and one of the important provisions in this regard is new section 114g, which provides that before a company or an agent of a company issues or offers to the public for subscription or purchase or invites the public to subscribe for or purchase any interest, the company shall issue or cause to be issued a statement in writing in connection therewith which statement shall for all purposes be deemed to be a prospectus issued by a company and subject to the rules dealing with prospectuses. This is a good method, but there is an inherent weakness in the Companies Act as it now exists, which may be rectified when the new consolidated Companies Act comes before this House in the future. The prospectus is an offer to the public to subscribe for shares or interests in that company and in order to be subject to the restrictions and penalties for false statements, etc., which govern the issue of a prospectus, it has to be shown that the issue of the prospectus was an offer to the public to subscribe for shares.

As honourable members know, many of the appeals to the public to subscribe for shares, particularly in vending machine companies, take the form of a large newspaper advertisement setting out what the company is, that it is offering 8, 10 or 20 per cent, and then, at the bottom of the advertisement, can be seen a statement advising that this is not to be construed as a prospectus, and not to be construed as an offer to the public to subscribe but is purely for information purposes. The last statement raises a legal difficulty that these

advertisements may not be offers to the public to subscribe for shares but merely a statement giving information and therefore the rules as to prospectuses do not apply. Although there is an attempt in section 114g to bring these statements, made by companies offering interests as distinct from shares, into line with a prospectus issued by the company, I feel there is a gap which has not yet been closed and to that extent these companies are by so advertising endeavouring to wriggle out of their obligations. There are one or two matters of drafting to which I shall refer in the Committee stage and seek the guidance of the Minister. I support the second reading.

The Hon. Sir FRANK PERRY (Central No. 2)—I commend the Government for bringing forward this Bill, my only complaint being that it has not been introduced earlier. It seems to me that we have taken a long time to regulate what has been generally recognized as a form of investment that should be watched. Victoria and New South Wales have similar legislation and other States are bringing down legislation of this type. It was customary to recognize that certain risks were attached to stocks and shares, but people are not so cautious now and it appears that any wild cat scheme may be floated. The astounding thing is that people subscribe to them. We often say that a person should have the right to invest and to do what he likes with his own money, but that principle can be carried too far. The type of advertisement that people fall for and issued by many of these companies is quite misleading to a certain section of the public.

I was a little surprised to hear the Attorney-General couple unit and fixed trusts with the vending machine companies, because there is a difference. The fixed and unit trusts do not supply sufficient information nor do they reveal their ownership and their control to the investing public as clearly as I would like if I were an investor in a trust of that type. The efficiency of the control of those companies must reflect on their success or otherwise, but the vending machine company is quite different and legislation is over-due to control that type of company.

My only criticism of the Bill is that the fine of £500 or one year's imprisonment for a breach of the provisions of the Act is not heavy enough. They are the maximum penalties that may be imposed. As time goes on I believe circumstances will reveal that much damage has been done to investors by this type of company. The Bill is to apply to companies that have already commenced operations and the precautions being taken in that regard are well-founded. I am pleased to note that companies that are already operating will be obliged to inform their investors whether or not a deed is in existence. That will enable the investor to decide on any action he should take. The Bill has my support.

The Hon. C. D. ROWE (Attorney-General)—I thank honourable members for the attention they have given to this Bill and for the fact that they have indicated that they agree with me that it is an important one in the interests of the investing public. In the second reading speech, which is the longest which has been given in this House this year with the possible exception of that on the Appropriation Bill, I set out fairly carefully what the Bill proposed to do. In that regard I am indebted to the Assistant Parliamentary Draftsman, who put in a tremendous amount of time and effort to obtain satisfactory results.

Three points were raised in the course of the debate that I should answer. The first was that raised by the Hon. Mr. Bardolph, and he asked whether section 92 of the Commonwealth Constitution would enable people to evade the provisions of the Bill. My own view is that they will not be able to do that for this reason. I indicated in my second reading speech that legislation was enacted in this matter in Victoria in 1955 and consolidated in 1958. It was enacted in Tasmania in 1958 and in April of this year legislation was introduced in New South Wales and therefore it is likely that there will be reciprocal legislation in all States on this matter. I think that will tie up the position fairly satisfactorily. Mr. Bardolph also raised the query whether it would be within the constitutional power of the Commonwealth for the Commonwealth to legislate on these matters. As I understand it, there is no power under the Commonwealth Constitution for the Commonwealth to pass legislation relating to companies unless the States refer that power to them, which I do not think would be likely.

The Hon. Sir Frank Perry said that he considered that the legislation in this State had been somewhat long delayed. I point out to him that although effect may have been given to this legislation as long ago as 1939 in England, it was not until 1958 and 1959, respectively, that the two senior States, New South Wales and Victoria, felt that legislation along these lines was necessary. It is only in recent years because of the activities and

growth of vending machine corporations and unit trusts that the law has become necessary in this State, and I do not feel there has been any unreasonable delay in the matter. I thank honourable members for their support of the Bill.

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

EVIDENCE ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

HIGHWAYS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1368.)

The Hon. L. H. DENSLEY (Southern)—This Bill deals with freeways and controlled-access roads and is the result, I should think, of the visit abroad of our Minister of Roads. As time goes on I think that we shall benefit from his study of dense traffic overseas. I have always advocated such visits by our Ministers to see what is occurring in other countries and how they are dealing with their problems. I should think that as a result of the Minister's trip we shall reap big dividends.

There is a rather new trend in this legislation in that it cuts across some of the things that have been looked upon as being the rights and functions of councils. Some doubt is created in my mind whether there has been sufficient time for a thorough investigation of the ramifications of this legislation and of the problems that may arise as a result of cutting across what have been considered functions of local governing bodies. The earlier part of the Bill deals with the excising of reference to "main" in relation to roads in various sections of the recent law and enlarges the scope of the legislation to cover all aspects of roads and vacant lands that may be proclaimed from time to time.

We owe much to councils and we should have given some thought to their attitude before the Bill was introduced. No doubt the Minister was anxious to show the results of his overseas trip by having this measure put under way for the protection of the travelling public and the speedier movement of motor transport. The Bill covers a wide scope of powers. Perhaps we could have concentrated in the early period on one or two of our main highways which are subject to great congestion and watched how the law operated in respect of those highways. I think that would have been a good idea. Unquestionably, it is in the interests of the motoring public that we should do something about these matters. I hope that the attitude adopted by the Minister will prove to be the correct one.

Clause 6 is the main part of the Bill and deals with the proclamation of controlled-access roads. The clause relates to roads whether they are main roads or district roads, and also vacant land. Provision is made for notice to be given to councils and to conditions whereby the Highways Department can revert land to a local governing body if the occasion arises. Obviously, there will be claims for compensation, and the question is taken care of in the Bill so that anyone affected may apply for compensation. These matters have been considered by the Highways Department over a long period and undoubtedly it has in mind certain roads and allotments that it wants to acquire. The more quickly this land can be acquired, the cheaper it will be. The provision in the Bill for the payment of compensation seems to be on a fair basis and I would have no hesitation in accepting it.

My only objection is that the Bill has been placed before us so soon following upon the return of the Minister, and the question arises whether we may not be hastened to do certain things that councils may not appreciate, although in the long run they may be to their advantage. The Bill gives the Highways Department the right to erect notices for the guidance of traffic. Clause 7 includes the following:—

Subsection (1) of section 23 of the principal Act is amended by inserting therein at the end thereof the following paragraphs:—

(*f*) the regulation of the speed of vehicles on controlled-access roads;

(*g*) the regulation, control or prohibition of the standing of vehicles on controlled-access roads;

(*h*) the control of the movement of vehicles on controlled-access roads;

(*i*) the prohibition of the use of controlled-access roads by pedestrians or animals;

(*j*) the control of the size, weight, power and type of vehicles using controlled-access roads.

Probably, had we taken action regarding the parking of vehicles on busy highways by utilizing portions of footpaths or central lawns, our roads may have provided reasonable traffic accommodation for a long time to come. I support the second reading of the Bill because it was introduced following a comprehensive overseas tour by the Minister, who

during his trip studied these problems. I believe he is satisfied that these provisions are necessary and we can be guided by him in that regard.

The Hon. A. C. HOOKINGS (Southern)—Like some other honourable members, I have had experience in using controlled-access highways in other countries. I use our highways extensively in representing a district that is larger than Central District No. 1. I think I know the position better than some honourable members who live in the city and do not use the roads as much as I do. It has been said the Bill is somewhat premature, but if anything I consider that its introduction is belated. For many years I have heard it stated that motor cars are ahead of our roads in design. I think that this is borne out by the high speeds attained by motor cars today, although often high speeds cannot be achieved because of the condition of the roads and the amount of traffic on them. It would appear that the object of the Bill is to provide safer highways that will enable traffic to move quickly.

We all acknowledge that time is valuable in this busy world and anything that can be done to speed up traffic would help not only secondary industries but primary industries and everyone in the State who works. The Hon. Mr. Shard stated yesterday that he considered that it was not advisable for a person to drive at more than 50 miles an hour. It is gratifying to know that provision is made in the Bill that anyone who drives in excess of 60 miles an hour may have the right to attempt to prove that he was not driving dangerously, and therefore not liable to prosecution. Many South Australian roads have been greatly improved, but are not carrying much traffic, and on them it would be safe in an efficient modern car driven by a capable driver to travel at high speed without fear either to the occupants of the car or to other vehicles.

Reference was made yesterday to the awkwardness of finding access to free-access highways in other countries. However, I do not believe there is any great difficulty in that regard. That was my experience. I believe that the Minister has plans in mind to meet the position. I hope that provision will be made relating to access to highways from minor roads. At present our roads are not so classified, and where intersections occur one must give way to the vehicle on the right. I consider that the right of way should apply to the driver on the major road and I trust that the time is not far distant when attention will be given to this matter. It is sometimes necessary to provide for the acquisition of land and buildings at intersections in order to provide for controlled-access highways and anything that would delay the acquisition of such land should not be permitted. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

On the motion of the Hon. A. J. Shard, consideration of clause 3 was postponed until after consideration of clause 7.

Clauses 4 and 5 passed.

Clause 6—"Power to proclaim controlled-access roads".

The Hon. A. J. SHARD—I move—

In new section 30a (1) to strike out "proclamation" and insert "regulation".

The control of access roads should be dealt with by regulation and not by proclamation. It has been suggested that the Government should not be hindered in any way in doing what it desires to do quickly. If something is proclaimed it becomes law immediately and the only way to upset it is to carry a motion in Parliament asking the Government to rescind the proclamation. That is like appealing from Caesar to Caesar. A regulation would be investigated by the Joint Committee on Subordinate Legislation and laid on the table of the House for a certain number of days during which any member could move for its disallowance. Parliament has the last say in relation to a regulation, and if a Government is sound in its administration few regulations are disallowed. The Government must be requested to make any desired alteration to a proclamation. I do not think there is much difference between a regulation and a proclamation when it comes to operation, but a regulation can be dealt with by Parliament. If it is felt that there is an injustice Parliament can disallow the regulation.

The Hon. N. L. JUDE (Minister of Roads)—I listened with interest to the honourable member and appreciate his desire to guard the privileges of Parliament, but he knows that there are exceptions to every principle. The basic principle underlying this Bill is a restriction. It is a refusal to allow access to a portion of land. The Government may have a long-term plan in mind and have the opportunity to get land for the partial or full completion of a plan for an access road. If a regulation dealing with the matter were laid

on the table in the first week in December, say, it might not be possible to disallow it until the following September.

The Hon. A. J. Shard—That could apply to a proclamation.

The Hon. N. L. JUDE—Yes, but it would be most unlikely. The area of land compulsorily acquired by the Government is virtually negligible. There is the right to acquire land for public purposes, but after negotiation a fair and just compensation is paid for the acquired land. If the Government can be trusted in this matter of compensation surely it can be trusted in proclaiming an access road. If there were a regulation and decontrol were needed it might not be possible to take the necessary action quickly, because as I have said many months could elapse before a regulation could be disallowed. I ask the Committee to oppose the amendment.

The Hon. K. E. J. BARDOLPH—I support the amendment. I was not convinced by the argument put forward by the Minister. His statement bears out a view that has been held by many people, and it is that we are fast travelling towards an autonomous State. I remind the Minister that people have rights in connection with land they possess. I suggest that the Government is only the executive authority for Parliament, and that Parliament is supreme. I suggest that the argument put forward by the Minister in this matter was puerile. He said that action must be taken immediately. Is he afraid that information about the area of land to be acquired will leak out? If that is so, I think the department is at fault in not having a preconceived plan and the area of land already acquired. Irrespective of any emergency mentioned by the Minister, the proposal in the Bill is not the proper way to deal with the matter.

The Hon. Sir ARTHUR RYMILL—When the Hon. Mr. Shard spoke on this matter in the second reading debate I agreed with the principle he enunciated, and I think the Minister did, too. At that stage I felt inclined to support his proposals. I point out that new section 30a (1) states:—

The Governor may on the recommendation of the Minister declare any road or part of any road or any land acquired by the Commissioner to be a controlled-access road.

We must remember that the road is already in the possession of either the Government or the local council, and that the land acquired by the Commissioner is already in the possession of the Government; therefore, it does not matter whether we talk about regulation or proclamation. The damage mentioned by Mr. Shard has been done long before Parliament would get a look at the matter. The word "proclamation" is used in new section 30a and new section 30b, and if "regulation" were substituted for "proclamation" in the other places in the Bill it would not be appropriate. For instance, in new section 30b (1) (*c*) there are the words "prior to the proclamation of the controlled-access road". It would not be possible to say "prior to the regulation of the controlled-access road". It would be necessary to say something like "prior to the passing of the regulation dealing with the controlled-access road". Whilst I agree with Mr. Shard's intention I do not think it will help because by the time the proclamation is made the question of acquisition of land has already been determined by the Government. There would be no Parliamentary control over it. If there were Parliamentary control it would be necessary to make the acquisition of land subject to Parliamentary approval, and that could be embarrassing. Under the section, the land has been acquired by negotiation or compulsory acquisition, and therefore we are not concerned with compensation. Although I support Mr. Shard's motive I cannot see that it will serve a useful purpose.

The Hon. N. L. JUDE—I thank the Hon. Sir Arthur Rymill for putting the position more clearly than I did. This matter deals with the proclamation of limited access to an area. The Bill does exactly what several members on both sides of the Council have suggested—that this matter should be contained specifically in a Bill. Do honourable members realize one of the things, for instance, that the Road Traffic Board could do regarding speed limits and other matters? It could recommend that a certain road be limited in access, but it is desirable to have that covered in the Bill, and that is what we are endeavouring to do.

The Hon. A. J. SHARD—I do not think the arguments advanced against the amendment are very sound. If the necessary land has already been acquired not many house owners will be affected. If freeways, autobahns, or motorways are required then perhaps the council concerned already has the necessary power. I do not know what else we can do about it. I still think this matter should be subject to regulation and not proclamation and I ask honourable members to support my amendment.

The Committee divided on the amendment:—

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

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

Majority of 9 for the Noes.

Amendment thus negatived; clause passed.

Clause 7 passed.

Clause 3—"Amendment of principal Act, section 6"—reconsidered and passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

BUSH FIRES BILL.

Second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

As a result of amendments and additions made over many years, the Acts relating to bush fires have become complicated and difficult to follow, and, although the general principles of the Act seem to be well adapted to the requirements of South Australia, there are a number of minor inconsistencies and anomalies in its provisions and some of the sections have unusual difficulties of interpretation and administration. For these reasons and because of requests from interested parties that the Act should be simplified, the Government decided to prepare a new consolidating and amending Bill. A revision committee of bush fire experts was appointed to review the legislation and Sir Edgar Bean was instructed to do the drafting. The committee consisted of the Director of Emergency Fire Services (Mr. F. L. Kerr), the Secretary to the Minister of Agriculture (Mr. H. S. Rush) and the Chairman of the Bush Fires Advisory Committee (who is also the Conservator of Forests), Mr. B. H. Bednall. Mr. F. N. Botting, who, as senior clerk in the office of the Minister of Agriculture, has had many years experience of bush fires legislation, was co-opted to help.

The committee considered whether the present scheme of control might be changed altogether in favour of some simpler system, but decided not to recommend fundamental changes. The general scheme of control is understood by primary producers, councils and fire fighting organizations, and has been in force for many years. However, the form, language and arrangement of the law is capable of considerable improvement and it is hoped that the Bill will make a contribution to this. The committee sorted out the provisions of the present Act, and endeavoured to group them according to subject matter, and prepare a Bill divided into parts and arranged in a logical order. The administrative provisions are placed first, then the general rules for regulating the burning of stubble and scrub during the summer months. These are followed by other rules as to open air fires and general precautions for preventing and controlling bush fires. Finally, the Bill deals with the powers of fire control officers and the usual provisions about offences, evidence and regulations. In moving the second reading, I will not aim at explaining every amendment made by the Bill. I have a table which shows exactly where each existing provision of the law is dealt with in the Bill, and if any honourable member should desire information on any particular section it is available, but at this stage I will limit myself to explaining in general terms what the Bill does in connection with the principal topics dealt with in the legislation.

The Bush Fires Advisory Committee.—The Bill provides that the Bush Fires Advisory Committee of nine persons is retained but alters its constitution slightly by providing for three nominated members instead of one. It is set out that in addition to six other persons, the Committee must always comprise the Conservator of Forests or a person nominated by him, and the Commissioner of Police or a person nominated by him, as well as the Railways Commissioner's nominee who is provided for in the present law. The Bill also provides for a five-year term of office for the committee, for a quorum of five members, and majority decisions, and empowers the committee to lay down its own procedure. These matters are not dealt with in the present Act.

The Bush Fires Fund Committee.—This is the committee responsible for working out the contributions to be made by insurers and the Government to the Bush Fires Fund which is used for subsidizing fire fighting organizations and councils. The Bill does not alter the constitution of this committee, but proposes that its name should be altered to the Bush Fires Equipment Subsidies Committee, and that the Bush Fires Fund should be called The Bush Fires Equipment Subsidies Fund. The reason for this is that there are from time to time other bush fires funds and other bush fires fund committees which distribute assistance to victims of bush fires, and it is desirable that the

subsidies committee should have a distinctive name. No changes are proposed in the method of working out and collecting the contributions to the fund.

Registration of Fire Fighting Organizations.—At present the Act requires all voluntary fire fighting organizations formed for the purpose of combating fires outside the fire brigades area to be registered. If strictly interpreted this section applies to private fire fighting organizations such as are formed by some employers for the protection of their own premises. It is proposed in this Bill to provide that it shall not be compulsory for these private organizations to be registered, but that they may, if they desire, register themselves, in which case they would be eligible for financial help. Whether they receive help would, of course, depend on their value for bush fire fighting.

Compensation for Injury or Death of Fire Control Officers and Crews of Fire Fighting Appliances.—The Bill makes some considerable alterations to the existing Act on this subject. The present scheme for compensating fire control officers and crews of fire fighting appliances and their dependants in the event of injury or death has some unsatisfactory features. One is that if the council does not insure against its liability, no compensation is payable. Another is the big difference between the amount of compensation payable for injury to a fire control officer or crew member who is a self-employed person, and that payable when the injured officer or crew member is ordinarily employed by an employer. Here is an example.—If a fire control officer is an employee earning £1,500 a year in his ordinary work and is injured when fighting bush fires, he or his dependants are entitled to compensation based on his earnings of £1.500 a year. In the event of death or permanent incapacity this compensation would be some thousands of pounds. On the other hand, if the injured fire control officer were self-employed, the Act gives no definite rights beyond one thousand pounds for death or total incapacity and £10 per week for partial incapacity. Another anomaly is that £10 a week is payable however slight the degree of incapacity. It is obvious that a better scheme is required. The Bill proposes a new scheme on the following lines:—

(*a*) A council must pay compensation under the Workmen's Compensation Act for injuries to fire control officers and members of crews of fire fighting appliances, caused by accident arising out of and in the course of their duties. This liability is independent of insurance, but the council is required by the Bill to take out an insurance policy.

(*b*) Secondly, the amount of the compensation in the case of every fire control officer or crew member, whether a self-employed person or an employee, is to be on an established basis. It will be computed on the assumption that the injured fire fighter earns a weekly wage equal to the living wage plus a margin of £1 or such other margin as the council may fix by resolution, or on the basis of the fire fighter's average weekly earnings over the preceding 12 months, whichever is the greater. It may be thought that under this type of scheme some fire control officers and crew members will get too little and others possibly too much, but the scheme at least has the merit that the council, the fire fighters and the insurance companies will know where they stand, and the present serious discrimination against self-employed persons is largely removed.

Burning Off Stubble and Scrub.—The present Act recognizes two periods of fire control which are popularly called "the prohibited period" and "the conditional period". The prohibited period is the early summer and for most types of fires it is the period October 16 to January 31. The conditional period is February 1 to May 14 for burning stubble and February 1 to April 30 for burning scrub. There are a number of minor differences in the periods applicable under the present Act to various other fires. The Bill proposes two uniform periods, the first commencing on November 1 and ending on February 15, and the second commencing on February 16 and ending on April 30. In accordance with popular usage, the Bill calls these periods the "prohibited burning period" and the "conditional burning period". These periods will apply to the control of all burning off and fires under the Bill, except where a particular council specifically alters them. The present power of councils to alter the burning periods is retained. A council may make permanent alterations of either period to suit local conditions, and may make seasonal variations of not more than fourteen days for any particular season. These latter variations can only be declared for one season at a time.

Control of the Burning of Standing Stubble and Scrub.—The Bill retains the general rules that during the prohibited period stubble can be burnt only for the purpose of clearing fire breaks and scrub cannot be burnt at all, while during the conditional burning period stubble or scrub can be burnt for any purpose provided that certain standard rules of burning off are observed. In order to avoid repetition, the standard rules for burning scrub and stubble are now set out once only in clauses 49 and 54 respectively of the Bill. These rules deal with the precautions which must be taken in connection with burning off, such as clearing fire breaks, giving notice to neighbours, the police, the council and the Forestry Department, and having men available to assist in controlling the fire. The minimum width of fire breaks for stubble fires is unaltered being 12 feet cleared or 6 feet ploughed and cleared. The clearance distance for scrub fires has been reduced from 15 feet to 12 feet. It is considered that any disadvantage in this reduction is compensated by achieving uniformity with other sections of the Act. The time for giving notices is altered by laying down a requirement that every notice must be given not more than 48 hours before the fire is lighted. At present notices can be given weeks before the fire is lighted, which is unsatisfactory.

Burning Off of Town Allotments.—The present provisions allowing stubble to be burnt off town allotments under permits from the local council are retained in the Bill but it is provided that the notice of burning which has to be given to the local fire brigade must not be given earlier than 48 hours before the fire is lighted.

Burning at Weekends.—The Bill provides that the existing provision prohibiting burning on Sundays will not apply (as it now does) to fires for lime or charcoal burning. Also the powers of councils to make by-laws prohibiting burning on Saturdays and public holidays will not apply to lime or charcoal burning.

Control of Places where Fires in the Open Air may be Lighted.—At present councils by resolution can prohibit the lighting of open air fires except in specified places. It is proposed in the Bill to empower councils to prescribe by resolution the structures or circumstances in which open air fires may lawfully be lighted. The effect will be that councils will have more flexible powers of prescribing exemptions from the prohibition of open air fires.

Days of Serious Fire Risk.—The language in which a warning of a day of serious fire risk is to be given is simplified. At present the Act says that the warning must state "the likelihood of the occurrence of weather conditions conducive to the spread of bush fires in the whole of the State or any part of the State". The new form of warning will be that a particular day "is a day of serious fire risk throughout the State or a specified part of the State", and that the lighting of fires in the open air for any purpose is prohibited. Apart from these alterations and other simplifications of language, the Bill does not contain any alteration of the law relating to burning on days of serious fire risk.

Engines, Vehicles and Aircraft.—The provisions requiring fire precautions to be taken in connection with engines, vehicles, and aircraft are collected together and stated more simply. The war-time sections relating to producer gas equipment have been omitted, but provision is made for this matter to be dealt with by regulations if it should become necessary. The requirements as to the use of spark arresters and portable water sprays in connection with stationary engines and engines used in harvesting are retained. A definition of spark arrester is inserted to the effect that a spark arrester is a device or arrangement which is in good working order and effectively prevents the escape of any flame or burning material from the exhaust of an engine. In addition in all the clauses requiring a portable water spray to be provided, the Bill requires that there must also be a shovel or rake.

Clearing Airstrips.—It is proposed in the Bill to provide that when an aircraft used in spraying or dusting operations lands on an uncleared airstrip there must be on the airstrip two men to assist in controlling any fires, two portable water sprays and a motor vehicle available to transport the men and the sprays. Under the Act at present there is no requirement that men must be present or that any transport must be available.

Use of "strike anywhere" Matches.—The present section which enables the use of the so-called "strike anywhere" matches to be prohibited by proclamation is considerably simplified in the Bill and is redrafted as a direct prohibition of the sale or use of matches the heads of which contain phosphorus or a sulphide of phosphorus. It appears that as a result of legislation in this and other States these matches are now off the market and the manufacturers accept the position that they cannot lawfully be sold.

Clearing of Inflammable Furze.—Under the present Act councils have power to require

occupiers and owners to destroy or remove furze which may be a source of danger from bush fires. The revision committee recommends that this power should extend to any shrubs or bushes likely to facilitate the starting or spreading of bush fires and the Bill contains a provision to this effect. There seems to be no particular reason at present for limiting the control to furze.

Powers of Fire Control Officers.—The Bill sets out the powers of fire control officers more clearly. The present Act says that fire control officers for the purposes of controlling and extinguishing bush fires have all the appropriate powers of the Chief Officer of Fire Brigades under the Fire Brigades Act, 1936. Upon examination of the Fire Brigades Act, 1936, however, it is not altogether clear which of the powers mentioned in it are conferred on fire control officers. For this reason the committee recommends that the powers should be expressly stated in the Bush Fires Bill. This is done by clause 86. No increase in the powers is proposed.

Interfering with Fire Plugs and Fire Alarms.—The Bill contains two new clauses on this subject. One makes it an offence to cover up or conceal fire plugs or hydrants or to remove or obliterate marks or posts marking the position of a fire plug or hydrant. The other prescribes a penalty for destroying or interfering with a fire alarm or giving a false alarm.

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

[*Sitting suspended from 5.55 to 7.45 p.m.*]

BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1376.)

The Hon. F. J. CONDON (Leader of the Opposition)—This is a short Bill and one which is not objectionable. I have had a little experience of the position the Bill proposes to rectify and I know that often inquests are not held until a considerable time has elapsed after a death, fire or other event the subject of inquiry. The Bill provides that a death may be registered after notification from the Coroner following due inquiry. In matters of this nature there are all sorts of inquiries, which take considerable time, and generally the Coroner sets down three or four cases for hearing on the one day sometimes months after a death may have occurred. Some difficulties have arisen because of that in the past. Last year the principal Act was amended to deal with permits for cremation and the amendments in this Bill could possibly have been dealt with then. I support the second reading.

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

TOWN PLANNING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 1339.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I give general support to the second reading of this Bill and I do not propose to deal with it in detail because I am in favour of most of the clauses, which are logical developments of the principal Act. The only aspect of the Bill with which I wish to deal is clause 8 relating to appeals. The appeal committee is being amended to consist of (*a*) a legal practitioner of not less than seven years' standing who is being placed on the committee as an independent chairman in lieu of the Town Planner, and (*b*) the four members of the Town Planning Committee appointed by the Governor. The clause goes on to say that any three members, one of whom is the chairman, shall constitute a quorum and that the Town Planner may appear before the appeal committee.

The pattern of the appeal committee is slightly altered, but not much for the better. We have heard Caesar unto Caesar mentioned several times this afternoon and what I am about to say has been the burden of the song of several members. It is a matter with which quite a number of members have been concerned during this session and also we have been concerned with this modern tendency to make appeals available to the people who make the decisions. That is, the appeals have to be made to the people who have already made a decision, and that is wrong in principle.

I have tabled an amendment that is my conception of the type of appeal committee we should have. I am not rigid on the constitution of that committee if any honourable member can suggest any better or more appropriate committee, provided it is independent of the decision previously made. The way the Act works at present is that there is an appeal to the appeal committee and then there is a further appeal in the discretion of the Minister to a joint Select Committee of both Houses. We had an example of that a

year or two ago in relation to the Skye subdivision. I was a member selected by this House to sit on that committee. I am not criticizing the Select Committee being a court of ultimate appeal, but it could well considerably delay appeals because, if Parliament does not happen to be sitting, as the Minister of Roads said this afternoon, it may be impossible to get such an appeal Select Committee together before the following June or even later if there is no supplementary session. It is important that the appeal committee under the Act should be a properly independent committee in the first instance rather than having to rely on the Select Committee of the two houses.

I had contemplated suggesting that the appeal committee be abandoned and that the appeal be direct to the court or alternatively that the court should have some optional jurisdiction. That happened in the Skye case, but purely because certain things happened in that case that made it possible for the people involved to appeal to the court where normally the court might not have had jurisdiction to hear it. I think the House should hear one or two of the things that were said in that case by the Supreme Court judges, particularly the late Mr. Justice Abbott because he was very outspoken on that appeal and also on the principle prevailing in this Act. Mr. Justice Abbott said in his judgment in that case:—

I feel some hesitation in reflecting upon the conduct of the Town Planning Committee, but as I have already pointed out, it has changed its ground so often in refusing this application that it seems doubtful whether it has any real appreciation of its duties and responsibilities to private citizens applying for approval of plans of subdivision.

Those are very serious words. His Honor apparently felt some hesitation in saying that, but he said it nevertheless, and he said it when giving his judgment in the Supreme Court. His statement was pretty severe criticism of the people on that committee. I am not criticizing them personally, and I am talking purely in principle, but those people had made a decision and the appeal was to them, and thus they were apparently setting out to justify their own decision on any grounds they thought might or would be available to them. Then His Honor went on, a few pages later, when referring to this method of appeal from the committee to the committee, to say:—

It would seem to be at least an unusual right of appeal, to give to a person dissatisfied with the decision of the committee a right to request the same committee to "reconsider the matter."

That was the committee constituted under the Act we are at present seeking to amend, and with one exception that committee of five remains the same. The only difference is the substitution for the Town Planner of an independent chairman, but the Town Planner will be available to give evidence before his own committee of which he is normally the chairman. That seems to me, in a way, to be even more extraordinary than the present set-up, but the important point about it is that the committee, although it will have an independent chairman under this amendment, will still consist of four out of the five members of the previous committee that made the decision. There is no suggestion that the independent chairman will have a vote equivalent to that of the other members. They have four votes and he has only one, so I cannot see that it will help a decision at all on the appeal, that is, that it will help appellants to get any better reconsideration of the facts of the case.

Quoting again from Mr. Justice Abbott's judgment, he went on to criticize the fact of the ultimate appeal to the Joint Committee of the Houses, and he said:—

But Parliament is, so to speak, above the law. The Joint Committee might recommend amendments to the Act which, if agreed to by Parliament, might put the applicant company completely out of court. If that were to happen, it would mean the *ex post facto* deprivation of rights which, at this present time, are clearly vested in the company.

In other words, the Select Committee could come back to this Parliament and alter the Act so as to deprive an appellant of his rights. The judge apparently thought that the Select Committee was not a proper body either. I do not wish to debate that question because this amending Bill does not deal with the overall appeal to a joint Select Committee and naturally I might not think the same about that as the honourable and learned judge. Nevertheless, I thought I should bring it before this Chamber because it is an important factor in determining whether a committee of appeal in the first instance should not be more independently constituted. There is another quotation from that judgment, and again it is a criticism of the legislation with which we are now dealing, and I think it warrants honourable members' attention. His Honor said:—

However, for what it is worth, this legislation makes the furthest advance against the rule of law which has yet been made by any democratic British Parliament. The separation of the legislative, Executive and judicial powers of the

Constitution used rarely, if ever, to be overstepped; and if overstepped, the courts of the country used to declare the legislation unconstitutional, either by reason of its being *ultra vires,* or for some other reason

Here, however, we have a flagrant case of the Legislature's appointing the Town Planner, a Government nominee, as its tribunal with powers to refuse to the citizen the right to resell his land by allotments, defining the tribunal's powers, and after prescribing a right of appeal, from a committee appointed by the Governor, under its own Act, to the same committee, and then purporting to grant a final appeal (subject to Ministerial approval) to a Joint Committee of both Houses of Parliament. This seems to be a complete abandonment of the rule of law, especially in the light of the power given to the Joint Committee, by section 13a (3) to consider the "plan of subdivision and report of the committee, and any other matters deemed relevant by the Joint Committee."

That is very strong language anywhere, and particularly from a court of law. The amending Bill we are asked to consider does not alter the principles so severely criticized by His Honor in the Skye Appeal Case. The fact that we are considering an amendment to this particular section means that, in effect, we are asked once again to endorse the principle of the appointment of the Town Planner which His Honor so criticized. My suggestion is that the committee should be reconstituted so that it is not loaded one way or the other.

I know it was suggested to the Government that there should be a committee something like that appointed to consider the Underground Waters Bill last session—perhaps loaded in favour of the subdivider. As I understand the situation the Government rejected that suggestion and instead proposed the suggested committee with the substitution of an independent chairman for the Town Planner. My suggestion is a kind of compromise between the two—that there should still be the legal practitioner as the new independent chairman, but instead of having the four members of the Town Planning Committee appointed by the Governor as the appeal committee, only two of them shall sit on the committee and the other two shall be independent people, one appointed on the nomination of the Real Estate Institute, and the other on the nomination of the appropriate surveyors' organization. That would mean that two members of the Town Planning Committee who are familiar with the facts of the case would still be on the appeal committee and there would be two new members who could be expected to be reasonably independent, but possibly weighted on the other side. So, there could be two against two who could put their points of view to the committee and then a completely independent chairman with a casting vote. To my way of thinking that seems to be a fair way to deal with the matter.

If the Minister or any other honourable member can suggest some better way to deal with the matter, so long as the suggested committee is independent of the previous decision, I am prepared to consider the suggestion. Now that we have the opportunity to review this legislation, particularly in the light of the judgment I have quoted, I think that the Council should not flinch from its obligation to do so, and should see that a committee that will independently mete out justice in the circumstances of the case is appointed so that aggrieved parties may have a proper independent hearing. I am not criticizing in any way the members of the Town Planning Committee personally. I have no doubt that they are all very worthy people, and I am merely saying that on principle people who make a decision should not hear an appeal from that decision.

The Hon. A. J. Shard—You did not support that principle this afternoon.

The Hon. Sir ARTHUR RYMILL—I think the honourable member is wrong and his suggestion is in the wrong context. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Amendment of principal Act, section 13."

The Hon. C. D. ROWE (Attorney-General)—The honourable Sir Arthur Rymill has raised a point regarding the constitution of the appeal committee, and I should like the opportunity to consider his remarks. I therefore ask that progress be reported.

Progress reported; Committee to sit again.

DOG FENCE ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its objects are to amend the Dog Fence Act so as to increase the penalties for damage to and unauthorized removal of any part of the dog fence and to render both the person causing the damage or removal and his employer liable therefor, and to place upon the owner of any vehicle, the driver of which causes the damage or removal, the onus of proving that the driver was not at the

material time engaged upon his ordinary employment nor acting within the course and scope thereof. The damage that is caused to vermin fences from time to time is causing sheep owners throughout the pastoral areas some concern and representations have been made to the Chairman of the Pastoral and Dog Fence Boards by the Stockowners' Association of South Australia stressing the difficulties experienced in recovering penalties and compensation for such damage—in particular, for damage caused by vehicles. These representations were referred to the Crown Solicitor for advice. The Crown Solicitor considers that sections 43 and 44 of the Dog Fence Act require attention, and recommended that those sections should be recast with increased penalties, and provision for compensation for damage. He also recommended that provision be made for the employer's liability for damage caused by his employee in the course of his employment and for placing upon the owner of a vehicle, the driver of which causes damage to a fence, the onus of proving that the driver was not, at the material time, engaged upon his ordinary employment nor acting within the course and scope thereof. The Government agrees with these recommendations.

Section 43 of the principal Act at present prohibits wilful damage of any part of the dog fence for which the penalty is a fine not exceeding £50; and under section 44 a person who, without authority, removes any part of the dog fence or does any act whereby the fence ceases to be dog-proof commits an offence for which the penalty is a fine not exceeding £100. The penalty for a similar offence under the Vermin Act is a fine not exceeding £20 or imprisonment for a term not exceeding six months. The Government feels that the penalties under both Acts should be uniform and should be a fine not exceeding £100 or imprisonment for a term not exceeding six months.

Clause 3 substitutes for sections 43 and 44 of the principal Act new sections 43, 44 and 44a. The new section 43 (1) makes it an offence for a person, without lawful excuse, the onus of proving which lies on him, to cause damage to any part of the dog fence. The penalty for the offence is a fine not exceeding £100 or imprisonment for a term not exceeding six months. Subsection (2) of the section has the same effect as the repealed section 44 except for an increase in the penalty as stated earlier. Subsection (3) of the section empowers the court in addition to or in lieu of any penalty imposable under the section to order a convicted person to compensate the person responsible for maintaining the damaged fence, for the damage.

The new section 44 (1) makes the employer of a person who in the course of his employment damages or removes any part of the dog fence liable for the necessary expenses incurred in restoring it as a dog-proof fence. Subsection (2) of the section provides for the recovery of those expenses in any court of competent jurisdiction. Subsection (3) of the section provides that where damage to or removal of any part of the dog fence is caused by the driver of a vehicle, the owner of the vehicle shall be deemed to be the employer of the driver unless the owner proves that at the material time the driver was not in the ordinary employment of the owner nor acting within the course and scope thereof. The new section 44a contains an interpretation which places beyond doubt that any gate or ramp pertaining to the dog fence shall, for the purposes of sections 43 and 44, be deemed to be part of the dog fence.

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

VERMIN ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its objects are to amend the Vermin Act so as to increase the penalties for damage to and removal of any part of a vermin fence, dog-proof fence or wire-netting fence, and to render both the person causing the damage or removal and his employer liable therefor, and to place upon the owner of any vehicle, the driver of which causes the damage or removal, the onus of proving that the driver was not at the material time engaged upon his ordinary employment nor acting within the course and scope thereof. The damage that is caused to vermin fences from time to time is causing sheep owners throughout the pastoral areas some concern and representations have been made to the chairman of the Pastoral and Dog Fence Boards by the Stockowners' Association of South Australia stressing the difficulties experienced in recovering penalties and compensation for such damage in particular, for damage caused by vehicles. These representations were referred to the Crown Solicitor for advice.

The Crown Solicitor considers that section 229 of the Vermin Act requires attention and

recommended that provision be made for the employer's liability for damage caused by his employee in the course of his employment and for placing upon the owner of a vehicle, the driver of which causes damage to or removal of a fence, the onus of proving that the driver was not, at the material time, engaged upon his ordinary employment nor acting within the course and scope thereof. The Government agrees with these recommendations.

Section 229 of the principal Act at present prohibits the destruction of and injury to any vermin fence, dog-proof fence and wire-netting fence for which the penalty is a fine not exceeding £20 or imprisonment for a term not exceeding six months. The penalty for a similar offence under section 44 of the Dog Fence Act is a fine not exceeding £100. The Government feels that the penalties under both Acts should be uniform and should be a fine not exceeding £100 or imprisonment for a term not exceeding six months.

Clause 3 substitutes for section 229 of the principal Act a new section 229. Subsection (1) of the new section makes it an offence for a person without lawful excuse, the onus of proving which lies on him, to damage or remove any part of a vermin fence, dog-proof fence or wire-netting fence. The penalty for the offence is a fine not exceeding £100 or imprisonment for a term not exceeding six months. Subsection (2) empowers the court in addition to or in lieu of any penalty imposable under the section to order a convicted person to compensate the person responsible for the repair or renewal of the damage or removed fence. Subsection (3) makes the employer of a person who in the course of his employment damages or removes any part of a fence liable for the necessary expenses incurred in repairing or renewing it. Subsection (4) provides for the recovery of those expenses in any court of competent jurisdiction.

Subsection (5) provides that where damage to or removal of any part of a fence is caused by the driver of a vehicle the owner of the vehicle shall be deemed to be the employer of the driver unless the owner proves that at the material time the driver was not in the ordinary employment of the owner or acting within the course and scope thereof. Subsection (6) contains an interpretation which places beyond doubt that any gate or ramp pertaining to any fence shall for the purposes of that section be deemed to be part of that fence.

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

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its main objects are to place the Enfield General Cemetery Trust in a satisfactory financial position to enable it to develop and improve the Enfield General Cemetery with a view to attracting increased public support and to meet its maintenance commitments and other financial obligations. Since the establishment of the cemetery under the Enfield General Cemetery Act, 1944, the gross income of the trust has been barely sufficient to cover its current expenditure exclusive of its commitments for future maintenance of graves and interest on, and repayment of, moneys advanced to it by the Government.

At June 30, 1959, the trust owed the Government by way of principal, a sum of £31,877, comprising £24,556 advanced out of funds provided by Parliament for the purpose of purchasing the land and establishing the cemetery, and £7,321 being interest accrued on the advances made to the trust and capitalized as at June 30, 1958. The trust has not been able to pay the first instalment of the interest on that sum amounting to £1,275 which, under the Act, fell due on June 30, 1959, and this instalment together with further accrued interest has been deferred until September 30, 1960. The Act also provides for repayment of the principal by annual instalments, commencing on June 30, 1961, of £400 per annum for the first 10 years, £525 per annum for the next 10 years; £625 per annum for the following 10 years, and £1,000 per annum thereafter until repaid.

The balance sheet of the trust made up as at June 30, 1959, shows assets totalling £24,544, including the cost of cemetery establishment, as against liabilities to the Government of £24,556 for advances and £8,596 for interest. A sum of £30,877 is shown as representing the trust's contractual obligations for future maintenance of graves, but the trust has no funds available to meet these obligations. However, the value of the land which is shown in the balance sheet (at cost) as £5,242 is considerably below present-day valuations, and there is an undeveloped surplus area of approximately 40 acres which, according to the Government valuator, is worth more than £2,000 per acre. The Government believes that the lack of public support for the cemetery at Enfield and the inability of

the trust to conduct the cemetery on a profitable basis are due to the following basic reasons:—

(*a*) that the lack of burial space in other cemeteries in the northern suburbs when the Enfield General Cemetery was established was not as acute as was then generally believed;

(*b*) that the lack of a crematorium in the cemetery has diverted public support from that cemetery to others providing the facilities of cremation; and

(*c*) that the trust being required to set apart portions of the cemetery for various religious and other denominations, it has been obliged to open up and develop areas of land and maintain each burial allotment at its own expense until the sale of the allotment, which usually occurs at the time it is needed for a burial.

With a view to overcoming those problems the trust has sought enabling legislation conferring on it power—

(*a*) through the agency of one or more private organizations to sell on a "Before Need" plan burial space and services on lines undertaken by certain overseas cemeteries with considerable success;

(*b*) to permit any such organization, subject to necessary safeguards, to erect and maintain within the cemetery a crematorium; and

(*c*) with the Governor's consent to enter into any arrangement with such an organization with a view to assist it to carry out the powers and duties vested in or imposed on it by the Act.

One such organization has already approached the trust with a proposition whereby—

(*a*) the organization would agree to provide the trust with sufficient funds to repay to the Government all sums advanced to the trust together with interest, and to enable it to discharge its obligation to maintain existing graves;

(*b*) the organization would agree to provide the funds for all necessary future developmental work to be undertaken in the cemetery, including the erection of a crematorium;

(*c*) the organization would require the trust to confer on the organization sole agency rights to sell burial space and services on behalf of the trust on an agreed commission basis; and

(*d*) if the organization decides to withdraw from the above arrangement, all development and improvements effected by it to the cemetery would vest on the trust without cost.

The trust is favourably impressed by the proposition in principle, and if agreement on those lines could be reached the trust would be in a position to conduct the cemetery freed of its financial obligation to the Government. The trust has accordingly unanimously decided to seek the necessary powers to enter into an arrangement such as that envisaged by the proposition and, in the alternative, to sell any undeveloped portion of the cemetery that is surplus to its needs.

The Government, after careful consideration, has decided that such an arrangement, with adequate safeguards, would not only place the trust in a more satisfactory financial position, but also enable it, by developing and improving the cemetery with a view to attracting increased public support, to meet its commitments and other obligations more effectively and without financial strain.

The Government also considers that in the event of the trust's inability to enter into a satisfactory arrangement that would result in increased public support for the cemetery the trust should be empowered to sell its surplus undeveloped land and apply the proceeds in liquidation of its debt to the Government, and in building up a reserve fund to provide for the payment of future working expenses and maintenance costs of the cemetery.

This Bill gives effect to those decisions as follows:—Clause 3 amends section 14 of the principal Act by the addition of a subsection empowering the trust to delegate to any person approved by the Governor, on such terms and conditions as the Governor approves, any of its powers other than the power to make regulations under section 43. The clause also empowers the trust with the Governor's approval to revoke such a delegation.

Clause 4 amends section 16 by conferring on the trust power, with the Governor's approval, to enter into any arrangement with any person to enable or assist the trust to do what it is authorized or obliged to do under the Act. Clause 5 adds a new section 22a to the Act enabling the trust with the Governor's consent to sell the undeveloped surplus portions of the cemetery on such terms and conditions as the Governor approves. The section also provides the manner in which the proceeds of sale are to be applied. Clause 6 amends section 27 by

the addition of a new subsection requiring persons through whose agency the trust derives income or incurs expenditure to keep proper books of account and produce them for inspection. There being no general penalty prescribed by the Act a penalty of £50 is provided for a breach of this requirement. Clause 7 amends section 32—

(*a*) by conferring on the trust power to cause or permit to be done such things as the trust itself has power to do to conduct the cemetery as a public cemetery;

(*b*) by re-enacting subsection (2) incorporating the additional power to cause or permit the erection of buildings and the making of improvements necessary or expedient for the conduct of the cemetery; and

(*c*) by re-enacting subsection (3) incorporating the additional power to cause or permit a crematorium to be erected and maintained within the cemetery.

Clause 8 amends section 33 by enacting a new subsection which precludes the trust from utilizing any part of the cemtery for any purpose other than that for which it is set apart, unless the Governor's consent is obtained. Clause 9 clarifies the provisions of subsection (1) of section 38 by specifying to whom the fees and charges are payable. Clause 10 clarifies the provision of section 39 by specifying that the general power of the trust with respect to the upkeep, maintenance, improvement and management of the cemetery is limited to the doing of anything (not inconsistent with the Act) that the trust considers necessary or expedient to do. Clause 11 is a consequential amendment to section 42 arising out of the amendment proposed by clause 7 (*c*).

The Bill gives effect to the unanimous decision of the trust, which consists of responsible persons who represent all religious denominations as well as the Enfield Municipal Corporation. The wider powers conferred on the trust are balanced by adequate safeguards necessary for the protection of the public and of the trust itself. This is a hybrid Bill within the meaning of Joint Standing Orders on Private Bills and was referred to a Select Committee in another place. The committee reported in favour of the Bill.

The Hon. A. J. SHARD secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its object is to make some amendments of an administrative order to the Real Property Act. Clause 3 removes the absolute requirement that the Registrar-General must enter on the register book all the names of all the parties to instruments which are registered. This requirement means that the register book becomes cluttered with much unnecessary information. For example, a transfer obviously proceeds from the registered proprietor and it is unnecessary for the registration to state the name of the transferor, information which is already on the title. The new provision will enable the Registrar-General to exercise a discretion and is based upon the corresponding provision in the Victorian Act.

Clause 4 (*a*) will enable the Registrar-General in the exercise of his power to correct errors in certificates of title or the register book to disregard the differences between stated boundaries and actual boundaries measured on the ground within certain limits. The limits proposed, which have been taken from those in other States, are 2in. where the length of a boundary does not exceed 132ft. and a limit of one in five hundred where the length of the boundary line exceeds 132ft. Similar provisions exist in Western Australia and Victoria. In connection with the amendment honourable members will appreciate that a good deal of work is involved in the correction of measurements in certificates of title and it is obvious that a measurement correct to one or two inches could hardly be expected. Indeed it would be rare I believe to find complete agreement between surveyors in many cases. It appears to the Government that the Registrar-General should be relieved from an obligation to correct errors where the discrepancies are so small. I may add that the Institute of Surveyors is in agreement with the proposed amendment.

Clause 4 (*b*) will add to the special powers of the Registrar-General set out in section 220 of the principal Act the power to destroy records, documents, instruments, plans and the like which in his opinion serve no useful purpose, subject however to the approval of the Attorney-General in each case and subject to the provision of the Libraries and Institutes Act which requires notice of disposal of public documents to be given to the Libraries Board. Apart from the fact that registration is the important feature of transactions under the Real Property Act, it will be appreciated that there are many many thousands of documents registered in the Lands Titles Office which have lost their significance and could safely be

destroyed. Some obvious cases are duplicates of totally cancelled certificates of title, duplicates of mortgages which have been discharged and duplicates and triplicates of leases which have been surrendered. At the same time, even in these cases, there might be some instruments that contain original matter and which ought not to be destroyed. For those reasons the Government has decided that the safest procedure is to empower destruction only on the approval of the Attorney-General.

Clause 5 amends section 272 of the principal Act in two ways. That section provides that before a person can be licensed as a land broker he must give to the Registrar-General a bond in £500 with two sureties each of £250. These amounts are completely out of date and it is proposed to raise them to £1,000 with two sureties each in £500. As land brokers are not required to give an annual bond the two will be prospective only. Clause 5 (*b*) provides that in the event of the death of a surety a fresh bond must be given within 30 days. This clause will apply not only in future but also to any existing cases where a surety has died. As honourable members will see, the amendments are all of a machinery nature. It will be obvious to all members that two problems arise at our Land Titles Office: firstly, every month the volume of work increases greatly and calls for a simplification of procedure to save delays and avoid unnecessary work and, secondly, the problem of providing adequate storage space for documents is ever-increasing, and the Bill is aimed at simplifying and solving those problems.

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

ART GALLERY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1376.)

The Hon. F. J. CONDON (Leader of the Opposition)—The object of the Bill is to increase the number of members of the Art Gallery Board from five to seven. Members give their services voluntarily without any monetary gain and render valuable work. However, at times it is not possible to secure a quorum and many meetings must be postponed. Frequently, Bills with a retrospective effect are introduced into this Chamber, but this Bill is difficult because the board will not operate until January, 1961. Contributions from Consolidated Revenue for administrative expenses last financial year amounted to £26,271 and the balance of funds at June 30 last totalled £114,972, held in Commonwealth Government securities, public authority debentures, shares and real property.

On April 28 the Public Works Standing Committee recommended the construction of an additional wing to the National Gallery at a cost of £137,700. The present chairman of the National Gallery board (Sir Lloyd Dumas) and the Director (Mr. R. R. Campbell) made the following points in submitting evidence to the committee: firstly, there had been no increase in accommodation since the Melrose (or western) wing was opened in 1937; and, secondly, since then the number of items in the more important section of the gallery had more than doubled. After inspecting the building the committee agreed that something should be done because the gallery is worth preserving. It is hoped that work on the additional wing will commence shortly. I support the second reading.

The Hon. JESSIE COOPER (Central No. 2)—I am happy to support the Bill which, as the Minister explained, merely increases the number of members comprising the Art Gallery board from five to seven. Surely all members will agree that the Art Gallery is one of the finest in Australia. Much of its success has been due to the board. When members realize the many calls made on the time of each of the board members who are all, in one way or another, busy citizens, I am sure they will readily support the Bill which will spread the many duties and responsibilities and thus facilitate the board's work.

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

PORT PIRIE RACECOURSE LAND REVESTMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1376.)

The Hon. F. J. CONDON (Leader of the Opposition)—I support the second reading. The object of the Bill is to vest in the Crown a triangular-shaped portion of the land that was vested in the Port Pirie Trotting and Racing Club. I am familiar with the land concerned, because in the early days when it was a rubbish tip it was known as "Jam Tin Park." A few years ago a body of local residents formed a working bee and subscribed money to create this decent racecourse which is in the heart of the town and adjoins the Port Pirie high school. I visited the racecourse last Saturday week, and it is first-class. The club has generously offered this

portion of the land for use for recreational purposes. All members appreciate the need to extend recreational facilities for school children, particularly as many schools are faced with the problem of insufficient playing space. The Government has tried to acquire land for such purposes and no doubt members remember that recently £3,250 an acre was charged for 18 acres of land for a school on Junction Road, Rosewater. I commend the committee of the club and hope members support the Bill.

The Hon. E. H. EDMONDS (Northern)—There is not much more that one need add to Mr. Condon's remarks. The piece of land in question is delineated on the plan attached to members' files, an examination of which reveals that it is adjacent to the Port Pirie high school. As a matter of fact, that land has been used for recreational purposes by the students of this school for some time, by agreement with the committee of the racing club. As one of the representatives of the district, I asked the secretary of the racing club whether everything was satisfactory from the club's point of view and was assured that there was an amicable understanding for the land to be transferred back to the Crown for the purposes enumerated. I support the second reading.

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

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

Adjourned debate on second reading.

(Continued from October 18. Page 1369.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—It is usual for the Leader of the Labor Party in this Chamber or his nominee to take the adjournment of Bills of this nature. Indeed, we have had a Bill for a renewal of this legislation for some years (some of us are getting a little tired of it) and on each occasion the Labor Party has taken the adjournment. Yesterday, when this came along, I thought there was a little sabre-rattling on the left, or of the left.

The Hon. S. C. Bevan—I bet you are not prepared to call us on it.

The Hon. Sir ARTHUR RYMILL—Members will have the opportunity to vote with that hard core of Liberalism a little later, although not this evening. What was indulged in yesterday was merely a display of sciamachy.

The Hon. F. J. Condon—I was outside the Chamber.

The Hon. Sir ARTHUR RYMILL—If I remember rightly, the honourable member was sitting in his seat in the Chamber. When I mentioned "sciamachy" before, the Attorney-General accused me of speaking in a foreign language. I reassure him that this is an English word, and for his especial benefit I looked at Webster's Dictionary this morning to get a precise definition so that he could understand the word fully and clearly. The definition is:—

Fighting with a shadow, a mock contest, futile combat as with an imaginary foe.

I think that is what the Labor Party was indulging in yesterday, but the Hon. Mr. Bevan is interjecting to suggest that they might be still putting up this sort of display. We will see in due course if they carry out their threat.

The Hon. F. J. Condon—You cannot control us; that is one thing.

The Hon. Sir ARTHUR RYMILL—They will have their opportunity to vote in due course, and I suspect that they will be holding the balance of power on this Bill in this Chamber. If they are prepared to vote with this hard core of Liberalism to which I referred previously, we might at last see the end of this war-time control after 15 years. My prediction, however, is that they will vote true to form and support the Government. The history of this legislation is that it was brought in as a war-time measure. A similar Bill was brought in during the 1914-18 war, but that did not survive nearly as long as this legislation has done. This has survived, not merely a decade but a decade and half a decade more since the war ended, and I suggest that it is time we got rid of it.

No doubt the Government finds it exigent to continue this legislation. It is being used for purposes completely different from those originally intended; it has become completely artificial and unreal, and it seems to me that it is an artificial method of keeping down the C series index at the expense of one isolated section of the community, which seems to me to be unfair. Also, if the C series index has any bearing on wage levels (as it is bound to have from time to time whatever the current method of wage fixation may be) it seems to me that members of the Labor Party ought to oppose this measure because, if it is having an effect on the C series index, as it is intended to have, from time to time the wage level that they try to hold or to get as high as they can

is being artificially kept down by the impact of this legislation. I know that wages are not directly related to the C series index now, but it comes into play from time to time, and Mr. Bevan knows as well as I that from time to time it must have a direct bearing on wage levels.

The Bill is in two parts and does two things. On the one side it fixes rent levels and on the other side it pegs tenants in their premises. The rent levels are related to 1939 rents plus a small percentage increase and a few small odds and ends, such as increases in rates and taxes that have occurred since. It is purely artificial, it has no relationship to what exists today, and it has no relation to 1960 thinking in any way whatever. The pegging of people in houses was necessary in the aftermath of the war but surely it is the antithesis of what this House should stand for—the sanctity of property ownership. The Act provides that, although people own houses, unless they can comply with strong requirements of the law they cannot get occupation. I cannot see how members who profess Liberal principles in this Chamber can passively continue, 15 years after the war-time emergency has ceased, to support such an antithetical principle.

I know that the Government says that it has amended the Act so that people can now sell a house and get rid of their tenants for the purpose of sale, but the Act also says that, if the owner does not sell, the tenant can come back again on the same terms as previously. Why should a person have to sell his own house? Why do we have to have these artificial barriers against ownership? Why should a person who wants to get into his house have to sell it and go into another house if he gets his tenant out on the only ground available to him? If he wants possession of his house he must sell it and get another. If anything is more against the principles of Liberalism, I should like to know what it is. There are many other reasons why people want to keep their own houses for future possession or for some legal reason beyond their control, but this Bill gives them no consideration.

Last year the Government, which brought in this Bill, greatly increased the rentals of its own pre-war Housing Trust houses—houses equivalent to those under this legislation—but it will not give private owners the same consideration. These landlords must put up with pre-war rentals plus 40 per cent, which is completely unreal in these days. In addition, as Mr. Condon mentioned this afternoon, all water assessments have been increased. I am not suggesting the Trust's tenants do not have to pay more because of increased rates, but I am suggesting that no concession is made for water rate assessments in pegged houses. In other words, I should imagine these houses are assessed on precisely the same basis as any other houses, although by this inhibiting legislation these houses are worth considerably less than free houses. I have argued this case ever since I have been in this Chamber. I have probably wearied members considerably and I do not propose to repeat any more of the arguments I have used previously. All I wish to say is that I am totally opposed to the Bill and that I propose to vote against it every time I can do so.

The Hon. A. J. Shard—If you have the big six you can win it this time.

The Hon. Sir ARTHUR RYMILL—If that is so it will be a triumph for Liberalism. I oppose the second reading.

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

ADJOURNMENT.

At 8.59 p.m. the Council adjourned until Thursday, October 20, at 2.15 p.m.