LEGISLATIVE COUNCIL.

Wednesday, October 18, 1961.

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

QUESTIONS.

ADELAIDE OVAL LEASE.

The Hon. K. E. J. BARDOLPH: A number of questions have been asked about the leasing of the Adelaide Oval. A statement was made by the Premier recently that any agreement entered into between the Adelaide City Council and the South Australian Cricket Association would have to be ratified either by the Governor in Executive Council or by Parliament.

The PRESIDENT: The honourable member must ask his question or obtain permission to make a statement.

The Hon. K. E. J. BARDOLPH: With great respect, Sir, I am asking a question. I am leading up to the question I wish to ask of the Chief Secretary.

The PRESIDENT: I know what the honourable member is doing.

The Hon. K. E. J. BARDOLPH: I will ask the question. In view of the shemozzle that is taking place with regard to the leasing of the Adelaide Oval will the Chief Secretary assure the Council that before the lease is signed or brought to fruition it will be laid before Parliament so that Parliament may be able to determine the various issues connected therewith?

The Hon. Sir LYELL McEWIN: The question asked by the honourable member is covered by a section in the Local Government Act. I am not sure of the number of the section, but the effect of it is that any lease arranged by the Adelaide City Council in respect of the Adelaide Oval must be laid before Parliament by means of regulation and approved from that angle. Parliament would then have an opportunity of accepting or rejecting it.

POWER KEROSENE.

The Hon. G. O'H. GILES: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. G. O'H. GILES: The background to my question goes back two years when I asked the Chief Secretary a question pertaining to power kerosene and the fact that its basic price was the same as that charged for low-grade petrol. The answer was that the high cost of power kerosene for use in tractors and aircraft was largely due to the handling aspect, because drum cartage was involved rather than bulk cartage. In addition, most of the supplies were imported. Can the Minister of Labour and Industry tell the Council whether the Standard-Vacuum Oil Company at Port Stanvac intends to manufacture power kerosene to the advantage of the aircraft industry and small farmers owning power kerosene-operated tractors?

The Hon. C. D. ROWE: The honourable member asked a question on this matter some time ago and, in consequence of that, I have been in touch with the director of manufacturing operations for the Vacuum Oil Company of Australia and he has informed me that it is proposed to produce fine quality illuminating kerosene and also power kerosene at the new refinery at Port Stanvac.

MILLICENT LOCAL COURT.

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

Leave granted.

The Hon. L. H. DENSLEY: Recently I asked the Attorney-General a question regarding the removal of the local court from Millicent to Mount Gambier and he gave me certain information which apparently has not satisfied the residents there, because they point out that while at Penola it may be quite satisfactory because on both sides of that town within 30 miles professional services are available, obviously it would be much easier to transfer the files and records, which would not be available to people between Kingston and Mount Gambier. Has the Minister any further explanation on the matter?

The Hon. C. D. ROWE: The original question dealt with two matters—whether the local court at Millicent was to be transferred to Mount Gambier, and whether there was any plan for erecting a new police station and court house building at Millicent. Regarding the first question, it is not proposed to close or transfer either the local court of limited or full jurisdiction or the court of summary jurisdiction from Millicent to Mount Gambier. In several areas of the State the volume of the local court business has increased so substantially that it has become beyond the capacity of the police officer in charge to handle it satisfactorily. On the other hand, it has not become so large as to warrant appointing a full-time clerk of court at that particular place, and that is the position at Millicent at present.

The volume of the local court work there has increased to the extent that it interferes unduly with the police work, which it is necessary for the local police officer to handle, yet not sufficiently large to warrant appointing a full-time clerk of court. To get over the difficulty, we propose to appoint a full-time public servant to the court at Mount Gambier and the staff there will look after the work both at the Mount Gambier court and the Millicent court. The officer in charge at Millicent will be appointed assistant clerk of court and also bailiff of the court and he will be there to give adequate service to the people living in the area. We have adopted this scheme in other parts of the State and it has worked quite satisfactorily and I am sure it will do so in this particular area. I have spoken to the officers concerned and they have assured me that they will do their best to make sure it works efficiently. If, after the scheme is given a trial, it does not prove satisfactory I shall be willing to have a look at the position again. I am sure that the experience at Millicent will be the same as in other parts of the State and that it will be a satisfactory arrangement.

As to the building of a court house and police station at Millicent, I am happy to say it is proposed to erect a combined police and court house at Millicent which will provide police officers with a court room and accommodation for single police constables. The present planning for this work is that a contract will be let later this financial year. Funds are provided in the Estimates for this purpose.

TOURIST BUSES.

The Hon. K. E. J. BARDOLPH: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. K. E. J. BARDOLPH: In the *Advertiser* this morning appeared a report that five big Greyhound buses, costing £28,000 each, were landed at the Victoria Dock, Melbourne. They were the first consignment of 10 bought by the Pioneer Express Company to revolutionize interstate road travel in Australia. Will the Government consider the re-organization of the Railways Department in South Australia for the purpose of placing it on an even balance in competing with road tourist transport, which is proposed according to this report?

The Hon. N. L. JUDE: I ask the honourable member to put the question on notice.

CARTAGE OF LIVESTOCK.

The Hon. G. O'H. GILES: Has the Minister of Railways a reply to the question I asked on September 26, regarding the possibility of deleting the cartage of livestock from the powers given to the Transport Control Board?

The Hon. N. L. JUDE: I have obtained the following report from the Chairman of the Transport Control Board:

My board does not recommend an alteration to the Road and Railway Transport Act 1930-57 for the purpose of granting complete freedom in respect to the transportation of livestock. It is considered to be in the economic interest of the State that the present level of railway service available to primary producers be maintained. The Railways Department has, over the years, developed an efficient railway system which caters for large or small consignments of livestock. The quantity of livestock transported by the Railways Department must have a bearing on its charges and, as road operators can only operate at a profit, the tendency would be for road carriers to handle truck lots, and leave overloads or small lots to the railways. The Railways Department for the 12 months ended June 30, 1960, handled 4,173,146 head of livestock for freight earnings totalling £777,095 whilst the coresponding figures for the year ended June 30, 1961, although lower, still amounted to 3,226,449 head for earnings of £687,876. The board considers that it is lenient in the degree of road transport authorized, as it has licensees and permit holders serving a number of routes and in addition grants emergency permits where circumstances warrant due to condition of stock, prevailing conditions, route, or unsuitability of railway timings.

APPRENTICES.

The Hon. A. F. KNEEBONE (on notice):

1. Is it the intention of the Government to table the report of the Apprentices Board upon the Apprentices Act Amendment Bill, 1958?

2. Is it the intention of the Government to introduce a Bill to amend the Apprentices Act this session?

The Hon. C. D. ROWE: The report is being examined but it is not anticipated that any Bill will be introduced this session.

KENSINGTON AND NORWOOD CORPORATION BY-LAW: ZONING.

Order of the Day No. 1: Hon. C. R. Story to move:

That By-law No. 30 of the Corporation of the City of Kensington and Norwood in respect of Zoning made on October 3, 1960, and laid on the table of this Council on June 20, 1961, be disallowed.

Order of the Day read and discharged.

POLICE OFFENCES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 11. Page 1159.)

The Hon. Sir LYELL McEWIN (Chief Secretary): Although this Bill is to amend the Police Offences Act the title does not in any way suggest its contents, which deal with the safety of people, particularly children who play with old refrigerators on refuse dumps. It is possible for a child to become locked inside a refrigerator, and if no-one were present to help him a fatality could occur. Of course, that could happen with a refrigerator in a house. This matter has been of great interest to the trade itself, to some magistrates and coroners, and to the Government; consequently, I support the Bill. However, one provision needs further consideration. New section 58b (2) refers to the commencement of the legislation, but it involves stocks of refrigerators already manufactured here or imported, and they will take some time to clear. Approaches have been made to the Government to have the legislation commence as from January 1, 1961. Unless a date is specifically mentioned legislation will become effective as from the date it is approved in Executive Council. In Committee I will move for the insertion of the date I have mentioned.

The Hon. C. R. STORY secured the adjournment of the debate.

INDEPENDENT SCHOOLS: SUBSIDIES.

Adjourned debate on the motion of the Honourable K. E. J. Bardolph.

(For wording of motion see page 1156.)

(Continued from October 11. Page 1159.)

The Hon. Sir LYELL McEWIN (Chief Secretary): This motion involves a new principle, for it suggests that the Government should make finance available to assist independent non-profit schools in the erection of school buildings. I am not aware that it is done in any other State.

The Hon. K. E. J. Bardolph: It is done in Canberra.

The Hon. Sir LYELL McEWIN: I said "State", and that does not include Canberra. I appreciate all that the honourable member said about the contribution that these private schools are making towards the education of children in this State, but because at the moment the cash resources of the State are heavily committed it would not be easy to alter a position that has continued for many years. It would be correct to say that private education preceded that in Government schools in this State, and so naturally, when listening to the honourable member, I wondered how the percentage of students attending private schools today compared with that of, say, 50 years ago.

I find the figures are rather interesting. In 1910 there were 52,929 in departmental primary schools with 1,592 at secondary schools, a total of 54,521, or 82 per cent of all school children; there were 11,978 in private schools, or 18 per cent. In 1920 there were 75,991 in departmental schools, or 84 per cent; and 14,000 in private schools, or 15 per cent. In 1930 there were 89,890 in departmental schools, or 85.2 per cent; and 15,599 in private schools or 14.8 per cent. In 1940 there were 76,228 in departmental schools, or 84.9 per cent; and 13,621 in private schools, or 15 per cent. In 1940 there were 89,974 in departmental schools, or 82.1 per cent; and 19,655, or 17.9 per cent in private schools; in 1960 there were 166,714 in departmental schools, or 83 per cent; and at both primary and secondary private schools there were 34,000, or 16.9 per cent.

The figures indicate that the percentage over the whole period has shown little variation, and that there is no additional special reason for Government support to private schools now than there was 50 years ago. It seems that the *status quo* has been preserved between the two types of schools, and that the Government has met its responsibility with regard to schooling. It is interesting to note that the costs have been much more stable in independent schools than in Government schools. That no doubt would be due to the advances that have been made in education generally, and the reduction in the number of students in each class. Years ago the average class held as many as 80 with one teacher, whereas today 30 would be about the average.

The Hon. K. E. J. Bardolph: That is only in departmental schools?

The Hon. Sir LYELL McEWIN: Yes, and that would account for the difference in costs per pupil as between Government and independent schools. The average cost of each pupil in a departmental school has risen from £5 3s. 4d. in 1910 to £100 6s. 4½d. in 1960, which is an increase in 50 years of over 19 times. In private schools the cost has risen from £19 10s. in 1910 to £140 in 1960, which is about seven times as great. Private schools are apparently much more favourably placed with regard to costs than are departmental schools.

The Hon. K. E. J. Bardolph: Are those figures supplied by the Statistician's Department?

The Hon. Sir LYELL McEWIN: The figures for private schools were obtained from one of the church schools in Adelaide with a full salaried staff.

The Hon. K. E. J. Bardolph: The figures I quoted were from the Statistician's Department.

The Hon. Sir LYELL McEWIN: I do not know whether the honourable member is challenging my figures?

The Hon. K. E. J. Bardolph: No, I am asking for the source of the information. I am not making any challenge.

The Hon. Sir LYELL McEWIN: These figures were supplied to me by the Education Department, and I do not think they would be understated with regard to departmental schools.

The Hon. K. E. J. Bardolph: I am only seeking the source of your information. I am not challenging anything. My figures came from the Statistician's Department and I would like to know where yours came from.

The Hon. Sir LYELL McEWIN: I did not dream them up.

The Hon. K. E. J. Bardolph: I am not suggesting you did.

The Hon. Sir LYELL McEWIN: They are reasonably accurate. I find there is today no greater disadvantage comparatively between the two types of schools. There is still apparently about the same percentage of children attending each type of school. I am not using these figures as a reason why assistance should not be given. As a matter of fact, the Government has extended its patronage, to some extent, to private schools. The supply of free books which at first went only to departmental schools has now been extended to all schools. Further, more assistance has been given to private schools by means of boarding allowances where there are no high schools provided which children in the country may attend. In such cases children who come to a city college receive a substantial contribution of up to £75 a year for boarding allowances. It may be said that the parents of children attending private schools today are on a better wicket *pro rata* than they were 20 to 30 years ago.

There is no need for me to go into the other costs that are being accepted by the Government in the education programme. The cost of training teachers is heavy, and a second teachers college is about to be built at a cost of several million pounds. A further contribution towards education is made by the provision of transport for children attending schools. There again, where acommodation is available on the buses children attending private schools are allowed to make use of that accommodation. I believe that the attitude of the Government towards education has not in any way been niggardly. As the position of the State made it possible, the Government has passed out more assistance to those attending private schools and has given recognition in that regard.

I support the remarks of the Hon. Mr. Bardolph about the type of teaching and its value, particularly to boarders attending schools where scholars are kept under strict discipline the whole of the time and where they have the advantage of learning to live with other people of their own age. That is a great advantage, but beyond that and coming back to the financial side I believe the Government is spending perhaps more than any other State to assist schools outside its own education programme. At any rate the present financial position does not suggest that that assistance can be extended any further. Consequently I cannot, at this moment, support the motion.

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

ALCOHOL AND DRUG ADDICTS (TREATMENT) BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary) obtained leave and introduced a Bill for an Act to make provision for the treatment, care, control and rehabilitation of persons who are addicted to the consumption or use of alcoholic or intoxicating liquors or certain drugs to excess; to repeal The Inebriates Act, 1908-1934, and The Convicted Inebriates Act, 1913-1934, and for other purposes. Read a first time.

The Hon. Sir LYELL McEWIN: I move:

That this Bill be now read a second time.

Its object, as its title suggests, is to make provision for the treatment, care, control and rehabilitation of persons who are addicted to the consumption or use of alcohol or intoxicating liquors or certain kinds of drugs to excess, and to repeal the Inebriates Act, 1908-1934 and the Convicted Inebriates Act, 1913-1934. For some considerable time the problem of the alcohol and drug addict has been causing increasing concern throughout the world. Several countries have provided special centres for the treatment of such addicts and the treatment carried out at those centres has contributed largely to the cure and rehabilitation of addicts.

It is now well recognized that imprisonment is not the answer to the problem and that an addict should not be subjected to cellular treatment. Imprisonment has no curative value in such cases and it provides no treatment other than food, shelter and sometimes clothing. This view is almost unanimously supported by the members of the medical profession and prison authorities throughout the world, but unfortunately very little has been done in the way of any constructive attempt to deal with the problem in Australia and many other parts of the world. In more recent times experts throughout the world have been advocating that with special treatment at appropriate centres, divorced from the environment of a prison or mental hospital, a high percentage of cases of addiction to alcohol and drugs could be cured of their addiction and restored to the community.

Forty-three per cent of the total number of admissions to the Adelaide Goal for the year ended June 30, 1960, were for drunkenness. That proportion includes a number of short-term re-admissions for drunkenness (some occurring as frequently as twenty times in the twelve months) but does not include persons convicted of offences committed while under the influence of alcohol or drugs. Considerable expense is incurred by the Government each year in connection with persons addicted to alcohol and drugs, particularly in relation to their maintenance at hospitals and gaols, then apprehension and escort, incidental court proceedings and their conveyance to and from gaols, hospitals and the courts.

In April this year the Government appointed an advisory committee to advise and report on the establishment of centres for the reception, care, control and treatment of alcoholics. That committee met on several occasions, examined schemes in operation in other countries and the incidence of alcohol and drug addiction in South Australia, and considered how the problem of addiction could best be met in this State. The committee reported to the Government that, in its opinion, the most effective means of meeting the problem is to establish one or more special centres for the reception and treatment of addicts and recommended that measures be taken at an early date for the provision of such centres but that such centres should not be associated with either a prison or a mental hospital. The committee also considered the nature of the legislation necessary to give effect to its recommendations and this Bill is designed to give effect to those recommendations.

Clauses 1 and 2 deal with the title, commencement and arrangement of the Bill. Clause 3 repeals The Inebriates Act, 1908, The Convicted Inebriates Act, 1913 and the enactments amending those Acts as set out in the schedule. Clause 4 contains the definitions for the purposes of the Bill, and here I would like to invite particular attention to the definitions of "addict" and "specified drug". An addict is defined as a person addicted to the consumption or use of alcoholic or intoxicating liquors or specified drugs to excess. A specified drug is defined as a drug to which the Dangerous Drugs Act applies, namely, a drug such as opium, morphine, cocaine and similar drugs, but power is reserved in the definition to declare by proclamation other harmful substances and drugs to which persons can become addicted. It is not intended to extend the list of specified drugs beyond those to which the Dangerous Drugs Act applies without due consideration of all the implications of such action. Consideration, however, will be given to the advisability of extending the definition to certain substances and drugs listed in the poisons regulations under the Food and Drugs Act which cannot be sold except on a medical practitioner's prescription.

Clauses 5 to 12 contain administrative provisions under which alcoholics centres may be established and constituted under the supervision of an officer who will be known as the Director of Alcoholics Centres and who will be appointed by the Governor. Power is also conferred on the Governor to appoint such other officers and servants as are necessary, with specific provision for the appointment of a Deputy Director and a superintendent for each centre. The general functions and responsibilities of these officers are defined. Special provision is also made for the appointment by the Governor of two official visitors for each centre, one of whom must be a special magistrate and the other a medical practitioner.

Clauses 13 to 29 deal with the admission, custody, control, leave and discharge of patients. Under clause 13 provision is made for the admission to an alcoholics centre of any addict upon application personally or by a relative, an adult probation officer or a member of the police force, supported by a recent medical certificate. Clause 14 provides that upon conviction of a person by a court of an offence of which drunkenness is an element or which was committed by the person while drunk or under the influence of alcoholic or intoxicating liquor or a drug, the court may, in lieu of or in addition to any sentence it may impose,

release the person on condition that he undergoes treatment at a centre for a period not less than six months and for a period not more than three years, remains under the supervision of a probation officer. If the person had two or more similar convictions within the preceding 12 months, the court may commit him to a centre for treatment for a period ranging from six months to two years, or release him conditionally as mentioned earlier. In order to facilitate proof that an offence was committed by a person while drunk or under the influence of alcoholic or intoxicating liquor or a drug, courts are empowered to make an endorsement to that effect on the record of the conviction, but such an endorsement is not to be admissible in evidence in any proceedings except for the purpose of the proposed legislation. Clauses 15 and 16 provide for the admission to an alcoholics centre of persons committed or released conditionally by a court.

Clause 17 requires persons admitted to an alcoholics centre to comply with the rules of discipline of the centre and the regulations applicable to patients and clause 18 provides that a person who escapes or absents himself from a centre or from the custody of any person under whose care or charge he is placed under the proposed legislation may be retaken and returned to his former custody. Under clause 19 members of the police force will be required to give assistance where necessary in enforcing the provisions of the legislation. Clauses 20 to 24 provide for the removal of patients to hospitals or other institutions for treatment; for the transfer of patients from one centre to another for treatment; for patients to be brought before the courts to be dealt with; for prisoners who are addicts to be transferred to alcoholics centres; and for unruly patients to be transferred to prison for the unexpired portions of their periods of committal.

Clauses 25 and 26 provide for the discharge of patients with power to extend the period of treatment in appropriate cases. Clauses 27 to 29 provide, with suitable safeguards, for the placing of patients under the care and charge of suitable persons and granting them trial leave. These provisions are considered most important and essential as they provide a means of testing a patient's power to resist the urge to return to his old habits after a period of testing a patient's power to resist the inquest to be held on the death of a patient within a centre and provide that the superintendent of the centre shall notify the Director and the patient's spouse or other known relative. Clause 32 provides for the assignment of duties and the granting of privileges and indulgences to patients. Under clause 33 each patient will receive a gratuity at such rate not exceeding 4s. a day as is prescribed. Provision is made in clause 34 for every patient to be classified by a classification committee whose constitution, function and duties are defined.

Under clause 35 it will be an offence to supply an alcoholic or intoxicating liquor or any specified drug to a patient or person committed to a centre or conditionally released by a court under the legislation with a penalty of £100, but such supply on the advice or authority of a medical practitioner or ignorance of the fact that the person supplied was a patient or a person so committed or released would be a good defence. Ill-treatment of a patient by an officer of a centre or by a person under whose care or charge the patient has been placed will also be an offence under clause 36, punishable with a fine of £50. Clauses 37 and 38 prescribe certain minor offences which, when committed by a patient in a centre, may be dealt with by the Director or the official visitor who is a special magistrate. Clauses 39 and 40 provide for the making of rules of court and regulations for carrying out and giving effect to the objects of this legislation. Clause 41 provides for the summary disposal of all proceedings for offences under the legislation and clause 42 contains the financial provision necessary for the administration of the legislation.

This problem has been under consideration by the Government for some time and latterly by a special committee appointed by the Government. The committee which drafted this legislation as the foundation to carry this project into effect is satisfied that the Bill goes as far as possible at the moment. The Government has just sent the Sheriff and the Chief Probationary Officer abroad. I believe there are only about two places which can provide any pattern, but the Government feels that it should obtain the most reliable information that can be of assistance in putting this project into operation. It is one that has been sought by many people, not only by social workers but by those who themselves have been addicited to this particular weakness. I am pleased to be in a position to bring this legislation forward this session in order that something may be commenced in this State which I am sure will be a pattern and a lead to other parts of Australia.

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

REAL PROPERTY ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Real Property Act, 1886-1960. Read a first time.

The Hon. C. D. ROWE: I move:

That this Bill be now read a second time.

It effects two amendments to the Real Property Act. The first, which is made by clause 2, repeals section 20 of that Act, which requires every Registrar-General, Deputy Registrar-General and Acting Registrar-General to make a formal declaration that he will perform his duties before a judge of the Supreme Court. Although there is no objection in principle to such a provision, the fact is that in practice it causes delays where appointment of an Acting Registrar-General for however short a period is required. In any event the taking of such a formal declaration appears to serve no useful purpose. All officers of the Registrar-General's Department are bound by law to perform their duties. The Government, therefore, considers that section 20 should be repealed for practical reasons.

The other amendment, made by clause 4, inserts a new clause into the principal Act, which is designed to get over certain practical difficulties arising out of the operation of the Town Planning Act. By section 14a of that Act, upon the deposit of any plan of subdivision that provides for an easement to the Minister of Works or a council for sewerage, water or drainage purposes, the land is made subject to such easement without compensation. The Registrar-General of Deeds is required to register such easement. It frequently happens, however, that an easement is no longer required by the Minister or council, or is required over a different portion of the land. Where the easement is no longer required the Registrar-General can do nothing about the title and this means that the registered proprietor holds a title showing an easement which has been disclaimed by the person entitled. The object of the new proposed section is to enable the Registrar-General to make the necessary entries in such cases. It provides that the written consent of all persons having an interest in the land must be obtained. The amendment is of a practical nature and will operate to avoid some difficuties which have occurred in the past.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 1.).

Order of the Day No. 1: The Hon. N. L. JUDE to move:

That this Bill be now read a second time.

Order of the Day discharged.

CONSTITUTION ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Consisting of only one operative clause, it amends the provisions of the Constitution Act of the State concerning the allowance of His Excellency the Governor. The reason for the Bill is that the present Act provides for an allowance adjustable according to what has been known as the "C" series index, a statistical figure hitherto employed by the Commonwealth as an index of price changes which has been supplanted by what is considered to be a more satisfactory formula. The Government has obtained from the Commonwealth Statistician a figure which he estimates as what might have been the "C" series index figure for the current year and, on the basis of that figure, introduces the present amending Bill, which sets the basic figure at approximately what application of the "C" series would have produced in relation to 1961, namely £7,000, and sets that figure as the amount for the current year and fixes future annual expense allowances by reference to that amount as it may be affected by the future index figures which the Commonwealth Statistician has now adopted.

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

HOUSING AGREEMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The purpose of this Bill is to authorize the State to become a party to a housing agreement which amends and extends the 1956 agreement between the Commonwealth and the State. The authority to execute the agreement is contained in clause 2, whilst the amendments to the 1956 agreement are contained in a schedule to the Bill. Clause 3 authorizes the State to accept moneys from the Commonwealth, and to readvance such moneys to the Housing Trust, to building societies, and to other approved institutions. Clause 4 empowers the Treasurer to

provide for expenses incurred by the State in connection with the administration of advances from the Home Builders' Fund.

Clause 5 authorizes the Treasurer to make temporary advances to the Home Builders' Fund, in those cases where monies are properly payable from the fund, at a rate which exceeds the rate at which instalments are received from the Commonwealth. This will enable a steady programme of advances to be maintained.

The need for such a new agreement arises because the current agreement expired on June 30, 1961. Conferences have been held with a view to inserting amendments in the new agreement, and, whilst the Commonwealth was not prepared to accept all of the State's requests, and conversely the States were not prepared to adopt all of the Commonwealth's stipulations, the document included in the schedule to the Bill represents the best compromise between the differing points of view.

The agreement has been written in the form of amendments to the 1956 agreement, to allow administrative arrangements under the old agreement to continue without a break, thus facilitating financial administration. The amendments do not involve any major change in the substance of the present agreement. In summary they involve:

(*a*) The period of operation of the agreement is extended for a further five years from June 30, 1961 (clause 2 (1)).

(*b*) The obligation upon the States, whereby in the last three years of the 1956 agreement the States were obliged to allocate at least 30 per cent of their total advances for the provision of finance to home builders through building societies and other approved institutions, is to be continued for the next five years (clause 2 (2)).

(*c*) The 1956 agreement provided that, if requested by the Commonwealth Minister, the State should earmark up to 5 per cent of the finance available to the housing authority for the provision of homes for defence personnel. The Commonwealth thereupon matches this amount. In addition to continuing this provision the new agreement provides that the contributions by each party may exceed 5 per cent of the finance available to the housing authority providing the Commonwealth so requests and the State agrees (clause 2 (3)).

(*d*) The moneys to be provided by the Commonwealth will bear interest at a rate 1 per cent below the current long term bond rate. Whilst this is the same principle as had applied under the 1956 agreement the States made strenuous but unsuccessful endeavours to have this rate retained at 4 per cent for the duration of this agreement (clause 2 (4)).

(*e*) A further amendment deals with conditions under which blocks of multi-storey flats may be built from Commonwealth advances (clause 2 (5)).

(*f*) Under the 1956 agreement individual agreements were made between the Commonwealth and each of the States dealing with the allocation of portion of the advances to institutions other than building societies. Considerable variations existed in these several agreements in respect of the terms of such allocations. The amended agreement now provides for greater uniformity of action. It provides that in any year the allocation of finance to home financing institutions other than building societies shall be as approved by the Commonwealth Minister, and defines the basis upon which this approval will be given in Clause 2 (6).

Clause 4 of the agreement provides that houses built under earlier agreements may be sold on the same basis as those under the 1956 agreement, that is, on terms and conditions as decided by the States, instead of having the terms specified in the agreement by the Commonwealth.

These housing agreements have made a significant contribution to housing finance and, through the provision of money at interest rates less than applicable to public loans, to reducing the cost of houses, both for rental and for sale, and to encouraging home ownership. This year the State will receive £8,000,000 pursuant to this agreement. Of this amount £4,250,000 will be advanced to the Housing Trust, and the balance, £3,750,000 will be available for advances to home purchasers through the State Bank and through building societies. I commend the Bill to honourable members.

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

HOUSING IMPROVEMENT ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The object of this Bill is to clarify the powers of the housing authority (which is in fact the Housing Trust) in relation to the erection of houses for persons or approved bodies, shops, workshops and factories. Under the present Act the specific powers of the housing authority are related to the improvement of substandard housing conditions, clearance of areas, assistance to housing corporations and, in relation to housing, the provision of housing for persons of limited means.

The principal Act was amended in 1958 to enable the authority to erect on its own land, with the consent of the Governor, shops, workshops, factories, halls or buildings which, in the opinion of the authority, would beneficially provide for the requirements of persons inhabiting houses erected by the housing authority. This amendment did not cover the erection of houses generally, nor did it provide for the erection of houses on land not owned by the housing authority. Certain doubts have been expressed concerning the powers of the housing authority in respect of the erection of houses or other buildings on land not owned by the authority and one of the objects of this Bill is to define in clearer terms and with greater precision the functions and powers of the authority in this respect and at the same time to validate the activities of the trust in relation to the erection of certain buildings on land not owned by it.

Clause 3 of the Bill accordingly repeals the present subsection (4) of section 16 of the principal Act which was inserted by the 1958 amendment and constitutes a number of additional subsections. The new subsection (4) will empower the authority to erect houses on its own land for disposal, to erect houses on other land for any persons or approved bodies and to erect houses or buildings of any kind on other land for any Government department or instrumentality. Subsection (5) will empower the housing authority, with the consent of the Governor, to erect in its own land shops, workshops or buildings which, in the Governor's opinion, it is desirable to erect for the services and convenience of persons occupying houses erected by the housing authority. The same subsection will enable the authority to erect factories on its own land, subject to the prior recommendation of the Industries Development Committee.

The new subsection (6) will empower the authority to let or sell any houses, shops, workshops or factories which it has erected on its own land. Subsection (7) will require the authority to make appropriate arrangements for payment for undertaking the erection of houses on land not owned by it. Subsection (8) will require the authority in all cases to take proper security to cover all moneys due to it. Subsection (9) defines "approved body", while subsection (10) is a financial provision. The new subsection (11) is designed to validate activities already commenced by the housing authority prior to the commencement of the present amending Bill. Clause 4 of the Bill is designed to enable the housing authority with the Governor's consent, to carry out works in connection with development of lands for housing purposes.

I commend the Bill for consideration of honourable members.

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

ROAD TRAFFIC BILL.

Adjourned debate on second reading.

(Continued from October 17. Page 1277.)

The Hon. A. J. SHARD (Leader of the Opposition): I rise with some pleasure to support this Bill, because it is the culmination of something which I said was desirable when I first came into this Chamber. With my satisfaction I would couple the Hon. Sir Arthur Rymill because he joined with me in 1957 in suggesting that the existing Act was too large and the language was not as plain as it should be. On that occasion I spoke to Sir Edgar Bean, who gave much thought to our suggestions that he should consolidate the Act, and agreed that it was not as plain and straightforward as it might be. He did suggest that any honourable member who could put forward an improvement should do so and it would be accepted. At that time I said it was work for the Parliamentary Draftsman, and it was left at that.

I want now to pay a compliment to Sir Edgar Bean for his efforts in drafting this Bill, because he deserves great praise for voluntarily undertaking the task of consolidating our traffic laws, and doing it after retiring as Parliamentary Draftsman as a gesture of goodwill to the State for which he has worked for so many years.

This is a large Bill. I have read most of it, and while I do not say I understand everything in it, I am sure that the language of the

Bill is much better than the present Act, and honourable members should be able to follow it with reasonable clearness. The Bill is essentially a Committee Bill, but I wish to make one or two comments on it because I have some doubts as to what might happen. If I have read the Bill correctly, the Road Traffic Board will be a sort of governing director over councils and may decide what markings they may place on roads and what signs they may erect. If that is to be the position it will be a good move, because if one thing is necessary it is the need for uniformity of signs to mark school entrances, cross-overs, etc. Uniform marking will enable everybody to know what the signs, pathways and lines mean. We have too many "stop" signs and roadway crossings at schools. We have blinking lights, green and red lights, press button lights and that terrible thing in Grote Street. This variety of signs is wrong and we should have something uniform. If it is the Government's intention to give the Road Traffic Board the job of bringing about uniformity in that direction Parliament will have achieved something of which it may be proud.

The Bill contains clauses about which I have some misgivings. The Road Traffic Board is to be given the right to do certain things by regulation. I know that possibly the Government has some fears about this also because, in the second reading explanation, the Minister said:

It is proposed to give the Road Traffic Board two new functions, one is to promulgate information as to traffic laws and regulations as well as road safety. It is thought that whenever any important change in traffic laws or regulations is proposed the board should take steps to ensure that it is well publicized.

I was glad to hear that, because I am able to refer to a classic example and, without being too critical of the Adelaide City Council, I believe it has about 50 regulations in connection with its traffic by-laws. Some of the regulations give the council authority to do certain acts on motion. The last figure I had indicated that there were 150 motions on the book dealing with traffic. It is absolutely impossible for any citizen to know all those things.

From my experience on the Subordinate Legislation Committee I realize how few people know when these regulations are made and I also appreciate how little publicity the regulations receive. I suggest that the Minister make sure that the board gives full publicity to whatever regulations are made because it is not fair to motorists if regulations are made that are not readily available to the public. This publicity will be doubly necessary in the future because, as I read the Bill, one of the board's powers will be to specify various speed limits in different zones. Unless some form of notice is erected clearly showing the zone and the speed at which motorists are allowed to travel, I believe there will be much trouble. One of the clauses I wish to comment on and with which I do not agree in full is clause 58 (3). This refers to passing vehicles and prescribes that:

The driver of a vehicle may pass a vehicle proceeding in the same direction on the left when the carriageway has two or more marked lanes for vehicles proceeding in the same direction and the passing vehicle is in a lane on the left of the lane in which the other vehicle is proceeding and it is safe to pass that other vehicle on the left.

That would be highly dangerous. I agree it is necessary to keep slow-moving traffic in lanes, and between North Terrace and Flinders Street that may be all right, but I hate to think what might happen when people start to pass in lanes on the left in fast-moving traffic. I dread to think what may happen on Anzac Highway. If there is room for a fast-moving vehicle to pass on the left the correct thing should be for the driver of that vehicle to sound his warning device in an effort to make the driver travelling on his right move over to the left to allow him to pass.

The Hon. N. L. Jude: Where you have three lanes and a person wishes to turn to the right some distance ahead he will move into the right-hand lane and he may be passed on the inside.

The Hon. A. J. SHARD: That is all right, but I wish to show how contradictory the Bill gets in this particular clause. We have this clause and also clause 60, which deals with the very thing the Minister mentioned. Therefore, we already have in the Bill two clauses that are closely associated but which are contradictory. That is why I mentioned the point. I agree that passing on the left should be permitted in close slow-moving traffic, but when one considers the increase in traffic and the marking of roads with laneways, particularly South Road, Anzac Highway, Port Road and possibly the Main North Road, if people are permitted to pass on the left-hand side one day there will be a big accident.

The Hon. G. O'H. Giles: Where is the contradiction? I cannot follow that.

The Hon. A. J. SHARD: It is in clause 60. We should keep to the practice that we know. Members should express their views on what they consider are dangers.

The Hon. F. J. Potter: Doesn't this apply only where there is a marked lane on the roadway?

The Hon. A. J. SHARD: Yes, but I maintain that it is dangerous on a marked carriageway, to permit traffic to pass on the left-hand side. If there is room to pass on the left-hand side the correct and safest thing to do is for the person on the right-hand side to move over to the left to permit the faster vehicle to pass him on his right. That has been the existing law, except where a right-hand turn is about to be executed.

The Hon. Sir Arthur Rymill: That is a small town practice, but it does not go on overseas.

The Hon. A. J. SHARD: Time will tell whether my warning is sound or not. Clause 60, which deals with the duty of a driver when being overtaken, reads as follows:

(1) The driver of a vehicle, upon the sounding of the warning instrument of another vehicle approaching from behind—

(*a*) shall, if it is safe to do so, move his vehicle to the left to the extent necessary to allow the other vehicle a reasonable space to pass his vehicle on the right.

That is exactly what should be done.

The Hon. N. L. Jude: This clause deals with roads that are not marked.

The Hon. Sir Arthur Rymill: Read subclause (2) (*a*).

The Hon. N. L. Jude: Subclause (1) does not apply.

The Hon. A. J. SHARD: It is contradictory. Subclause (2) reads:

Subsection (1) of this section does not apply—

(*a*) where a vehicle on a carriageway marked with two or more lanes for vehicles proceeding in the same direction is about to pass another vehicle on the left;

(*b*) where the driver of the vehicle in front gives a signal of intention to turn to the right.

The Hon. N. L. Jude: Subclause (1) does not apply.

The Hon. A. J. SHARD: If it applied and everyone moved to the left, it would be much better.

The Hon. F. J. Potter: You are criticizing drivers and saying that they are not disciplined enough.

The Hon. A. J. SHARD: It is wrong for a vehicle to pass another vehicle on the left when they are both travelling in the same direction.

The Hon. Sir Arthur Rymill: It is provided that one can only change lanes when it is safe to do so.

The Hon. A. J. SHARD: It is far safer to provide that the person on the right should move over to the left and allow the other vehicle to pass on his right. Clause 78 deals with the duty of a driver to stop at "stop" signs. This matter has always been a bone of contention and I should like to see the position made clearer. Subclause (1) reads:

A driver approaching a stop sign at an intersection or junction from the direction in which the sign is facing shall stop his vehicle before any part of it reaches the stop line, or if there is no stop line, before any part of it passes the stop sign.

My only complaint is that some "stop" signs are too far back from an intersection to be of any practical use.

The Hon. N. L. Jude: It is a defect that can remedied.

The Hon. A. J. SHARD: I have in mind the position at Park Terrace and Walkerville Terrace, known as Buckingham Arms corner. If this law were given effect to, one could not see the "stop" sign in sufficient time. Clause 168 deals with the power of the court to disqualify a driver on conviction. I have referred to this question previously and later I intend to move an amendment. Subclause (1) reads:

(1) When a person is convicted, before the Supreme Court or any other court, of—

(*a*) an offence against any provision of this Act relating to motor vehicles; or

(*b*) an offence (under this Act or any other Act or law) in the commission of which a motor vehicle was used or the commission of which was facilitated by the use of a motor vehicle,

the court may order that that person be disqualified either for a period fixed by the court or until further order from holding and obtaining a driver's licence.

(2) The court which makes an order under this section may, if satisfied that reasonable cause exists for doing so, order that the disqualification shall take effect from a day or hour subsequent to the making of the order.

Some persons charged before the Supreme Court with an offence associated with a vehicle are awarded a term of imprisonment and in addition are disqualified from holding a driver's licence for a period after they have served their sentence. I know of several such cases that have resulted in real difficulty to the persons concerned. Clause 172 deals with the

removal of a disqualification and includes the following:

(1) Where an order has been made against a person disqualifying him from holding and obtaining a driver's licence until further order that person may on complaint duly laid before a court of summary jurisdiction, and served on the Commissioner of Police as defendant to the proceedings apply to that court for an order removing the disqualification . . .

The person who has an order made against him for a definite period has no right of appeal.

The Hon. Sir Arthur Rymill: He has the right of appeal in the first instance.

The Hon. A. J. SHARD: Only against the full sentence but not only against the disqualification of his driver's licence. There are two kinds of disqualification—one is for a fixed term and the other for a permanent period. When it is for a fixed term, he cannot apply for a licence until that period expires; but a person who is disqualified until further order has the right of appeal every three months if need be in order to get his licence back. After a man has served his gaol term and he is endeavouring to rehabilitate himself, it may be necessary for him to drive a vehicle in order to earn a living. He would have no quarrel with the judge or magistrate who sentenced him, but to tack on two or three years of disqualification from driving a motor vehicle would seem to be harsh. I think he should have the right to apply to the court to get back his driving licence after serving his term of imprisonment and showing that he had rehabilitated himself.

The Hon. F. J. Potter: It would be difficult to prove.

The Hon. A. J. SHARD: I understand that before they are released decisions are made about people who are about to come from gaol. I know of a case where a man did everything possible to rehabilitate himself, yet did not get back his licence. In Committee I will move to delete the words "until further order" from clause 172 (1), and to insert at the beginning of clause 172 (2) the words "except on the ground that a driving licence is necessary to the applicant's employment."

The Hon. Sir Arthur Rymill: I think that has been tried elsewhere.

The Hon. A. J. SHARD: Yes, at my suggestion. One or two members in another place hold similar views.

The Hon. Sir Arthur Rymill: I wish you luck here.

The Hon. A. J. SHARD: We can only try. I can see no objection to the proposal because it is not mandatory. I want to give the person who is trying to rehabilitate himself the right to apply to get back his licence. There would be the judge or magistrate's report, the record of his behaviour in gaol, and the record of how he had acted since release. Is there anything wrong in his applying to get back his licence? Western Australia takes away a licence except during the time the man is employed. I would be happy if that applied here. I would agree to a person being allowed to drive his motor vehicle during the course of his employment, with the licence being taken away at other times. I have had the pleasure of knowing some Supreme Court judges and they have told me that the hardest part of their duties is to sentence people. I understand that the length of time the licence is taken away is excessive in some instances. I want the individual concerned to have the right to apply to get back his licence. There will be other speakers in this debate and they may have better luck with their suggestions. In Committee I will no doubt speak on other clauses. I support the second reading and congratulate Sir Edgar Bean on doing a really good job.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I support the second reading with the most minor reservations. I can often recognize a hint when I hear one, and yesterday the Minister gave us a broad hint that he regarded this as a Committee Bill. I thought he rather meant that we should not talk about it much in the second reading stage. I reserve my prerogative to ignore this when I consider it necessary to do so, and I add my widow's mite to the second reading debate, which as far as I can glean at this stage is not likely to be extensive, because most of the amendments are acceptable.

I can remember a most distinguished member of this place (Sir Collier Cudmore) saying many times that he thought England's road traffic code, a voluntary one, was much better than the compulsion we have in South Australia. There is a great deal to be said for his way of thinking. In England there is a voluntary code in which there are no penalties. There is also a compulsory code, but it contains a much smaller set of rules than we have here. I believe that Sir Edgar Bean has produced in this Bill the next best thing to the voluntary code to which Sir Collier so often referred. To my way of

thinking, and I have had some experience in the law, this Bill is a masterpiece of draftsmanship. It sets out the code in such clear language that it should be completely understandable to the layman, or at least in so far as legal things are understandable to the layman. Certainly the portions directed to the conduct of drivers on the roads are understandable to those who read them. Sir Edgar is obviously a grand master of draftsmanship; he is a past master in the best sense of that term, and I can only say, in common with other honourable members, that Sir Edgar has obviously not been having a busman's holiday but a busman's retirement, because this Bill must have taken many weary hours to draw. It really is not only a wonderful piece of draftsmanship but a complete restatement of the law, to my way of reading these things. I say that as one who has had considerable experience of the operation of the Road Traffic Act, because I appeared in the traffic court every working day of my life for many years and became fairly familiar with the Act.

In many instances, this Bill not only is a restatement in very clear terms of that Act, which had become very complicated by reason of the many amendments superimposed on the original draftsmanship, but is a statement for the benefit of motorists of many judicial decisions with which the layman certainly would not be familiar. If one turns to the right of way section, clauses 62 to 69, one will see not only the old section 131, which was in the old Act and is engravened on my heart because I appeared in many cases where the law was formulated or interpreted in relation to that section, but the treatment has clarified that section while retaining most of its original verbiage. That is particularly important in relation to a section that has been subject to so much judicial interpretation, because if different language had been used then it is quite possible that a whole new series of cases would have had to be indulged in to re-interpret the new language. The section is restated, but it is further divided up for the sake of clarity, and in addition certain things are restated, that were originally the subject of judicial decision, for the benefit of the motorist wanting to really know the law.

For instance, clause 66 states that the driver of a vehicle about to enter or entering a road from private land shall give the right of way to any vehicle or person on that road. If my recollection is correct, that was not originally in the Road Traffic Act, which referred to public roads and public places, but it now makes it clear that the driver does not get any right of way when coming out of private land. Similarly, clause 72 states that a driver when about to make or making a right turn, or when proceeding across a road after having turned to the right in that road, shall give the right of way to all vehicles coming from the opposite direction. I have not looked up the old Act lately because it has not been necessary for me to do so, but, if my memory is clear, that was not in it, but was the subject of a judicial decision by the late Mr. Justice Richards in the case Drew v. Gleeson decided in about 1937 in which it was held that where a vehicle is already on an intersection the driver does not, by altering his course, acquire a right of way as against the driver of another vehicle who is continuing his course in an opposite direction across the intersection. That is the type of thing that makes this such a clear and useful Act to anyone who really wants to know the law on road traffic.

The Hon. Mr. Shard referred to driving tests, and I think it should be made obligatory for every person sitting for a driving test to read the whole of the Act. I do not know how much it is necessary for them to know in order to answer the questions, but this is such an admirable piece of literature, one might say, that it should be read by everyone, or certain salient sections at least should be read by everyone who is an applicant for a licence.

The late Mr. Justice Angus Parsons said that the Road Traffic Act was directed to motorists and should be interpreted by the Supreme Court as such. All I can say now is that the Act is not only directed to motorists, but it is put in language that should be clear to all motorists and thus should be of great benefit to everyone. I do not propose to deal with the whole of the second reading explanation, but I do want to make a few comments on some of the points made by the Minister. First, the term "median strip" has been abandoned, and that was a term with which I was not greatly enamoured. "Divided strip" and "divided road" have been substituted. In England they still use the term "dual carriageway", which I think may be even more out of date.

The Road Traffic Board has been given two new functions: to promulgate information about traffic laws, which is a good thing; and to remove misleading traffic signs erected by private persons. I have no objection to either

of these new functions, although, as honourable members know, I have been a little dubious about certain difficulties that can, and I think will, arise out of conflict between the board and other traffic authorities unless the board proceeds with great care and thought on every matter. There is a new "give way" sign introduced, but I will say more about this later, as this is completely new. Speed zones are in again, but of course this is more a matter of consolidation. I may add that this Bill is a consolidation which also creates amendments to the law and probably this is one of the most difficult types of Acts that honourable members have to consider. It is essential that one should have a second reading speech pointing out the specific amendments made, because it is almost impossible for a private member to go through both Acts and compare them.

We are grateful to the Minister for his clear and carefully prepared second reading speech, which has been of great assistance to me. Speed zones are a good thing and I support that provision. Regarding accident reports, I think there was a provision previously referring to trivial accidents, but no-one knew what it was. It said something about damage to property and most people were afraid not to report an accident of a trivial nature, which meant that the department was littered with unnecessary reports. This Bill makes it much more specific but there is still some difficulty of interpretation. Who can tell whether £25 worth of damage has been done? I was involved in a chain accident about 12 months ago in King William Street, of all places. The driver in front of me stopped at a traffic sign. I stopped behind him and someone else stopped behind me. At least five to 10 seconds later a negligent driver behind us hit the car behind me, that car hit my car and I hit the vehicle in front of me. My vehicle was stove in fore and aft. I was the only driver to receive damage to his vehicle.

A policeman came up to me and said clearly, "What do you assess the value of the damage to your vehicle at?" I said, "How on earth could I know?" He seemed rather surprised at the ingenuous statement on my part that I did not know how much damage I was up for to my car. He said, "You must have some idea?" I said, "I cannot possibly tell you. I do not know what has happened underneath. I do not know what may be out of alignment. It may be £10, £50 or £100." He was disgusted with my stupidity, but that still remains true on this assessment in the Bill of the £25, although I believe the authorities will take a lenient view of anybody who finds the damage much more extensive than appears on the surface. There is a difficulty there, but it cannot be overcome. I am sure the Government has done its best in that particular clause and consequently I will certainly support it.

The penalty for dangerous driving is an essential amendment bringing it more into line with other matters, but the police have not for some years been enforcing the 25 mile an hour speed limit over intersections. I remember that there was a blitz on that about 20 years ago when everyone was frightened to drive at more than 20 miles an hour over an intersection because the police were waiting everywhere for the person who exceeded the limit, even unwittingly. I can remember appearing for and defending or pleading guilty for many people who were going north along King William Road across Pennington Terrace. They were prosecuted for exceeding 25 miles an hour although they had an absolutely clear view to the right and to the left. Nevertheless, they were fined. It is a very good thing that this provision is to be abandoned because, as the Minister said, there are other clauses that can deal with persons who do dangerously or carelessly go across intersections at an excessive speed in different circumstances, whether it is at 25, 50 or 10 miles an hour. There are several dragnet clauses in the Bill that can be invoked to cover that although I must say, from the police point of view, it is more difficult to get a conviction under a general section than under a particular section.

The same applies to the 10 mile an hour limit in the metropolitan area when making a turn around corners. In the draft Bill as presented in another place that particular clause was omitted from the Bill but the other place, in its wisdom, re-inserted it. All I can say about that is two things. Firstly, I feel that other dragnet clauses I have referred to cover the matter and can be invoked in the case of someone driving at an excessive speed around a corner. The other thing is that much expense is being incurred by the Highways and Local Government Department and various councils, particularly the Adelaide City Council, to produce intersections that have left-hand by-passes on them and that have neither the need for traffic lights nor the need for speed limits. That is done deliberately to clear the traffic and to stop littering the place up with traffic, except in those places where traffic lights are really needed. If we are going to have this obsolete 10 mile an hour

limit for left-hand turns the City Council and the Highways Department have been wasting £30,000 a time trying to open out these intersections for the use of motorists because, if everyone has to slow to 10 miles an hour to go around them, what is the use of spending vast sums of money to enable them to go around safely at far higher speeds? It seems to me the people who supported the amendment reinstating that limit in another place did not really direct their minds towards that at all. They must have said, "If it was necessary in the past it is necessary in the future and the slower you go the fewer accidents that are likely to occur". That is very true. The slower you go the fewer accidents that are likely to occur and the fewer the people that are likely to get to the least number of places in the greatest possible time. We must be up-to-date in our thinking on these things and we must have a 1961 attitude on the matter.

The Hon. K. E. J. Bardolph: Don't you think there are too many traffic experts?

The Hon. Sir ARTHUR RYMILL: I do not know that I will go completely with the honourable member on that point. In my opinion traffic experts are becoming more and more inclined to lay down dogmatic rules of thumb that they follow in all circumstances. I believe traffic lights should be designed in relation to the particular places and conditions they have to combat and I do not believe rules of thumb should be the complete criterion that some traffic experts seem to believe they are. I have seen enough of that over the last 10 to 20 years to know that fashions reverse themselves. It is like spinach being good for children one year and bad for them the next year, medically speaking. It is the same sort of thing.

I know that the Minister is an expert on the question of speed limits for commercial vehicles because he has had a great deal to do with that. I am perfectly prepared to rely on his judgment in that matter. So far as ferries are concerned, I will leave them to country members. I have no doubt that they are experts on that question.

I wish to refer to "give way" signs in relation to the penalties attached to them. Disqualification has been made compulsory under this Bill as a penalty for failure to give way on a second conviction for this offence. The reason given for that is that failure to give way to a vehicle on the right has always been one of the disqualifying offences, and it seems reasonable that failure to give way at a "give way" sign should be a disqualifying offence. That does not appeal to any commonsense I might possess, because everyone knows which side is his right-hand side. If he does not know that he should not be driving a motor vehicle. It is terribly easy to miss a traffic signal on the road. These "give way" signs not only are there for clarifying dual highways or divided roads, as they are now called, but they can also determine whether you give way to your right or your left.

If one misses one of these signs in two different places on two occasions and one has the misfortune to have a policeman watching in the vicinity, one compulsorily will lose his licence. I know how easy it is to miss a "stop" sign and unfortunately I still do it; and occasionally I do it even when I have passed that way before and know that the "stop" sign is there, but have forgotten. I suggest to the Minister that a positive requirement of disqualification on a second offence for missing a "give way" sign could be quite unjust in certain circumstances. To err is human. I know that I shall miss plenty of these "give way" signs unwittingly, and not because I am negligent, but because I am doing my duty by looking straight ahead. One is not looking to the left all the time, although a good driver does that when he can. However, one cannot do it in heavy traffic, where these "give way" signs are likely to be; and if one misses a "give way" sign twice in the manner I have mentioned one is liable to disqualification compulsorily on the second offence. I think this is hard and that it should be left to the courts to judge the circumstances of each case rather than be put into the arbitrary field based on the necessity to give way to the right, which is an entirely different thing. One knows that if one fails to give way to the right, one has done the wrong thing. One knows that under the law one must give way to the right. There is no question there of failing to see a sign, which may be anywhere or nowhere. I hope that the Minister will have another look at this question.

As to traffic lights, this matter used to be controlled by regulation. It was then put into the Act, but the types of traffic lights have been altering quite a lot recently. I think it is better, at least for the time being, to place this matter under regulation again. I intend to move an amendment to clause 82, which deals with the question of ranking and parking in streets. At the moment there is a proviso dealing with the position where parking at an angle

is permissible that the authority must paint the street or mark that particular place with a sign. It does not seem to be very sensible in capital cities, because there are many streets where angle parking is not only used, but is also extremely desirable. If the local authority has to go to the expense of erecting various signs or regularly painting the roadway, it will be fairly onerous on that authority for no particular reason, because there is no difficulty around Adelaide, where everyone knows where one may park or rank.

The Hon. A. J. Melrose: It would depend upon the width of the street too.

The Hon. Sir ARTHUR RYMILL: That has a great bearing upon it. One seldom sees people ranking where they should park, or *vice-versa,* around the city. This provision could cause considerable and unnecessary expense. The Bill provides for experimental traffic schemes. If it is necessary to provide for them it is a good thing and should have our full support. Experiments can save much trouble and unnecessary expense.

The only other thing to give me some concern relates to the question of the Government's having the power to regulate or prohibit the standing of vehicles in the City of Adelaide. That has always been the prerogative of the Adelaide City Council, which is charged with the duty of paying for the upkeep of the various requirements relative to that kind of thing, such as the policing of it, marking, etc. I suppose that parking meters also come into it. There is also a provision relating to the driving of vehicles on prescribed roads. I cannot see that it has any application to the City of Adelaide, where traditionally these things are regulated by the council. I see some difficulty in drawing an amendment to the clause, because the Police Department as well as the Lord Mayor have always had some powers over this matter. Although I am not happy about the clause, I cannot devise an amendment to the verbiage which would express the feeling I have about it, because one would not want to deprive the Police Department of its rights temporarily and from time to time to make certain dictates about traffic; for instance, for traffic on Christmas Eve travelling down Rundle Street. This is generally attended to by the Lord Mayor and even by the Police Department as well. One would not want to deprive the Police Department of the right to indulge in these temporary measures, but I do not think that the Adelaide City Council's rights of control should be impaired permanently. I suppose that one may rely upon the good sense of the authorities not to invoke this particular power of making regulations unnecessarily; but it seems to be a thing that could be used to the disadvantage of the public at large by having once again more than one authority regulating the same matter. I shall give further consideration to this before we get into Committee.

I agree with the Minister that this is mainly a Committee Bill, but I wanted to make my observations because although I dealt with specific clauses they were really general observations relative to the generality of the Act. In doing that kind of thing one has always to refer to particular parts of the Act. I have already referred to several clauses that may be improved. The Bill represents a most commendable effort on the part of the Draftsman and it should have the general support of every honourable member. I imagine that although there will be a few amendments they will not be a great number, because I cannot see anything very controversial in the Bill.

The Hon. N. L. JUDE (Minister of Roads): I take this opportunity to make an explanation. Unfortunately Sir Edgar Bean is away in Sydney and I know that he has two or three minor amendments to be made to the Bill. One deals with section 82, which was mentioned by Sir Arthur Rymill. I think we would not be courteous if we pushed on with the Bill in Committee without knowing which amendments Sir Edgar Bean wants moved. I assure the Hon. Mr. Shard that one of the chief objectives of the Government in connection with the Road Traffic Board is to improve public relations on traffic matters. That is why we think publicity should be given to regulations promulgated from time to time. Wherever possible the public should be informed of the position. Of course, ignorance of the law is no plea, but where possible the public should be told of the various regulations. In Committee I will deal with the various clauses referred to by members. I will move a few minor amendments, but I think we should wait until Sir Edgar Bean returns on Tuesday before proceeding very far with the Bill. I thank members for their consideration of the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation".

The Hon. A. J. MELROSE: We use the "stop" sign to a great extent, but in this

clause there is no definition setting out the length of time that a vehicle must stop. In our mathematics lessons at school we learned the definition of a curve is that it is a straight line. I do not know whether that has anything to do with out "stop" signs, and I wonder whether the Minister has any information on the matter. In some places it is not necessary to stop. Crawling past the sign is permitted. There is no mention anywhere that the time of stopping should be one-tenth of a second or a week.

The Hon. N. L. JUDE (Minister of Roads): I think that the "stop" signs are effective. We have other signs indicating that there must be a slow speed and so on. I have not heard previously that the "stop" signs cannot be understood properly. The matter is dealt with by the police. For a vehicle to roll past a stop sign is contrary to the provisions of the Act. I think the position is adequate as it stands.

The Hon. A. J. MELROSE: In Victoria the "stop" sign is practically ignored. I know of a case where at a corner just north of Gawler at a "stop" sign a large Victorian trailer ignoring the "stop" sign rolled over into a paddock. The matter should not be left to the police. There is nothing in the Bill to indicate the position.

The Hon. Sir ARTHUR RYMILL: The Hon. Mr. Melrose spoke about curves and straight lines and "stop" signs, but is it not the answer that a vehicle stops the moment when the tangential motion of the wheels ceases?

Clause passed.

Clauses 6 and 7 passed.

Clause 8—"Application of Act to servants of the Crown".

The Hon. A. J. MELROSE: Under this clause, are the police allowed to follow people at more than 30 miles an hour?

The Hon. N. L. JUDE: The matter is provided for elsewhere.

Clause passed.

Clauses 9 to 14 passed.

Clause 15—"Functions of board".

The Hon. Sir ARTHUR RYMILL: I support the clause with some reluctance. I repeat that I believe that as long as the board functions in relation to other authorities in the manner that it will agree to what the other authorities want to do, unless it has a substantial reason for disagreeing, the system of multi-control will continue to work. If the board tries to lay down hard and fast rules that everyone in every circumstance must agree to, it will probably be the beginning of a disagreement in relation to the working of the board. I sound this warning again because it is an important matter.

Clause passed.

Clauses 16 to 27 passed.

Clause 28—"Review of Traffic Board's decisions."

The Hon. N. L. JUDE: I am aware that there is some controversy with regard to this clause, and I therefore ask that progress be reported.

Progress reported; Committee to sit again.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 17. Page 1270.)

The Hon. F. J. POTTER (Central No. 2): I rise to support the Bill, but point out that in the Committee stage all honourable members should consider very carefully the provisions of clause 6, which amends section 12 of the principal Act. I suggest that in order to put this particular amendment in its proper perspective, it is necessary to consider sections 7 and 12 in the Friendly Societies Act, which lay down broadly what the friendly societies may do with the funds they may receive from their members. There can be no doubt that friendly societies over the years—and we all know they have been here for a long time—have amassed hundreds of thousands of pounds worth of property and funds which have been raised from their members and from the financial dealings that the societies have made over the years.

In order to understand precisely where this section 12 stands, as it were, or its function in the legislation, one must link it with section 7. That section sets out what the direct functions are of the friendly societies, that is, the things that they are directly empowered to do with their money and funds. On the other hand, section 12 deals purely with what might be called surplus activities, and in fact, deals mainly with what one might call surplus funds, although the actual marginal note in section 12 does not use that expression. The section states that the trustees for the time being—and I want to emphasize the word "trustees" in view of remarks made by Sir Arthur Rymill yesterday about this being in the nature of a trustee investment—of every society or branch shall from time to time with the consent of the society or branch, lay out and invest such part of all such sums of money as are at any time

collected, given, or paid to and for the purposes of the society or branch, as may not be wanted for the immediate use thereof. It then states the investments which are on the security of South Australian Government bonds or Treasury bills; in securities guaranteed by the Government or Parliament of the Commonwealth of Australia; in fixed deposit in any bank; upon bonds of the Corporation of the City of Adelaide, or upon the debentures of any municipal corporation of the State; on mortgage of freehold property; or in the purchase of any freehold property in the State. If one looks at those limitations of investment one will find, if comparing them with the investments which are set out in the Trustee Act, that with slightly different verbiage they are on all fours with the investments prescribed in the Trustee Act, with the exception that that Act goes a little further and allows investment in bonds or loans of the Gas Company and the Electricity Trust. I stress the point that Section 12 deals with the investment of funds not wanted for the immediate use of the society, and states that they may be used in a way which is virtually and quite clearly a trust form of investment. Nobody would suggest that they should not have the right to invest surplus funds in that particular manner.

If one looks at section 7, which really deals with the direct functions of the societies, one finds that it is lawful for every society or branch by voluntary contributions from the members to raise and maintain funds for certain objects, which are set out in the Act. It will be seen that it is specifically provided for in this section that the funds of the society can be used and maintained for those particular purposes, either by paying for the provision of the services or to reimburse the members if they have previously paid for them.

The Hon. K. E. J. Bardolph: The Bill provides for the amendment of section 7 to increase payments to beneficiaries under the organization.

The Hon. F. J. POTTER: There is provision for increased benefits to be paid with the consent of the Minister. I am not concerned with that but confine myself to the amendment to section 12 because, in some respects, it is a peculiar alteration. Section 7 provides specifically that payments may be made also for nursing, physiotherapeutic and dental attention. It concludes by saying in subsection XII, "For establishing and carrying on, under the management of a pharmaceutical chemist registered under the Pharmacy Act, 1935-1952, the business of a pharmaceutical and dispensing chemist and druggist." That is the only specific mention in section 7 to the actual carrying on of a business. Apart from that there is, in section 7, ample power for the friendly societies to set up and maintain funds for all those purposes to which I have referred. I also draw the attention of honourable members to the fact that under section 4 (3):

> Any society or branch shall by its corporate name, according to the right and interest of such society or branch, be able to accept, purchase, and hold real and personal estate of any kind, and to sell, assign, mortgage, exchange, demise, grant, lease, transfer, and convey the same, and also to procure, receive and take, acquire, have, and possess all gifts, benefactions, goods, chattels, and personal property whatsoever.

There is no restriction on the legal activities of any friendly society. Section 7 sets out precisely what a society can do with its funds, and section 12 says what it can do with its surplus funds. It must not be forgotten that this is an amendment to section 12. In some respects no member would want to quarrel with any assistance that might be given to friendly societies in order to allow them to maintain what they are specifically empowered to do under section 7. Nobody wants to put stumbling blocks in their way towards carrying out a better or more profitable service, thereby helping their members.

Every consideration should be given to people who so band themselves together to secure the benefits provided for under the provisions of this Act. We have to be very careful, however, exactly how far we are prepared to go to assist people and we must be very sure that when we are assisting friendly societies set up in this manner with limited rights that we are perhaps not injuring others.

The Hon. K. E. J. Bardolph: Section 12 only applies to surplus funds.

The Hon. F. J. POTTER: Yes.

The Hon. K. E. J. Bardolph: You would not restrict them in the investments of those funds?

The Hon. F. J. POTTER: The Minister, in his second reading explanation, said that the friendly societies—and in particular the Friendly Societies Medical Association—needed to benefit its members and needed to set up some sort of wholesale business to secure benefits from the manufacturers and suppliers of drugs and medicines. He said it wanted to

form a wholesale organization. I understand that some sort of wholesale organization has been set up by the Friendly Societies Medical Association and has functioned more or less within certain limits. It must not be forgotten that this particular association, under the provisions of the Pharmacy Act, is a particularly privileged body in as much as it has 26 shops that it can legally operate under the provisions of the Act.

The Hon. Sir Lyell McEwin: That is a disability, not a privilege.

The Hon. F. J. POTTER: That depends entirely on whichever way one looks at it. It is a privilege compared with other chemists who are limited to four shops. I do not say that they should not have 26 shops. As far as I am concerned they can have 126 shops.

The Hon. K. E. J. Bardolph: The idea of limiting the number to 26 is to prevent Boots and other wholesale people from getting in.

The Hon. F. J. POTTER: It is perfectly obvious why they are limited to 26 and why the Pharmacy Act provides limits. I do not quarrel with that provision. I do not think that really enters into this particular argument. The Minister, when explaining the Bill, said that they needed to set up some sort of wholesale organization and this specific amendment relating to the investment of surplus funds would enable them to do that. I do not object if they want to set up a wholesale organization and that will help them. At the same time it more rightly should be included in a straightout amendment to section 7 which says they can engage in retail trading with their 26 shops. Why not alter that section and give a specific right to set up a wholesale organization for the 26 shops. That is a more effective way of doing it.

The Minister also said this amendment would enable them to operate organizations to provide dental and physiotherapeutic benefits. They have the power under section 7 already to set up and maintain funds for the provision of physiotherapeutic and dental benefits. The only restriction on that is that they cannot do it by way of separate organizations. I have not heard anything about whether or not such organizations would be desirable because nothing has been said so far in this debate by the Minister or anyone else that the dentists would accept such an organization or be happy about it or even that the physiotherapists would like such an organization. As it is, there is clear power for these benefits to be provided for members of friendly societies by methods advocated in section 7. They can pay fees to registered physiotherapists or dentists, or refund accounts paid by members, or have a little of each.

Apparently, however, the suggestion has been made that this particular amendment dealing with the investment of surplus funds would help any friendly societies to set up organizations. What these organizations would be, no-one has told us. If the Government considers that there should be organizations to provide for the dispensing of these benefits and the setting up of a wholesale warehouse, I do not say that I am opposed to it, but the Government should say specifically what is intended. Sir Arthur Rymill suggested yesterday that the Government should say what powers it wanted friendly societies to have and then I say include them in section 7 and not in 12, which deals with the investment of surplus moneys in trustee securities. Why should these things be done by way of the investment of surplus funds? Because of the wording of section 12, it should be a trustee security. Let us have a debate on the real issues—whether the particular friendly societies should have the power to set up a wholesale concern and organizations to run physiotherapy and dental benefits. I should not necessarily oppose that if it were inserted in the right place, which I suggest should be section 7.

This leads me to the consideration of section 12. I have already pointed out that this is so much on all fours with the existing provisions of the Trustee Act that one can hardly tell the difference between them. If section 12 were amended, as contemplated in the Bill, it would enable a friendly society to invest its surplus funds in any commercial undertaking. The Bill provides for allowing trustees to invest the funds upon any other securities with the approval of the committee of management which, of course, always has to be given and with the consent of the Public Actuary and subject to any conditions he may impose. It is contemplated that he will be in a position to say, "Yes", "No" or "Maybe". If he says "Maybe", he says under what terms an investment could be made. Apart from these restrictions, it is giving the friendly societies *carte blanche* to invest in any security. The question that honourable members will have to consider is "Is this particular provision a fair and proper one in the circumstances"? The only way that one may say whether it is fair and proper in the circumstances is to ask the

question whether, if given that power, how could they use it—not so much how would they use it, but how could they use it if they desired. As the Minister said, they could engage in some wholesale business activity for the purchase and supply of goods direct from the manufacturers through their own wholesale shop to their retail shops. I do not quarrel with that so long as it is confined within their own organization. I understand that it has worked to some extent along these lines already.

One must not forget that with 26 shops they already have a tremendous purchasing power, and probably are able to receive fairly reasonable benefits for their members in existing circumstances. I very much doubt whether section 12 should be altered giving an open cheque to the friendly societies to invest in any kind of securities. I am endeavouring to test whether or not this amendment should be agreed to in its present form by reminding hononurable members what could happen. Firstly, it could be in competition with other wholesale pharmaceutical houses. I do not necessarily say that that is a bad thing. It could also purchase equity shares in any kind of company. Sir Arthur Rymill spoke about this and referred to the danger that exists in trustee investments in equity shares. There is a very big difference between buying or investing in equity shares where one has specific power to do it. This normally happens when a testator in his will specifically says to his trustees, "You may continue my investments and you will not be responsible for any risk". Already this session in connection with the Parkin Trust Bill we provided that the trust could have a small percentage of its investments in equity shares, but that is a kind of closed trust. It does not involve members of the public and the thousands of people who subscribe as members of friendly societies and it does not involve vast sums of money.

When we look at the provisions of the Trustee Act and the Bill we should inquire why there are restrictions on trustee investments. Basically it is because the investments are safe, and do not diminish except in special circumstances. Ultimately it is found that they do not diminish by one penny. Admittedly, the rate of interest on the securities is low. Another reason is that in most cases provision can be made for the actual trusteeship to be known. It is possible to take out a mortgage on real estate and stipulate that it is an investment upon a trust account. It is possible to have bonds and other similar securities registered as held by trust, but it is not possible to have equity shares registered in the name of a trust. The share registers do not disclose the existence of the trust. If I held shares partly on my own behalf and partly as a member of a trust, there would be nothing to show which shares belonged to me personally and which to the trust. There is a danger in giving trustees power to invest in equity shares. The actual value of the shares could come down, and it would be easy for a man to say that he bought the shares not for himself but for the trust. That is why the principle of the limitation on trustee investments has stood the test of time.

If the provision in the Bill is accepted the friendly societies will have, with the consent of the Public Actuary, the right to invest money in anything, including equity shares. It may be said that the societies would not want to invest money in equity shares through the Stock Exchange, but I say that it could be done, and it could be that investments could be made in private companies. Some private companies run several chemist shops under the Pharmacy Act, and there would be no restriction at all, if the provision in the Bill is adopted, to prevent friendly societies from taking up shares in these private companies. This would give the friendly societies the opportunity to increase indirectly their number of shops from the stipulated 26. I do not say that is likely to happen, but it could happen. I do not say that I am opposed to it, but if it is to be allowed let it be set out specifically in the Bill.

The Hon. Sir Lyell McEwin: If the Pharmacy Act limits the number of shops to 26 how could the friendly societies get more?

The Hon. F. J. POTTER: By buying shares in existing private companies. They could do by the back door what they could not do by the front door. The Public Actuary has been nominated as the person to give consent for investments by friendly societies. So far as I know, there is nothing in the work of an actuary to indicate that he is an expert in the investment of money. An actuary is a mathematician who calculates probabilities. His role is allied to that of a statistician. He calculates whether there will be probabilities of calls upon funds. For insurance companies he calculates life tables and the demands likely to be made under them, and compares that with the funds of the companies. He is not necessarily the most skilled person to give the *imprimatur* under this legislation. Yesterday Sir Arthur Rymill suggested that perhaps

the Public Trustee was more suitable, but I doubt it because he has little experience in the investment of moneys outside the Trustee Act. This Bill allows investments outside that Act.

The Hon. Sir Arthur Rymill: Surely he can retain the existing investments?

The Hon. F. J. POTTER: He does, too, but he can get rid of investments if he considers it desirable and there is no power under the will for him to keep them. The Public Trustee is not the most suitable person, and if the Government considers that friendly societies should have this particular power in order to enable them to do these things, then it should be the Government itself, through its Ministers, which should make the decision when the time comes. Consequently, if there were no better amendment than the one that is now before this Chamber, I would support it. At least something is required, and if there is any politics in it, and that could be, then the Government should make the decision. I think it is the Government's duty to face up to that particular responsibility. Rather than insert into the provisions dealing with the investments of surplus funds which have been limited to trustee securities in the past, at least the Government should be prepared through the responsible Minister to give the imprimatur. Rather, it should consider an improved amendment to this section. The Minister said it would be appropriate if societies had power to invest in the Electricity Trust, the Gas Company or the Housing Trust, but none of these are specified in this Bill. The clause is open so that investments can be made in anything at all.

The Hon. K. E. J. Bardolph: They have been thrown in for good measure!

The Hon. F. J. POTTER: There would be no harm at all if they were added to the existing securities in section 12. Probably, there is a good case for including Housing Trust loans in the provisions of the Trustee Act if required, and perhaps the time is ripe for the Trustee Act to be amended.

Under Section 7 is listed the direct functions of the societies, and what they are empowered to do with their money. Section 12 states the indirect functions, which is the investment of surplus moneys, and I cannot see why by altering the provision of this section—giving them an open cheque except for the consent of the Public Actuary—you should incidentally add specific powers to those which already exist under section 7. When the Bill reaches the Committee stage I hope the Government will reconsider this matter in the light of my remarks and those of Sir Arthur Rymill.

I will not oppose any properly drawn and sensible amendment designed to help the friendly societies. They do an admirable job and I have considerable admiration for the work they do. I appreciate anything that is done to assist them in carrying out this work and giving further benefits to their members, but I urge the Minister to reconsider the provisions of this Bill before honourable members have to decide whether or not they will accept the amendment in its present form. I support the second reading.

The Hon. Sir LYELL McEWIN (Minister of Health): I appreciate the discussion by honourable members, and was pleased to hear the commendations made regarding the activities of friendly societies in this State. I am surprised that the suggestion was made that when it comes to giving them more facilities to carry on, which are provided in other States, that it should be implied that they are controlled by a lot of nitwits and that the Public Actuary is completely incompetent to handle financial matters. They seemed to be the only real comments that have been made, and I have been asked by Sir Arthur Rymill, who quoted the Trustee Act, to make some statement on the Government's views on permissible investments. I had some difficulty in following Mr. Potter's argument, because he started to criticize the drafting. I am not competent to judge whether the draftsman is wrong or Mr. Potter is right, but apparently this legislation has been accepted in other States, so that there is no bad drafting there, and I did not anticipate any difficulty here. I may agree with Mr. Potter that all the things that I suggest the societies desire to do are in section 7. Nobody said they were not, but they are not much good in section 7 if there is no money available under section 12. That is the answer.

The Hon. F. J. Potter: Section 12 deals with the moneys left over.

The Hon. Sir LYELL McEWIN: If there is nothing left over there is nothing to provide benefits and nothing to invest. I do not want to quibble about words. Mr. Potter said they have carried on up to now and questioned why they wanted an alteration. The reason is that there has been an alteration in the system of trading, and certain things which were available to them enabling them to pass on benefits

are no longer available, and that is why they are trying to extend their organization. We commend the work they do and what they should do. They have to look after the interests of their members, but old-fashioned benefits are no attraction today. To bring their organization up to date with the existing conditions of trade is one of the objects of this Bill. Friendly societies are restricted to only 26 shops under the Pharmaceutical Act, and it does not matter how the population increases, they cannot have an additional shop. The population is increasing at Salisbury and Elizabeth, and yet, if they want to open a shop there, it is necessary for them to close one elsewhere. If this is a privileged position then I cannot understand the English language, because I say it is restrictive.

Regarding investments, which seem to be the genuine bone of contention, I do not think the Public Actuary is completely incapable of carrying out the work envisaged in clause 6. After all he is closely associated with investments. He is responsible for the administration of the Police Pension Fund and knows something about methods of dealing with such funds. In order to meet the position I would be happy to accept a compromise on what has been proposed by the Hon. Mr. Bardolph. I do not think any Minister wants the sole responsibility, but if the honourable member is prepared to amend his amendment to make it include "the Minister on the recommendation of the Public Actuary" that would mean there would be some investigation before the Minister had to inquire into the matter and some of the details would have been attended to. I would be happy to meet the Council on that, although I have not yet consulted anybody regarding it. However, I am prepared to go that far.

The Hon. K. E. J. Bardolph: That would mean that the Minister would have the final say and could either accept or reject the recommendation. If that is so, it would be all right.

The Hon. Sir LYELL McEWIN: I have discussed this matter with the friendly society organizations and no consideration was ever given to the question of shares. They have the responsibility of conserving their funds and they are no more likely to invest in risky investments than the honourable member would desire them to invest in such undertakings. If the Council thinks it is important, I would be prepared to accept a compromise on the Hon. Mr. Bardolph's amendment, namely, that it should be on the recommendation of the Public Actuary. There is no need for me to discuss the Bill further because the matter of investing funds is all that has been raised.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Amendment of principal Act, section 12".

The Hon. Sir FRANK PERRY: I ask the Chief Secretary to report progress on this Bill. Proceedings have developed faster than anticipated and there has been much discussion and argument. Principles are being sacrificed by this clause and I seek the indulgence of the Committee and ask if the Chief Secretary will report progress at this stage.

The Hon. Sir LYELL McEWIN (Minister of Health): I have never been one who wishes to unduly press legislation but I should have some indication of what is worrying members before they ask me to report progress. We can go on and off all the time in and out of Committee, and I do not know what the honourable member's particular problem is. I therefore do not have the opportunity of further informing myself on the problem worrying honourable members. I interpreted the honourable member's remarks up to date as merely relating to the matter of investment. That should be perfectly clear. I have not heard of any other objection to the Bill. The Hon. Sir Frank Perry referred to investments in equity shares and I have tried to answer that and have indicated my willingness to accept an amendment. If there is any other approach to the question the Committee should be informed of what the problem is. While not declining to report progress I would like information from the honourable member as to what his problem is?

The Hon. Sir FRANK PERRY: By this clause we are running counter to the Pharmacy Act, the Trustee Act and to what I think are the interests of the friendly society members. Therefore, while some help may be given to the society in its investments, I am totally opposed to the Government's accepting responsibility in any shape or form of deciding the investments. It is not the function of the Government to advise on investments. The Committee is establishing a principle here. In hundreds of cases the Government would not have to decide and I believe the responsibility is with the owners of the money. If the Government wishes to advise them how to spend their money that is a retrograde step.

The Hon. K. E. J. Bardolph: On a point of order, Mr. Chairman, I understand Sir Frank Perry is discussing an amendment of mine that I have not had an opportunity of moving. Is the honourable member in order?

The CHAIRMAN: The honourable member is not discussing any amendment but is asking the Chief Secretary to report progress.

The Hon. Sir FRANK PERRY: I am simply asking that the Chief Secretary report progress. I wish to examine the matter in view of the arguments raised by the Hon. Mr. Potter and Sir Arthur Rymill and because I know of the feeling that exists among other members of this Council, which is that it would be far better for the Government to report progress and allow members an opportunity of further investigating the question in relation to investments. This provision goes too far and again I ask the Chief Secretary to report progress.

The Hon. Sir LYELL McEWIN: The honourable member desires further time to consider that aspect and I do not oppose that, but I point out to this Committee that the Government will not be advising the societies: it is merely providing a safeguard that I thought every honourable member wished to have. It is nothing new, as the honourable member suggests, but has been in operation in Queensland, and apparently has been satisfactory to the friendly societies there. In deference to the honourable member's wish, I ask that progress be reported.

Progress reported; Committee to sit again.

BOTANIC GARDEN ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The object of the Bill is twofold. The more important of the two amendments effected by the Bill is made by clause 3, the amendments made by clauses 5, 6 and 7 being consequential thereon. The principal Act, by section 3, defines the expression "the Garden" as "The Botanic Garden of Adelaide," an area more fully defined in section 4. By various sections of the Act the Board of Governors of the Garden are given powers relating to "the Garden". Certain lands comprising what is known as the Mount Lofty annexe have been dedicated as Botanic Garden reserves, but do not comprise part of the Garden as defined in the principal Act, nor are they lands placed under the control or management of the board. Even though the lands might technically come within the terms of section 9 of the principal Act as lands "occupied" by the board, this would not assist the board in relation to the exercise of any of its powers which are expressed to relate to "the Garden", that is to say the Botanic Garden of Adelaide. This means that, among other things, the board has no power to make by-laws under the principal Act relating to the Mount Lofty annexe and the same position would obtain in respect of any other lands which might become vested in the board or placed under its control.

It is to remedy this defect that clause 3 widens the definition of "Garden" by extending it to cover not only the Botanic Garden in Adelaide but also any other lands belonging to, lawfully in the occupation of, or under the care, control or management of the board. This amendment would enable the board, among other things, to make by-laws—additionally clause 7 expressly amends section 13 of the principal Act by empowering the board to make by-laws in relation to the garden or any part of it. It would be the intention of the Government, if this Bill is passed, to arrange for the Mount Lofty annexe to be declared to be under the care, control and management of the board under the provisions of the Crown Lands Act. The annexe would then come within the extended definition of "Garden". The other amendment is effected by clause 4, which will empower the board to have a common seal of which judicial notice will be taken. Such provisions are common in many of our statutes but do not appear in the Botanic Garden Act. The Board of Governors has asked that provision should be made and the amendment will give effect to this request.

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

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.

The objects of the Bill are to increase the maximum amount payable in each financial year by the Dog Fence Board to owners of the dog fence for the purpose of maintenance and inspection of the fence and the destruction of wild dogs; to increase the maximum which may be imposed by the board as the amount of annual rates in respect of every square mile of ratable land under the principal Act; to abolish the additional rate which the board may declare in respect of ratable land situated

within 10 miles of the dog fence; and to increase the limit imposed by the Act on the Government subsidy payable to the board. By section 24 of the principal Act the board is required to pay to the owner of any part of the dog fence such amount per mile of fence as is determined by the board for that year. In 1953 Parliament limited the amount payable to an owner for every mile of fence to £16. As the cost of maintaining the dog fence has increased considerably in recent years, the Government feels that the limit fixed in 1953 should be increased. Accordingly, clause 3 increases that limit from £16 to £30.

By section 26 of the principal Act the board is empowered to declare an amount of annual rates payable in respect of every square mile of ratable land. The maximum amount that may be so declared was fixed in 1953 as 3s. per square mile of ratable land. Clause 4 amends section 26 to increase that amount to 6s. Section 27 of the principal Act provides that the board may, in addition to the rate declared under section 26, declare a rate not exceeding 1s. 3d. per square mile of ratable land within 10 miles of the dog fence. The board has recommended the repeal of this section because it feels that this additional rate is not justified as it imposes an extra charge on the persons whom the Act is designed to assist. The Government agrees with this recommendation and accordingly clause 5 repeals section 27.

Clause 6 makes a consequential amendment to section 29 of the principal Act. Subsection (1) of section 31 of the principal Act provides that the Treasurer shall pay to the board a subsidy at the rate of £1 for every £1 of rates declared for each financial year, but the proviso to that subsection limits that subsidy, with respect to rates declared under section 26, to 1s. 3d. per square mile of ratable land. When the Act came into force in 1946 the Act imposed a limit of 1s. 3d. on the amount of rates declarable under section 26 for each square mile of ratable land, but though that limit was raised to 3s. in 1953 the Government subsidy was limited to 1s. 3d. per square mile of ratable land. The Government feels that the increase in the costs of maintenance in recent years justifies an increase in the Government subsidy and clause 7 raises the limit placed on that subsidy by the proviso to subsection (1) of section 31 from 1s. 3d. to 2s. per square mile of ratable land.

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

[*Sitting suspended from* 5.45 *to* 7.45 *p.m.*]

ARTIFICIAL BREEDING BILL.

Adjourned debate on second reading.

(Continued from October 12. Page 1228.)

The Hon. R. R. WILSON (Northern): This Bill, for the dairying and meat industries, is probably the most important that has ever been before Parliament. I commend the Minister of Agriculture and the Agriculture Department for its introduction. Several years ago I had the privilege of listening to a lecture by Mr. Jack Sellars of the Metropolitan Wholesale Meat Company on the subject of artificial insemination. It was interesting and educational, and I realized after hearing it that sooner or later artificial insemination would come to South Australia. I congratulate the Hon. Mr. Giles on his excellent speech last Thursday in this debate. He is the most qualified member to speak on the matter and I doubt whether he has a superior in the State. He had tuition at Roseworthy College and is now a prominent stud breeder. He was selected as a Nuffield scholar to go overseas, and whilst there made artificial insemination his main interest. In his first speech in Parliament he told us about it. We have learnt a lot from him on this matter. Several years ago he was elected a member of an advisory committee to investigate artificial insemination. Meetings were held and exhaustive inquiries were made. Pilot plants were set up to experiment in artificial insemination and a unanimous report was submitted to the Minister. That is why we have the Bill.

In 1958-59 three pilot plants operated in the State and 500 cows were treated. In 1959-60 about 15,000 cows were treated. The Government has been criticized for lagging in this matter and for the delay in bringing in legislation, but in the interim period much experience has been gained. The scheme has been more or less proved. It has been proved in other countries. Preserved semen from a proven bull has lasted 15 years after the death of the bull. Therefore, the keeping of semen in South Australia will mean that the best semen will always be available.

Wherever artificial insemination has been practised the butterfat content of milk has been increased by about 4 per cent. The quantity of milk has also been increased. Artificial insemination is not a new practice. The Danes have practised it for over 100 years. The greatest advantage from artificial insemination will be to owners of small dairy herds. People who have kept a small number of cows for dairy purposes have found that the

keeping of a bull has been a handicap. There has been expense in keeping fences in good order because no bull can be trusted. With artificial insemination the small herd man will not have to worry about a bull. It is said that three cows are equal to two bulls in the matter of food, so the need no longer to keep a bull will mean a further saving. It was found in the Eight Mile Creek area that the infertility of cows and the lack of increased natural production was a great problem. One settler had one bull to 10 cows, whereas it was usual to have one bull to 40 cows. Despite that, there was a poor natural increase. The Government purchased a piece of high land near the Eight Mile Creek area and by sending cattle there better results were obtained. The Eight Mile Creek area consists mainly of peat, and experts say that the pasture on that peat must have been the cause of the poor natural increase. Since artificial insemination has been practised the keeping of cattle has been more profitable.

Under the Bill a veterinary officer must be a member of the proposed board to select bulls, and there must be at least two members engaged in the business of raising stock. Careful consideration must be given to the selection of the chairman of the proposed board. No person can be a member of it after reaching 70 years of age. Clause 21 says that the board must furnish a report to each House of Parliament at the end of each financial year, so members will have the opportunity to see the progress being made in artificial insemination. It is proposed to have five distributing centres, and I hope that one will be on Eyre Peninsula where dairying and the grazing of beef cattle are increasing rapidly. The people in this State will receive great benefit from the increase in dairy production, because it has been found necessary to import butter from Victoria during the dry part of the season.

The Hon. K. E. J. Bardolph: Isn't it pretty well general to import butter from Victoria? Evidence taken before the Decentralization Committee seems to indicate that!

The Hon. R. R. WILSON: There will be no need to import it when the scheme under this Bill comes into operation, and I forecast a bright future for the dairying industry. I support the Bill.

Bill read a second time.

In Committee.

Clause 1—"Short title".

The Hon. A. J. MELROSE: I move:

To delete "Breeding" and insert "Insemination".

I consider that this title is completely wrong. The only type of artificial breeding that can be considered is that by scientific process in the proverbial test tube. Breeding in the normal course of events is a natural phenomenon that cannot be artificially reproduced except in a test tube. Artificial insemination is what we are considering, and that is the collection, from a proved sire, of semen which is introduced into the female by artificial means. It may be argued that it is called artificial breeding in other States and overseas, but honourable members prefer to use their own judgment and not be guided or controlled by what is taking place elsewhere.

The Hon. G. O'H. GILES: I do not entirely disagree with what the honourable member has said. Old habits die hard, and it is a habit of mine to refer to this subject as artificial insemination, which it is, but in other countries and other States it is known as artificial breeding. This may well be a prudish act and perhaps "breeding" has been used to satisfy the general public rather than use the more correct word as a strict agricultural term which may offend many people. It is worth considering what is artificial breeding and what is not. If natural means are not used to breed an animal surely that amounts in fact to artificial breeding.

The Hon. Sir Arthur Rymill: That idea is fairly superficial, isn't it?

The Hon. G. O'H. GILES: I think it is rather profound. That would be the case if entirely natural means by way of a male were not adopted. "Artificial insemination" is just as good a term in many ways, but if this term is used we are out of date with the current use of the title of that particular facility. This query arose during the hearing of evidence before the special committee, and it was decided that it would be referred to as artificial breeding.

The Hon. C. D. ROWE (Attorney-General): I suppose it is natural that one should take notice of statements made by men who are experienced in this matter, as are the Hon. Mr. Melrose and the Hon. Mr. Giles. For that reason I think that the proper thing to do is to ask the Committee to report progress, so that I may have a detailed look at the suggestion, and if it is decided to adopt it, to see in what other places in the Bill consequential amendments may need to be made. I ask the Committee to report progress.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 12. Page 1230.)

The Hon. A. C. HOOKINGS (Southern): Although there are 30 clauses in this Bill many of them are of such a nature that they do not call for much discussion. They are not very controversial, but they are necessary because of the changes that have taken place, such as increased population, high land values and other features of this modern world. The purpose of altering the Act has been well amplified in the second reading explanation of the Minister and by the Hon. Mr. Bevan. Mr. Bevan outlined the Bill clearly and gave the Council a good summary of what is to take place by these amendments. However, there are three clauses to which I particularly wish to refer and the first is clause 3, which endows the District Council of Salisbury with the opportunity of becoming a municipality.

Honourable members are well aware that a full inquiry was made into the Salisbury-Elizabeth position and that much controversy arose in that area because petitions were lodged asking that Elizabeth be given city status. Following a full inquiry, which was recently completed after being very ably handled by a magistrate, it was decided to recommend that Elizabeth be not granted city status at present. If we examine the position in that area we will find that Elizabeth has a population of about 22,000 and covers eight or nine square miles. It contains three wards in the local government area and supplies five councillors. Salisbury has a population of about 11,000 to 12,000 people; it covers 60 square miles, contains six wards and has eight representatives. Honourable members are aware that wherever there is a rapidly growing area with rapidly growing industry, many problems have to be faced. I am sure that the decision that the District Council of Salisbury should remain one area comprising 68 to 69 square miles, but with city status, was wise. The tendency today, as the world is progressing, is to have bigger local government bodies instead of having smaller bodies.

The Hon. K. E. J. Bardolph: Bigger, brighter and better.

The Hon. A. C. HOOKINGS: Yes, if the honourable member likes it that way. It is more economical for a big council to carry on local government business and it is more efficient for those bodies to have revenue that enables them to capably handle the interests of their particular area. I am sure that the decision made in this case will be to the ultimate advantage of the people of Salisbury and Elizabeth. Probably the day will come when it will be necessary to have the area around Elizabeth created a city but, with the growth that has taken place in the area, I think it advisable that city status should be given to the whole of the area. Clause 3 provides for this.

It is unfortunate that yesterday's press should contain a report from the Elizabeth Progress Council containing rather severe criticism of the Bill before the House. I do not believe that criticism is justified, but that the decisions made will be far better than those suggested by the council which makes statements such as the one we read yesterday. An amendment to clause 7 will be introduced by the Minister in relation to the compulsory appointment of engineers in cases where councils receive revenue in excess of £100,000. The amendment is one that members should be able to fully support. The appointment of a full-time engineer in such cases is justified, but it is not possible for us to always know of all the circumstances relating to particular local government areas that are becoming bigger and receiving more money. Circumstances may make it difficult for them to appoint an engineer. They may have difficulty, first of all, in finding an engineer and, secondly, it may be difficult, in some cases, to house them. Features of that nature may arise. This is a clause that I believe members will fully support. However, in many cases councils may not be able to find sufficient finance for this purpose and in such cases the Minister will be given power to exempt a local government area from the necessity to appoint an engineer.

Clause 27 is one that many rural people know a good deal about. It is not of great importance perhaps, but the clause increases penalties for anyone using unlicensed slaughtering premises. In some small districts of South Australia on odd occasions animals have been slaughtered for human consumption in slaughter houses that do not conform to the requirements of the Health Act. The penalty for an infringement of those regulations is increased by this clause from £10 to £50. In my opinion that increase is in keeping with the times and members should support that provision. Clause 30 is included to deal with the depasturing of sheep on reserves within the local government area. This provision is not used to any great

extent, but the provision is necessary because for many years it was not included in the Act. The amendment will allow the pasturing of sheep in those areas.

The only other comment I wish to make is in relation to clause 31. I doubt whether it is right to give councils the power to fix hours for cleaning footpaths and streets. I know that Mr. Bevan in his speech supported the clause regarding the sweeping of footpaths. I consider that this practice does not create any discomfort. I have made many trips around the city and have not been inconvenienced by anyone sweeping footpaths. There is such a thing as having too many controls on the public. Many business places in the city may be of such a nature that they carry on to later hours in the evening than other businesses, in which case they probably open later in the morning. It is not easy to know what hours may be fixed if the power suggested is given to councils. I do not think we should try to control more than necessary the rights and privileges of people, either engaged in business or in carrying out any work around our cities and towns.

The Hon. K. E. J. Bardolph: You do not believe in an extension of hours?

The Hon. A. C. HOOKINGS: No, or in interfering with the rights and privileges of people more than we have to. I have much pleasure in supporting the second reading.

The Hon. W. W. ROBINSON (Northern): Many of the clauses have already been effectively dealt with by other members, so I do not intend to traverse the whole of the Bill. Clause 7 provides for the appointment of a qualified engineer when the rate revenue of a council reaches £100,000 or more. I intend to support the amendment sought by the Minister to allow some flexibility in such appointments by making it possible for a council to appoint a part-time engineer or a consultant engineer. Some councils may have difficulty in getting a suitable man. Clause 31 deals with the power of councils to regulate the hours of cleaning footpaths by business people in front of their premises. I believe that the shopkeepers are doing a great service in sweeping these footpaths and we show our appreciation in a very poor spirit when we allow people to alight from buses and discard their tickets, cigarette butts, matches and other debris on footpaths. We should make it an offence for people to throw such litter around the streets.

The Adelaide City Council and many other councils provide receptacles in which people may place these discarded articles, and so keep our streets clean. When visiting Europe a few years ago I was particularly struck with the cleanliness of streets in Switzerland. During the whole time I was in that country I saw no litter of any kind in the streets, and it was a pleasure to visit that country and see the splendid way in which the people looked after their streets and cities. This was in vivid contrast to the position in some of the neighbouring countries. When I returned to Adelaide I was disappointed to see the manner in which people discarded all kinds of litter in the streets. We should set out to see that this practice is stopped, then the sweeping of the streets would not be necessary during the day, and one sweeping would do. Then shopkeepers would not have to inconvenience pedestrians by doing this work a second time.

It is proposed to amend section 667 of the principal Act by inserting after "horses" the words "and sheep". At present under the Act people can depasture cattle and horses in the park lands. This matter concerns my district and therefore I shall explain the reason for the inclusion of the amendment to allow the depasturing of sheep. I believe it is the general practice in most districts for people to depasture sheep in the park lands, but I believe this is illegal. The amendment will make the practice legal. Most of the leading English dictionaries define "cattle" as including sheep, but Sir Edgar Bean, former Parliamentary Draftsman, told me that in Australia the practice is to regard cattle and sheep as distinct animals. Under the Travelling Stock Waybills Act cattle are defined as "bull, cow, ox, heifer, steer, calf or camel" and sheep are defined as "ram, ewe, wether, lamb or goat". It has become necessary to amend the Act to enable sheep to be depastured in park lands. The practice of running cattle in park lands has lessened greatly in recent years. I can remember when a considerable amount of council revenue was derived from the depasturing of cattle in park lands, but today the milkman calls every morning and many people have given up milking their own cows. Few cattle are now depastured on our park lands. By depasturing sheep revenue will be obtained and the park lands will be used more for one of the principal purposes for which they were set aside, sport. In the district I mentioned there is a picturesque golf course with substantial amenities. It is a progressive

club, but early in September each year the grass is so high that play has to be abandoned. This amendment will permit extra playing time of six or eight weeks. Many picnics are held in the area. The Broken Hill Associated Smelters holds its annual picnic there, but this year the council has had to infringe the law and allow sheep to depasture the land.

Clauses 10, 11, 13, 14 and 17 give the municipality of Renmark the power to rate residents on an equitable basis. Clause 17 (*c*) inserts a new subsection in section 244 (*a*), which provides for urban farm land being rated at half the general or special rate declared for other land. When the Renmark Irrigation Trust took over Cooltong and the Chaffey Division of the Ral Ral area the basis of assessment then in operation was improved land values, and that was retained. Previously the municipality of Renmark covered only 2,700 acres, but it now covers 37,700 acres, most of which is urban land. Of the 2,700 acres in Renmark itself much is urban land. There the general rate has been fixed at 1s. in the pound, which means that the urban land is rated at 6d. in the pound. In the other 35,000 acres of urban land the rate has been fixed at 2s., and when halved it gives the same rate as applies in Renmark itself. That means that the urban land outside Renmark is rated at 1s. in the pound, whereas the urban land in Renmark is 6d. in the pound. Some people whose blocks do not qualify for urban land because they are in area less than two acres are paying 2s. in the pound. To enable the municipality to strike an even rate for urban land the Bill provides that the Governor can by proclamation exempt any specified municipality from the provision relating to urban land. I think the Bill rectifies a number of anomalies that have arisen over the years, and I support it.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Amendment of principal Act, section 157."

The Hon. N. L. JUDE (Minister of Local Government): I move:

In the proviso to delete the words "full-time officer" with a view to inserting "full-time or part-time officer or in a consultative capacity".

This proviso says that if the annual revenue of a council from general rates amounts to £100,000 or more the council shall appoint an engineer as a full-time officer. Since the introduction of the Bill the Government has realized that some councils with that revenue have been employing part-time officers.

The Hon. L. H. DENSLEY: I wonder whether the type of man that is required by the Bill would be prepared to travel 50 or 100 miles, because it would be difficult with the limited number of engineers available and the distance between many districts. The problem may not arise in districts some distance from Adelaide, because there are not many councils in such districts with a rate revenue of £100,000. The clause should be retained in its original form because it is more valuable than the amendment.

The Hon. S. C. BEVAN: I support the amendment and cannot follow the reasons given by the Hon. Mr. Densley for his opposition. According to the Minister there are no district councils in the country affected. If the amendment is not passed a council with a revenue as stated in the Bill must employ a full-time engineer and there is an acute shortage of them, because the Government itself has difficulty in filling vacant positions. If councils were forced to employ fully-qualified engineers there would not be enough of them for all councils. There are councils in old-established areas where the employment of a full-time engineer is not required, and unless this amendment is passed they would be forced to employ one, whereas a consultative engineer is all that is necessary.

There are councils employing persons who have studied in other countries, but who have not qualified according to the standard of this State, although they are doing an excellent job, and if this provision were carried councils would have to dispense with their services. The amendment is the only logical thing that can be written into the Act so that councils have a discretion in employing either a fully-qualified engineer, a part-time officer, or a consultative qualified engineer. Because of the acute shortage of engineers, there have been numerous occasions when qualified engineers have demanded a salary higher than that of the Town Clerk. I implore honourable members to carry this amendment so that councils may have discretionary powers regarding the employment of qualified engineers.

The Hon. L. H. DENSLEY: If there should be any doubt in honourable members' minds that a council with a revenue of £100,000 would not have enough work to employ a full-time engineer, I advise them that the Tatiara District Council, which has a revenue approaching that sum, not only employs an engineer

but also an assistant engineer. The trend today in councils is to employ an engineer, because the Highways Department does not provide finance for certain work if no engineer is employed by the Council. After giving this matter much thought I think we are, perhaps, a little too early in trying to use compulsion. The district council of Tatiara found that it had to go to Victoria to obtain engineers. The position has improved a little, but we could perhaps more safely allow the trend to develop for a few years rather than make the provision enforceable so that a council may employ a consultative engineer for a short time. However, I question the wisdom of that procedure.

The Hon. G. O'H. Giles: What is the rating revenue of Tatiara?

The Hon. L. H. DENSLEY: It is something between £75,000 and £100,000, but I would not like to be tied to those figures.

The Hon. N. L. Jude: It is the highest in the State.

The Hon. L. H. DENSLEY: If any council receives £100,000 it has work for an engineer. If there are not enough engineers can we manage with a standard a little below a qualified engineer? However, the trend is towards engineers and the Highways Department is forcing that trend because it provides grants much more readily to districts with engineers capable of doing the work required by that department. It is not much good forcing district councils to have a man for a month now and again. That is only playing with the question. If it is to be based on a revenue of £100,000 and engineers are available, let us have them by all means. If this clause is again considered in about four or five years' time more engineers may be readily available. With the help of the department we would then be able to supply the requirements.

The Hon. N. L. JUDE: As usual, I always associate the remarks of my colleague, Mr. Densley, with common sense, and I appreciate his attitude towards this clause as opposed to the amendment. The clause obviously was inserted on Government drafting because it was thought we should proceed that way. The Hon. Mr. Densley indicated his belief that we should go for the best, but in the meantime, since the original clause was drafted, points that have been well made by the Hon. Mr. Bevan have made me realize that we cannot obtain the ideal as soon as we would have hoped. That is why compromise is good legislation. The Government has decided on a compromise in relation to this clause because, as there is a shortage of engineers, they cannot be obtained even if they are required. It is rather embarrassing, after passing legislation, to be challenged with the fact that engineers cannot be obtained after councils have been told that they must have them. I did not weigh my argument with the subclause in my amendment containing the exemption clause. I wanted the original clause debated on its merits, but there is a clause on exemption.

I am in favour of the original clause with my own or the Government's amendment, but I realize that we have not the qualified engineers available. I realize there are big municipalities which are approaching the £100,000 mark and which have tremendous responsibilities. As the Hon. Mr. Densley pointed out, if they have not the necessary staff to do the work, naturally the Government cannot look favourably upon them when making funds available. Funds can be made available if the work can be done and an engineer is available to formulate the plans. That is provided for in the consultative capacity clause in the amendment. Honourable members should accept the position, as I have accepted it, that we are moving towards the position Mr. Densley and I wish to have. I am trying to be practical in this amendment and I say, "For the time being let's leave it at this."

I assure members that I will not capriciously give exemptions to a council that can employ a full-time engineer after it has received applications and then says it cannot get an engineer. I ask the Committee to accept the amendment.

The Hon. Sir ARTHUR RYMILL: The Minister says he is moving towards the objective by the amendment, but all I can say is that he is moving towards it very slowly, because the amendment completely negates the clause. All a council has to do to comply with the clause, as it will be if amended, is to appoint an engineer, who has to be of the age of 23 years or more, in a consultative capacity. If a free-lance engineer of 23 years of age is available, no doubt the district council of Woop Woop may want to employ him in a consultative capacity. That engineer may feel very flattered to take on the job for no fee unless, of course, he is called upon to do any work, because that would mean status for him at that age. The council appoints him as a consultative engineer, but it pays him nothing and the whole thing means nothing in the end.

The amendment provides that councils have to appoint a full-time or a part-time engineer or an engineer in a consultative capacity. It does not say anything about having to employ him under the Act. I think the Government might just as well drop that clause.

The Hon. N. L. JUDE: I rise very quickly on that point and direct the honourable member's attention to the next amendment proposed for this clause: "The Minister may, if it appears to him expedient so to do, exempt any council from any of the requirements of the immediately preceding proviso to this paragraph."

The Hon. Sir Arthur Rymill: In that case the councils do not even have to do what I said.

Amendment carried.

The Hon. N. L. JUDE moved:

At the end of the proviso to insert "The Minister may, if it appears to him expedient so to do, exempt any council from any of the requirements of the immediately preceding proviso to this paragraph."

Amendment carried; clause as amended passed.

Clauses 8 to 16 passed.

Clause 17—"Amendment of principal Act, section 244a".

The Hon. S. C. BEVAN: New subsection (3) of section 244a deals with the amount of rates that may be levied on urban farm lands. My objection relates to the provision for the issuing of proclamations. Parliament should have some say in the making of regulations dealing with the income derived from urban lands. I therefore move:

In new subsection (3) to strike out "proclamation" twice appearing and to insert "regulation".

The Hon. N. L. JUDE: If we accept the amendment it may upset councils in being able to bring into operation their rating arrangements for the ensuing year. For instance, it would mean that a regulation may lay on the table of Parliament several months before a council would know the result. If we allow "proclamation" to remain, Executive Council could make a decision as the result of a request by a specific council on a purely parochial matter. The principle as to the type of rating has been decided by Parliament. For a regulation to have to lay on the table of the House for several months would make the position impracticable from a rating point of view. I ask honourable members to accept the clause as drafted.

The Hon. K. E. J. BARDOLPH: Will the Minister tell the Committee which body requested the insertion of this provision?

The Hon. N. L. JUDE: The Renmark Corporation.

The Hon. A. J. SHARD: Parliament must jealously guard its rights. The Minister says he fears the difficulty that will arise through a regulation being laid on the table and not being dealt with for some time. I have been a member of the Joint Committee on Subordinate Legislation for six years and unless there is something radically wrong with a regulation no action is taken on it by the committee, which has worked hard and well in the interests of various people. In the last few years the committee has moved for the disallowance of a number of regulations, but sometimes Parliament has disagreed with the moves and allowed them. I do not think there is any fear of regulation dealing with rates being disallowed because provided it does not take from the people concerned something that they had previously enjoyed there is no move for disallowance. Recently regulations were disallowed by Parliament, despite opposition to the move by the committee. Tonight we are asked to give away some of our rights and have the matter dealt with by proclamation. Each year action is taken by means of a proclamation, which is the end of the matter for Parliament. I trust that members will see the wisdom of our amendment and support it.

The Hon. N. L. JUDE: Although on many occasions the Hon. Mr. Shard has a case that he can argue I remind him that this is local government legislation, the rights of which members are jealous about preserving. The clause was included at the request of the Renmark Corporation, which found itself in difficulties with regard to differential rates. If this Committee does not support the clause it will mean that Parliament is losing faith in local government. The time delay in this matter is important. Everyone associated with local government knows that rates must be declared and collected, and if the regulations were disallowed about nine months after the money had been collected and it had to be returned to ratepayers the position would be chaotic.

The Hon. A. J. SHARD: Whether consciously or unconsciously, the Minister is not stating facts. He said that if the matter were dealt with by regulation there could be a delay of 12 months.

The Hon. N. L. Jude: I said nine months.

The Hon. A. J. SHARD: Council rates are generally declared in July and if a regulation were laid on the table of the House in July the matter could be finalized by the end of August, or at latest middle of September, taking into account 14 sitting days. Parliament should not give away any of its rights. I will always support regulation as against proclamation.

The Committee divided on the amendment:

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

Noes (14).—The Hons. Jessie Cooper, 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.

Majority of 10 for the Noes.

Amendment thus negatived; clause passed.

Clauses 18 to 26 passed.

Clause 27—"Amendment of principal Act, section 552".

The Hon. A. J. MELROSE: This clause relates to the conducting of slaughterhouses. The principal Act provides that anyone guilty of an offence under this section shall be liable to a fine not exceeding £10. I know of one instance where a man has been fined £10 repeatedly. The advancement of the penalty from £10 to £50 should have a stiffening deterrent effect. However, I believe that the penalties should be graduated: so much for a first offence, so much for a second, and so on to bring an offender to heel, and the question of a continued defiance of a local board of health should be considered. Will the Minister consider providing for a lower penalty for a second offence and for severer penalties for successive offences?

The Hon. N. L. JUDE: I point out that £50 will be the maximum penalty and that a magistrate will undoubtedly consider the enormity or otherwise of an offence. A man who kills a sheep and shares it with his neighbours would not be regarded as severely as a man who kills 10 sheep a week and sells them, thus breaking down normal business arrangements. The latter would probably incur the full penalty. The clause, as printed, should stand.

The Hon. A. J. MELROSE: The case I had in mind concerned a licensed butcher whose slaughterhouse failed to comply with the local board of health's requirements. Not many years ago anything passed as a slaughterhouse, but nowadays slaughterhouses have to be constructed with sealed floors and sealed walls. This established butcher continued slaughtering at night and defied the local board of health.

The Hon. S. C. Bevan: Was it an unregistered slaughterhouse?

The Hon. A. J. MELROSE: He could not get a licence because he would not comply with the board of health's requirements.

The Hon. K. E. J. Bardolph: Why should he operate then?

The Hon. A. J. MELROSE: He should not. He was acting illegally. Where a man sets out to deliberately flout the law the penalty should be more than £50. A fine of £10 is no deterrent.

Clause passed.

Clauses 28 to 30 passed.

Clause 31—"Amendment of principal Act, section 670".

The Hon. A. C. HOOKINGS: This clause goes too far and I oppose it. It is not necessary for me to enlarge on my opposition to it. It is necessary for people in business in township areas to keep their footpaths clean, but to regulate the hours during which they may do so is going too far.

The Hon. N. L. JUDE: While I have some sympathy with those views, this is not a statutory provision but merely enables a district council to have the same powers as a municipal council in ordering the sweeping of the footpaths. It is not mandatory that district councils shall have their footpaths swept. They may make by-laws. This provision was requested by the Local Government Association and the Government believed that if district councils wanted this provision for the orderly conduct of their towns and to ensure cleanliness they should have it. There is no obligation on them, but we give them the right to make by-laws if they wish to.

The Hon. A. C. HOOKINGS: My interpretation was that this clause would give municipal councils the right to fix or regulate hours during which streets might be cleaned. I am not worried about smaller councils being given the power to have their footpaths cleaned. I have had some experience in local government and I hate the idea of taking rights away from councils, but there are times when the powers given to councils can go too far and I fear that if this clause means that councils will have the right to fix a certain time of the day during which footpaths can be cleaned it goes too far. I oppose the clause.

The Hon. Sir ARTHUR RYMILL: This addition to section 670 of the Act provides for the regulating of the hours during which the cleaning of footways may be carried out. Will the Minister be good enough to point out to me the section under which the obligation lies for people in district councils to clean their footpaths? This does not say that they have to clean them: it relates to the hours during which they shall do so.

The Hon. N. L. JUDE: This is entirely a by-law making clause. I was amazed that the Hon. Sir Arthur Rymill stood up to champion district councils, although he does so from time to time. This power already exists for municipal councils and corporations throughout the State and it was suggested that district councils should be added to the list so that they could have the power if they wished to use it. Parliament gives councils power. Should we deny it to them? Some members of this Chamber have had years of experience in councils. If councils use their power capriciously Parliament can act to deal with them. In any event, the ratepayers will deal with them. The ratepayers of the township ward of a council will soon deal with their elected representatives. However, if councils wish this power to provide for good government and cleanliness in their areas, why should we refuse to give it to them? I sincerely ask honourable members to support the clause.

The Hon. Sir ARTHUR RYMILL: I am not indebted to the Minister for an answer to my question, as he has not answered it. The clause provides that a district council may make a by-law regulating the hours during which the cleaning of footways in front of buildings may be carried out in any township. Where does the power exist in the Act for a district council to order the cleaning of footways?

The Hon. N. L. JUDE: This clause regulates the hours during which the cleaning of footways in front of buildings within any township within the district may be carried out. This does not mean that there is an obligation to do this, except at the will of the council, which can enforce the cleaning of footways. I cannot understand the intention to interfere with the rights of minor councils relating to townships within their districts. Many people in a township who have pride in their district may sweep in front of their premises three or four times a day. Will anyone take action if they are told to sweep before 9 o'clock but they sweep again at 2 o'clock? That is left to councils. This clause is to ensure that footpaths are swept before customers are about in the morning. I cannot understand why members should suddenly feel so keenly about a matter that is so parochial that it was with great hesitancy that I introduced it into the Bill. I ask honourable members, in the interests of their constituencies, to support the clause.

The Hon. C. D. ROWE (Attorney-General): In the 12 years I have been in this Chamber, this is the first time when we have dealt with an Act containing 908 sections when honourable members have asked, in effect, which of those 908 sections gives power to a council to do a particular thing. I think it is asking rather much of any Minister to be able to know 908 sections sufficiently to be able to say which gives this power. It is obvious from the nature of the whole Bill that this power must be somewhere in the Act. Although I have not a detailed knowledge of the 908 sections, by chance I have found a section that I think gives councils the power to do this. Section 533 provides:

> The council may adopt all such measures as the council deems necessary for—
> (*a*) the cleansing of the area;
> (*b*) the preservation of the public health; and
> (*c*) the prevention and suppression of nuisances in the area.

I do not say that that is the only section that gives power, but that is one that I have found. I have great confidence in people who have had long experience in local government and I should be happy to place additional confidence in them, but during this debate I have wondered whether I have been wrong in the past. This power is in the section relating to municipalities. In some district council areas there are some towns larger than those in municipalities, and they want to be put on the same basis as their neighbours. As these powers have been given previously, why we should have all this fuss about a small matter is beyond my comprehension.

The Hon. A. C. HOOKINGS: I have been making a fuss about this clause because I have not had as much experience as some members in this Chamber. The Minister said that someone would be told to sweep the footpath in the morning and he might sweep it again in the afternoon. Later, he said that footpaths might have to be swept before a certain time of the day. Does this mean that footpaths would have to be swept at this specific time or that townships within district council areas would have the right to specify the hours?

The Hon. Sir ARTHUR RYMILL: It is all very well for the Minister to say this is a trivial matter. It is to some people, but it

is probably of some importance to others. I asked him to point out the clause under which there was an obligation for people in a township to cleanse footpaths. I now ask the Minister to say whether there is any obligation on people within townships and district councils to cleanse footpaths at all. This clause merely relates to regulating the hours. Does it mean that the hours at which people can cleanse footpaths if they so desire can be regulated, or does it regulate the hours at which they can sweep if ordered to do so? Can they be ordered to sweep the footways?

The Hon. N. L. JUDE: I do not wish to press a vote until a full explanation is given. This clause amends section 670 of the principal Act, which gives a broad power to make by-laws. I still maintain, as I said originally, that this provision is asked for merely by district councils. It is all right for the Hon. Sir Arthur Rymill to hide behind the view that he must take careful cognizance of the point raised by the Hon. Mr. Hookings, but the municipalities already have these powers. Certain district councils in the State are asking for the same democratic powers to make decisions themselves. It is our duty, wherever we can, to give growing district councils the same powers as municipalities have. I take the point no further but ask honourable members to accept the clause. What does it do? It permits councils to regulate the sweeping of footpaths on a time basis, provided that they shall be swept, say, before nine or 10 o'clock.

Clause passed.

Remaining clauses (32 and 33) and title passed.

Bill reported with amendments. Committee's report adopted.

SURVEYORS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

AUCTIONEERS ACT AMENDMENT BILL.

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

ADJOURNMENT.

At 9.47 p.m. the Council adjourned until Thursday, October 19, at 2.15 p.m.