LEGISLATIVE COUNCIL.

Wednesday, October 25, 1961.

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

QUESTIONS.

MARBLE HILL.

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

Leave granted.

The Hon. K. E. J. BARDOLPH: Yesterday His Excellency the Governor and the Premier, together with Mr. Bishop of the Bushfire Research Committee, made an inspection of Marble Hill, which was the summer residence of South Australian Governors prior to the disastrous Black Sunday. Is it the intention of the Government to reconstruct Marble Hill for the purpose of its being used as a Vice-regal residence, or to hand it over to the Tourist Bureau after reconstruction for use as a tourist resort?

The Hon. C. D. ROWE: An answer has been given on this matter either in this Council or in another place. It is not the intention of the Government to reconstruct Marble Hill because, I think, it has been damaged beyond repair.

SCHOOL LEAVING AGE.

The Hon. K. E. J. BARDOLPH: Has the Attorney-General, representing the Minister of Education, a reply to the question I asked on September 19 and October 12 on whether the Government will consider raising the school-leaving age in view of the fact that 8,000 pupils will be leaving school this year?

The Hon. C. D. ROWE: I have obtained the following report from my colleague, the Minister of Education:

No special arrangements have been made by the Education Department to assist children leaving school at the end of the year to obtain employment for the very good reason that we do not anticipate any unusual difficulties in that regard. The question of compulsorily raising the school-leaving age is a matter of Government policy and is not one for the Minister of Education or the Education Department to decide, but on an entirely voluntary basis the average age of leaving has risen rapidly in recent years as a result of requests by leading educationists and also the Minister of Education and the inducements offered to young people to obtain the best possible education according to our present standards. That is an increasing tendency, and I think the estimates of the number leaving school at the end of this year may be found to be astray because I think that more boys and girls will stay on longer at the end of this year than is expected.

A report received last month from the Australian Council of Educational Research on its survey of pupils leaving school from Government schools in the various States of Australia suggests that South Australia has reason to be pleased with its increasing tendency of students to remain at school voluntarily for additional secondary education. For example, the minimum school leaving age in New South Wales is fixed by law at 15, compared with 14 in South Australia, yet the cumulative percentages show that 34.8 per cent of boys and 41.7 per cent of girls left New South Wales schools at or before the age of 15, while in South Australia the figures were 33.6 per cent for boys and 43.3 per cent for girls. In New South Wales 73.9 per cent of boys and 80.1 per cent of girls left at or before 16 years of age, compared with only 61.4 per cent of boys and 75.6 per cent of girls in South Australia. In New South Wales 88.9 per cent of boys left at or before 17 years of age and 92.1 per cent of girls, compared with only 85.7 per cent of boys and 93.3 per cent of girls in South Australia.

GLENELG BY-LAW: TRAFFIC.

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

That by-law No. 31 of the Corporation of the Town of Glenelg in respect of traffic, made on November 8, 1960, and laid on the table of this Council on August 22, 1961, be disallowed.

The Hon. C. R. STORY (Midland) moved:

That this Order of the Day be discharged.

Order of the Day discharged.

POLICE OFFENCES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1324.)

The Hon. C. R. STORY (Midland): The Bill was introduced in the House of Assembly by the member for Wallaroo (Mr. Hughes) and in this Chamber by the Hon. Mr. Shard. It started off as a very simple Bill dealing with such things as ice boxes and refrigerators, but amendments have been made which are practically all-embracing. I consider that under the provisions of new section 58b (4) practically anything could be done in respect to the safety of children resident in South Australia. It seems to me that if we are to legislate constantly for this type of thing we shall bring upon our heads much trouble. I am not opposed to the taking of reasonable safety precautions, especially for children. One sees very dangerous practices almost daily, but to single out this one particular thing dealing with taking doors off refrigerators and ice boxes, or making them safe by other means

when they are dumped on public property, is only just scratching the surface. I do not agree that we should take action dealing with the bringing up of children. I cannot see that we need to do that. On many occasions it has been mentioned that plastic bags are a danger to children. Some people say that holes should be punched into the plastic bags in order to prevent children from being suffocated, but the difficulty is to put holes in them.

I see people in my area speeding along in speedboats with two or three children on board, without there being any lifesaving equipment. We have heard about pontoons and air-tight tanks on rowing boats going out to sea, but we previously decided that to legislate in this matter would be to legislate foolishly. In this Bill we are dealing with iceboxes, refrigerators, etc. New sub-section (4) indicates that by regulation practically anything can be done under the legislation. I am not keen about this type of measure. I am not sure that the powers would be used in the way that this simple Bill envisaged. The Chief Secretary has given notice of an amendment to fix the date for the commencement of the operation of the Bill. People with large stocks of refrigerators on hand at present should not be penalized by the measure. To me this Bill seems like sending a man to do a boy's job. I will support the second reading, but I am not enamoured of it. We should not interfere with other peoples' business as much as we do, but no doubt the motives of the honourable member who introduced the measure were worthy.

The Hon. G. O'H. GILES secured the adjournment of the debate.

INDEPENDENT SCHOOLS: SUBSIDIES.

Adjourned debate on the motion of the Hon. K. E. J. Bardolph:

(For wording of motion see page 1156.)

(Continued from October 18. Page 1325.)

The Hon. JESSIE COOPER (Central No. 2): I support the motion and congratulate the Hon. Mr. Bardolph on his clear exposition of the subject, but I wish that he had made the motion a little wider to include a subsidy for running costs of private schools. Nevertheless, the subsidy on the capital cost of establishing new private schools is basically important. I believe that people who are prepared to help themselves in the education of their children are entitled to some assistance. Those who are paying for the education of their children, that is, the parents of children at private church schools, are subsidizing Government education for the rest of the State. That must be evident to all members. If the education of these children were not paid for by parents the cost of the education would have to come from the Government distribution of money. As these children represent an appreciable proportion of the children at secondary schools it is clear that the children receiving free education are receiving the advantage of much more of the allocation of the funds *per capita* than they would receive if the Government distribution had to be spread over the whole State. That is unfair and unjust. It is sponging on the generosity of the people who are prepared to help themselves. The Chief Secretary quoted figures and percentages concerning children attending State schools, and those attending private schools, from 1910 to the present day. He said:

> 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.

People who are experienced in the running of private schools know that these figures do not show anything of the kind. In fact, one leading educationist said, "What are these figures to do with the price of fish?" The percentage may show little variation, as the Chief Secretary said, but it does not take into account the long waiting list of children anxious to have private school education, nor does it include the hundreds of children who are turned away every year, and every month through the year, from private schools. A demand exists and it cannot be met. This is not a new phenomenon. Twenty years ago when I was on the administrative staff of a big private school we had a long waiting list, and it stretched 10 years ahead. Today the picture is much worse. Every private church school is bursting at the seams. If we want children educated in a private school from the primary to the secondary grade we must register the children at the school at birth. I know that some children at State primary schools have been waiting to get into the schools of their choice ever since they began school, because the parents did not enrol them before the school-going age.

If the Government were to grant a capital cost subsidy, let us consider the result.

Old-established private schools would probably not apply for the aid because they already have reached the largest number that they can conveniently take. As soon as a certain figure is passed in a school difficulties arise in educating the pupils. There would be a call for many new private schools to be established. I have been made aware in the last couple of years of the triumph and satisfaction that comes to those people who work and fight for the establishment of new schools. I speak specifically of the inspired work of the Men of Westminster. I can only commend to honourable members this new concept of education. It is a challenge that will have to be met if we wish to retain our Christian way of life. If some people are prepared to pay fees towards the education of their children, with the object of obtaining some special feature such as instruction in religious faith, it seems only fair that the State should pay some of the cost of the basic education that is common to all children in the State.

In addition to the capital cost of establishing these private schools, I believe that the running costs, that is, the day-by-day costs of employing staff, the maintenance of buildings, especially laboratories and libraries, and of looking after ovals and sports equipment, should, by fairness and justice, also be subsidized by the State. However, I realize that the urgency at the moment is for a capital cost subsidy. I have a statement which puts completely and very accurately the necessity for this subsidy, and it is a statement issued by the Headmasters' Conference of Australia which was held a couple of years ago in Perth, at which this subject was raised. The document states:

There is at present a much greater demand for places in independent schools than there are vacancies in these schools. Because these schools are free to give a religious basis for the education which they provide, and because this independence offers certain recognized professional advantages it is in the national interest that the number of places in schools of this type should more closely match the demand. Economically also, it is in the national interest that self-supporting schools should relieve the Government-financed schools of as many as possible of the children whose parents are prepared to send them to fee-charging schools. The greatest difficulty in the way of creating additional schools is capital cost of the buildings involved. This difficulty is greatest in the foundation of a new school or the expansion of a small one, which are better ways of creating additional places than the expansion of bigger schools which are at or near the maximum desired by the Government, but perhaps these schools would accept capital grants as distinct from regular subsidies towards the running costs from the Government without any prejudice to their independence. Therefore, it would be of advantage both to the nation and to independent schools if the Government were to make capital grants to independent schools, provided only that no conditions which prejudiced the independence of the schools were attached to the grant.

I agree with all that, except that I do not think there is any danger in the last sentence at all, which states "provided only that no conditions which prejudiced the independence of the schools were attached to the grant", because in point of fact there is no danger today. In tertiary education there is not the Government interference as mentioned, and as far as schools are concerned, the Government already has control over private schools by its demand for good standards of education. There is a definite syllabus laid down and standards are set by the Government and by the Public Examinations Board. I should think this would be sufficient control under any circumstances, and it already exists. I would support the whole of the statement from the Headmasters' Conference, and I can see no justification for the principle that those who are prepared to help themselves should receive no aid, while those who are not prepared, or not able to do anything for themselves, have an abundance laid upon them. I support the motion.

The Hon. G. O'H. GILES secured the adjournment of the debate.

INFLAMMABLE LIQUIDS BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to regulate the keeping, conveying and sale of inflammable liquids, to repeal the Inflammable Oils Act, 1908-1954, and for other purposes. Read a first time.

CITY OF WHYALLA COMMISSION ACT AMENDMENT BILL.

The Hon. N. L. JUDE (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the City of Whyalla Commission Act, 1944-1961. Read a first time.

The Hon. N. L. JUDE: I move:

That this Bill be now read a second time.

The object of this Bill is to insert in section 27 of the principal Act a new subsection which will expressly empower the City of Whyalla Commission to borrow money, with the Minister's approval, for the purpose of granting financial assistance to any hospital within the area of the city or an adjoining area if that hospital is duly incorporated and provides for

the needs of the local inhabitants. The reason for the Bill is that the Crown Solicitor has advised that the commission has not this power which is considered desirable. For honourable member's information—

The Hon. S. C. Bevan: Did the commission ask for the power?

The Hon. N. L. JUDE: This would have been incorporated in the previous Bill this session, but its desirability was only realized at the last moment, and it was thought better to do it by an amending Bill rather than ask for an instruction when the previous measure was before the Council.

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

LAND SETTLEMENT ACT AMENDMENT BILL.

Read a third time and passed.

HOUSING AGREEMENT BILL.

Read a third time and passed.

STOCK DISEASES ACT AMENDMENT BILL.

Read a third time and passed.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

Read a third time and passed.

ARTIFICIAL BREEDING BILL.

Read a third time and passed.

WILD DOGS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The main object of the Bill is to bring the rating provisions under the principal Act substantially into line with the rating provisions under the Dog Fence Act in order that the rating periods and the incidental machinery provisions under both Acts would be the same, thus rendering it possible to combine the accounts for rates under both Acts and to effect a saving in departmental administration expenses. The Bill also seeks to increase from £2,000 to £3,000 the maximum amount that may be expended each year, from moneys received on account of rates under the Act, on aerial baiting of wild dogs. Provision has also been made in the Bill to permit all rates collected to be paid to the credit of the Wild Dogs Fund from which will be paid the cost of aerial baiting and administration. This procedure will replace the existing procedure whereby the rates collected are paid to the credit of that fund after deducting the cost of aerial baiting and administration.

At present the rating period under the principal Act is the calendar year while the rating period under the Dog Fence Act is the financial year. It is proposed to bring the two rating periods into line by changing the rating period under the principal Act from the calendar year to the financial year. To give effect to this proposal the Bill makes provision for a transitional rating period of 18 months. With that object in view clause 3 of the Bill defines the expressions "financial year", "rating period" and "the transitional period". Section 4 (3) of the principal Act lays down that the Wild Dogs Fund is to be applied in the payment of rewards for the killing of wild dogs and in the repayment of advances made under section 9 for carrying out the objects of the Act. Hitherto that fund consisted, in part, of moneys received on account of rates less the cost of aerial baiting and of administering the Act. As the effect of clause 8 of the Bill will be that all moneys received on account of rates, without any deductions therefrom on account of aerial baiting and administration, are to be paid into the fund, it will be necessary to provide that the fund is to be applied also in the payment of amounts expended on aerial baiting and in the administration of the principal Act. This provision is made in clause 4 of the Bill.

Section 5 (1) of the principal Act imposes an annual rate on all lands with certain exceptions. As the alteration of the rating period from the calendar year to the financial year necessitates provision being made for a transitional rating period of 18 months, the reference to an annual rate in that subsection would be inappropriate. Paragraph (*a*) of clause 5 accordingly makes an appropriate amendment to that subsection. Paragraph (*b*) of that clause makes a consequential amendment to section 5 (2). Under the Dog Fence Act the amount of rates is declared in respect of each square mile of ratable land whereas under the principal Act it is declared in respect of each square mile, or portion of a square mile, of ratable land. Paragraph (c) of clause 5 seeks to bring the rating provisions under the principal Act into line with those under the Dog Fence Act by striking out the words "or portion of a square mile" in paragraphs (*a*) and (*b*) of section 5 (2). Under paragraph (*i*) of the second proviso to section 5 (2)

the minimum rate in respect of a rating period of 12 months is fixed at five shillings. On that basis the minimum rate in respect of the transitional rating period of 18 months should be fixed at seven shillings and sixpence. Provision for this is accordingly made in paragraph (*d*) of clause 5.

The minimum ratable area is three square miles under the principal Act and four square miles under the Dog Fence Act. Paragraph (*e*) of clause 5 accordingly raises the minimum under the principal Act from three to four square miles. Hitherto section 5 (2) of the principal Act has required a proclamation declaring the amount of rates for a calendar year to be made in the month of January of that year. In consequence of the alteration of the rating period, paragraph (*f*) of clause 5 inserts a new subsection (2a) in section 5 enabling a proclamation in respect of the transitional period to be made in January, 1962, and one in respect of a financial year in the month of July.

Section 5 (3) (*b*) contains an error in that it provides that the rates "shall be due and payable when declared as provided by subsection (1) hereof . . ." Rates are not declared as provided by subsection (1) of that section, but the amount of rates is declared as provided by subsection (2) of that section. Paragraph (*g*) of clause 5 re-enacts subsection (3) (*b*) in more appropriate language omitting also all references to the calendar year. Paragraph (*h*) of clause 5 amends section 5 (4) so as to make it applicable to any rating period instead of to a period of twelve months only as it now applies. Section 6 (1) of the principal Act provides that if a rate in respect of a calendar year is not paid by March 15 next after it is declared a penalty is to be added to the rate. Clause 6 of the Bill amends that subsection so that its provisions will in future apply to rates in respect of the transitional period and adds a new subsection (1a) with corresponding provisions in respect of a financial year. The clause also makes the necessary consequential amendments to that section.

Clause 7 of the Bill is designed to increase the maximum annual expenditure on aerial baiting for wild dogs from £2,000 to £3,000. On that basis the clause also fixes the maximum expenditure on aerial baiting for the transitional period at £4,500. The clause amends section 6a of the principal Act accordingly. As I explained earlier, the effect of clause 8 will be that all moneys received on account of rates, without any deductions therefrom for administration costs and costs of aerial baiting are to be paid into the Wild Dogs Fund.

It will be remembered that section 4 of the principal Act as amended by clause 4 will provide for those costs to be met out of the fund.

As a result of the amendments made by this Bill to sections 4 and 7 of the principal Act it has become necessary to repeal and re-enact section 8 so as to retain as far as possible the original basis under which subsidies to the Wild Dogs Fund were paid. This is done by clause 9. In further support of the Bill I would like to add that the alteration of the rating period could effect a saving of approximately 50 per cent of the total expenses incurred and time spent in respect of the administration of the Wild Dogs Act and the Dog Fence Act and the consequent improvements that will be made in the administration of both Acts would be welcomed by ratepayers.

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

ROAD TRAFFIC BILL.

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

That Sir Edgar Bean be accommodated on the floor of the House at the right of the President while the Road Traffic Bill is being considered.

Motion carried.

In Committee.

(Continued from October 19. Page 1403.)

Clauses 53 to 62 passed.

Clause 63—"Right of way at intersections and junctions."

The Hon. JESSIE COOPER: I move:

To strike out subclause (6).

Good drafting and good law-making are, I believe, two different things. As all honourable members agree, this Bill is an example of excellent drafting, but it does not mean that there is nothing that can be argued about. No matter how good drafting is, if it ignores common sense, it makes bad law. In all walks of life and in our daily activities, and in the laws of the sea, in fact in everything one can think of, a person who is about to change his course of action in relation to others has the responsibility to take maximum care. It is basically rational that in heavy traffic a man who has decided to change his direction or one who has decided to change his speed has the primary responsibility to ensure that his change will not precipitate the circumstances for a collision.

With specific reference to subclause (6), it seems to me irrational and completely stupid to say that a man who is sitting in a stationary vehicle at a "stop" sign has the right to let in the clutch, jump his vehicle forward into an oncoming stream of traffic and cause a catastrophic collision—simply because he was sitting on the right-hand of an oncoming stream of traffic. It is irrational to say to a driver, "You are coming to a dangerous intersection; you must stop to ensure that the way is clear," and then to say, "Very well, having stopped, you may now proceed in the face of oncoming traffic on your left and promote a collision." It is equally irrational to put up a "stop" sign and say to a driver "Stop, but having stopped you have fulfilled all the specific requirements that the law demands in relation to this sign. You may now proceed as though the sign had never been erected".

The present law came into existence in December, 1953, on the recommendation of the Australian Traffic Code Committee. There were just as intense debates then on the whole Bill as now. On that occasion the Hon. Mr. Melrose said:

> It is not a foregone conclusion that Parliament must swallow hook line and sinker all recommendations made by committees.

At that time it was claimed that the provision would ensure a freer flow of traffic; secondly, that it would bring a degree of uniformity into the law concerning right-of-way. In the intervening eight years it has achieved the second, thereby proving that "stop" signs are completely redundant and should be abolished. As to the first aim, it has produced anything but what it set out to do. The flow of traffic is impeded every time. As the Minister has rightly indicated, the primary object of modern road traffic legislation (of which the Bill before us is an excellent example) is to use the roads to their maximum capacity and to clear the traffic at the greatest possible speed with the maximum safety to all users. The present rule does the exact opposite. Confusion, indecision and irritation arise from the application of this rule. People who deal with such matters in the law courts, as well as many drivers, both private and professional, have told me that it has been one of the most dangerous additions ever made to the Act and I therefore thought it encumbent upon me to move the amendment.

The Hon. G. O'H. GILES: I cannot allow the honourable member's remarks to go unchallenged. Anyone who is in the habit of using the roads where there is much cross-traffic must come face to face with a large number of vehicles. It is futile to suggest that because a vehicle is allowed to proceed across an intersection there should not be a "stop" sign. On many cross roads traffic is forced to stop to achieve safety, and then the vehicle can proceed, taking advantage of the right of way. I do not think that many people would drive into an oncoming stream of traffic without taking due care in order to allow other traffic to stop for them. I support the clause.

The Hon. S. C. BEVAN: I support the amendment because of what I have seen repeatedly at "stop" signs. When a "stop" sign is erected it is an indication of the presence of danger. I do not agree with the Hon. Mr. Giles that once a vehicle has stopped the danger has passed and that it can immediately proceed on its way. Every day of the week at "stop" signs we see vehicles not stopping but continuing to move slowly and then, irrespective of the traffic on the right, go ahead. If an intersection is sufficiently dangerous to have a "stop" sign erected motorists should stop at the sign and not enter the intersection until it is safe to do so. Today there is not that responsibility on the motorist, and there should be. That is why I support the amendment.

The Hon. A. J. MELROSE: Today there is some uncertainty amongst drivers as to their responsibility in this matter. I interpret "stop" literally and I keep my vehicle stationary until it is safe for me to enter the stream of traffic. Other people stop momentarily and then dash into the traffic. I support the amendment.

The Hon. Sir ARTHUR RYMILL: I oppose the amendment. The Hon. Mrs. Cooper wants to put the clock back to pre-1953, when what she now wants prevailed. In 1953 it was found necessary, because of increased traffic, to make section 131 apply at "stop" signs. Previously when a vehicle stopped at a "stop" sign it had to give way to vehicles on both the left and the right, but in 1953 the volume of traffic at peak periods had increased so much that people often had to wait minutes at those signs.

The Hon. A. J. Melrose: The solution would be to have a policeman on duty.

The Hon. Sir ARTHUR RYMILL: If the honourable member knew as much about that matter as I do he would know that there is only

a fractional number of police available compared with the number of intersections, and that if there had to be traffic lights at every dangerous intersection there would need to be thousands of traffic lights. By 1953 vehicles had to wait minutes before being able to proceed after stopping. Up to that time there had to be no traffic on both the right and the left before proceeding but even in peak periods and at special times that did not happen often. That is the position even now at peak periods when football is played at the Adelaide Oval, for instance.

The Hon. A. J. Melrose: That would be an exception.

The Hon. Sir ARTHUR RYMILL: That is so, but peak periods are not exceptions. If the law had to be altered in 1953 to meet the position then, surely the amendment now moved is impracticable. If it is carried here and is accepted in another place, there will surely be an amendment to the section next session because it will be found that the provision is impracticable. People will rise up against it, because they will get tired of waiting at intersections. Even now it is difficult to get across intersections after waiting for the traffic to be cleared on one side. I agree that many drivers do stupid things at "stop" signs and elsewhere. If we had to cope with all this in order to make driving safe, it would mean practically the end of driving.

The Hon. N. L. JUDE (Minister of Roads): It is unthinkable that we should support the amendment. This clause is only a re-enactment of an existing provision. It is not a new clause that the Hon. Mrs. Cooper wants to amend. The clause eases the flow of traffic at peak periods. The driver having stopped, conditions return to the status quo which exists at every intersection where there is not a stop sign. In Victoria where they roll across "stop" signs the authorities are having trouble in educating the people to drive carefully. To alter the status quo which exists today where you get a right of way over the driver on your left after having once stopped at a "stop" sign, as applies at every other intersection, would be a retrograde step.

The Hon. JESSIE COOPER: I have not been impressed by the arguments against this amendment. Putting the clock back in legislation is a common practice now, and we had an example of that yesterday when the Government introduced a Bill, and it was stated then that legislation which had been passed previously did not work and it was necessary to have a new Act. That is putting the clock back. The Minister himself talked about educating people in Victoria back to safe driving. I do not live in the ideal driving world of the Hon. Mr. Giles, nor in the northern suburbs driving area, but I do live in the eastern suburbs and I drive daily and see many near-misses. This is a most dangerous clause and I ask honourable members to give the amendment serious consideration.

The Committee divided on the amendment:

Ayes (5).—The Hons. K. E. J. Bardolph, S. C. Bevan, Jessie Cooper (teller), A. J. Melrose, and W. W. Robinson.

Noes (11).—The Hons. L. H. Densley, E. H. Edmonds, G. O'H. Giles, A. C. Hookings, N. L. Jude (teller), Sir Frank Perry, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Pair.—Aye—A. J. Shard. No—Sir Lyell McEwin.

Majority of 6 for the Noes.

Amendment thus negatived; clause passed.

Clauses 64 to 73 passed.

Clause 74—"Signals for right turns, stops and slowing down."

The Hon. Sir ARTHUR RYMILL: I am not going to move an amendment to this clause, but I draw the attention of honourable members to a very dangerous practice that has crept in during the last few years, namely, people wanting to turn right first put up their hand making the "stop" sign which indicates that they are going to slow down, stop or turn left; when you are about to pass on the right they shoot the hand out and make a right-hand turn signal, indicating they are going to turn to the right. Whether they are technically wrong or not I do not know, because first of all they are going to slow down and then turn right, and they are the signals that they make. I would like the Minister to consider the point—although I am not proposing to amend the clause myself—that it should be made clear that the right-hand turning signal includes slowing down, and that if you are going to turn right you should be prohibited in some way from making a slowing down or stop signal. It does not say so in the Act, but this latter signal also indicates the intention to turn left, because you have to slow down to turn left in most cases.

I am sure honourable members have observed this practice as well as I have, and it can create very dangerous situations. Something should be done in an attempt to cope with it, either in a clarification in the Act itself

by including slowing down in the right turn signal, or prohibiting the slowing down signal being made when the intention is to slow down and turn right. Giving this sign is a really dangerous but increasing practice. I am dubious whether it is an offence when, after giving the slow-down sign, drivers then proceed to give the right-hand sign for the required period. In the dangerous instances I mentioned the drivers do not give the 100-foot signal, but put their hands out and turn immediately, which is certainly a breach of the law.

The Hon. N. L. JUDE: I thank the honourable member for drawing attention to this matter. The problem is caused because drivers use the "stop" sign for slowing down. The practice is regular, but it causes some confusion. I cannot suggest a remedy. If there were a remedy it would have been introduced long ago. I am one of the old school who thinks it is unfortunate that the patting-the-dog signal has gone out. The use of one signal is causing the confusion. I shall refer the matter to the Road Traffic Board for its consideration.

Clause passed.

Clauses 75 to 80 passed.

Clause 81—"Certain vehicles to stop at rail crossings."

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

After paragraph (*c*) of subclause (1) to insert the following new paragraph:

(*d*) a school bus,

I do not know whether school buses are adequately covered by a vehicle carrying more than eight persons and I think the Committee would be wise to include my suggested paragraph (*d*). I believe that provision already exists in Victoria and perhaps in other States, but it is not specifically included here.

The Hon. A. J. Shard: Paragraph (*b*) would cover it.

The Hon. A. J. MELROSE: It may not, but if the Council is satisfied with the matter I will not press my amendment.

The Hon. Sir Arthur Rymill: It does not say the bus has to have eight people in it. It may only have one.

The Hon. A. J. MELROSE: If the council is satisfied that the position is already covered I shall not press my amendment.

The Hon. N. L. JUDE: I think the position is adequately covered. As a matter of fact it roused considerable discussion some time ago because a large number of bus drivers, apart from school bus drivers, considered that they were placed in danger because theirs were the only vehicles required to stop while others were able to proceed over the crossing. I refer particularly to the Blackwood railway crossing. I think it would be better to leave the clause as it stands. It may not be perfect but it provides some protection.

The Hon. A. J. MELROSE: I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clause 82—"Position of stationary vehicles."

The Hon. N. L. JUDE: I move:

In the proviso to subclause (1) to strike out the words "a part of a road which a council has by resolution declared to be a place where vehicles may stand and which is marked with signs or lines so as to indicate spaces for or permit vehicles to stand at an angle to the kerb or footpath" and insert "any place or at any angle, if the vehicle is so standing in accordance with any by-law or resolution passed by a council and for the time being in force, or in accordance with a direction indicated by any line, sign, or notice marked or erected by a council".

I think it would be better if I read Sir Edgar Bean's explanation of it before members peruse the more technical verbiage of the amendment. As was explained when the second reading was moved, clause 82 is designed to make ranking compulsory for stationary vehicles except in places where the council concerned permits angle parking, or in special areas set apart for standing vehicles. Some questions have been raised as to what a council will have to do in order to make angle parking legal. The intention of the Bill as introduced was to preserve all the powers of permitting angle parking which a council has under the Local Government Act, that is, councils could permit angle parking by by-laws, resolutions, establishing special stands for vehicles, or painting lines or erecting signs on roads. Clause 82 was amended in another place with the object of making these powers of the councils quite clear, but in its amended form the clause seems to restrict the powers of councils in that angle parking could not be made legal by by-laws or resolutions only, but road-signs or marks would also be required in every case where angle parking is intended to be permitted. The Government did not desire to go as far as this, and believes that some councils would be embarrassed by a requirement of compulsory signs or marks in every case where angle parking is to be allowed. An amendment is therefore suggested which would enable councils to make angle parking legal by

by-laws or resolutions only, if they thought fit. No doubt in most cases road marks or signs would be desirable and would be provided, but one can imagine some cases throughout the State in which such action would not be necessary. The amendment will make angle parking legal so long as it is in conformity with any by-law, resolution, road-sign or road-mark of a council.

The Hon. Sir ARTHUR RYMILL: I raised this point in the second reading debate at the request of the Adelaide City Council which had pointed out to me that, if the clause went through as originally submitted, it would in the City of Adelaide mean the use of a tremendous amount of paint unnecessarily to indicate parking as opposed to ranking areas. There has been no difficulty in the city up to now and I think that must be one of the places throughout the State that Sir Edgar Bean referred to in his report. I thank the Minister for taking cognizance of my remarks. I am very happy with this amendment which I believe complies with everything I could wish. Also, any council that found it was necessary to make any indication by painting a sign because there was any confusion could certainly, in my opinion, be trusted to do so.

Amendment carried; clause as amended passed.

Clause 83 passed.

Clause 84—"Vehicles standing on bridges and culverts."

The Hon. N. L. JUDE: I move:

To insert after "emergency" in paragraph (*c*) of subclause (2):

or

(*d*) that the vehicle is an omnibus owned or licensed by the Municipal Tramways Trust and has stopped on the bridge or culvert at a stopping place appointed by that Trust.

It has come to the Government's notice that in a particular instance the Municipal Tramways Trust has a "stop" sign on one of our major city bridges where passengers may alight without going to the end of the bridge. The amendment is necessary to enable buses of the trust and private buses licensed by the trust to stop on a bridge where there is an appointed stopping place.

Amendment carried; clause as amended passed.

Clauses 85 to 99 passed.

Clause 100—"Use of warning device."

The Hon. A. J. MELROSE: I should like to see steps taken to prohibit the random use of hooters on motor cars. Usually, they do not provide protection from danger. In Tasmania and, I believe, in London the use of these hooters is prohibited. One often sees motorists travelling beyond the speed limit and hooting at each intersection. They are going so fast that if there should be another fool passing along one of the cross roads at high speed and also blowing his hooter, possibly neither driver would hear the other's warning signal. I do not think there is sufficient protection in the clause as drafted.

The Hon. N. L. JUDE: I think that to an extent the honourable member has contradicted himself. He first indicated that we have too much noise on the streets. I think I am right in saying that Adelaide is one of the best behaved cities in the world as regards the indiscriminate use of motor horns. I believe that the law in London regarding the indiscriminate use of hooters applies after 11 p.m. or midnight, but when one hears the daily fanfare of so many of these fantastic musical instruments that are attached to English cars during traffic jams one would think that the local brass band had gone off key. It all depends upon better driving manners and habits, and we are getting somewhere in Adelaide in this regard. At one of our intersections in the city where traffic lights are to be installed there are many islands, and it is most amazing that there have been no accidents. I believe it is because people are beginning to show a little commonsense and do not blast their way through by blowing their hooters. In the circumstances, I do not think there is any need for any amendment of the clause.

Clause passed.

Clause 101—"Driving while vehicle emits undue noise, smoke, etc."

The Hon. A. J. MELROSE: Unfortunately, the police themselves are not completely free of blame in respect to this offence. They start their motor cycles off like a bombardment of guns and drive with open cut-outs.

The Hon. Sir ARTHUR RYMILL: I thought that the honourable member was going to draw attention to paragraph (*b*) relating to an offensive smell. All vehicles emit an offensive smell, and therefore we would be committing an offence every time we drove our motor cars.

The Hon. C. R. STORY: When a semi-trailer is on the road it is difficult to see through the black smoke screen that comes from it. Has consideration been given to having the exhaust

pipe above a certain level, or leading to the upper air rather than to the side? Generally the exhaust pipe is about knee-high on the side and fumes are shot out to the inconvenience of people in passing vehicles.

The Hon. A. C. HOOKINGS: I am glad that the Hon. Mr. Story has raised this matter. In the United States of America I noticed that the exhaust pipe on a transport vehicle was not on the side, but mostly led into the upper air from behind the cabin. When driving through the Adelaide hills the black smoke coming from these heavy transports creates a difficulty. With some loads there is always the danger of fire. I remember that about two years ago in the South-East 10 outbreaks of fire occurred within a few miles of a certain spot. If the exhaust pipe went into the upper air the position would be safer.

The Hon. N. L. JUDE: I think members must accept the clause as drafted because these problems are always with us. I am sure the experts have considered the matter. I will bring the matter of the offensive smell coming from diesel vehicles before the notice of the Road Traffic Board.

Clause passed.

Clauses 102 to 114 passed.

Clause 115—''Dual purpose lamps on pedal cycles''.

The Hon. C. R. STORY: This is the sort of thing that in my youth we called a ''bobby-dodger''. When we had the carbide lamp there seemed to be sufficient light on the bicycles. Now a man riding a bicycle and wearing an overcoat can prevent the lights permitted under the clause from being seen. I do not know why we should have this type of light when we can get a better type that can be placed on the bicycle about one foot above ground level. I do not like the combination arrangement mentioned in the clause. We should have proper lighting sets, whether they be dynamo or battery sets.

The Hon. N. L. JUDE: To some extent I agree with the remarks of the Hon. Mr. Story, but I think members should have confidence in the regulation-making power in the Bill. I think that will look after the matter that has been raised.

The Hon. C. R. STORY: I ask the Minister to allow the consideration of this clause to stand over for the time being so that I can consult the Parliamentary Draftsman.

The Hon. Sir ARTHUR RYMILL moved:

That consideration of clause 115 be postponed until after consideration of the other clauses.

Motion carried.

Clauses 116 to 118 passed.

Clause 119—''Lamps to be alight at night.''

The Hon. C. R. STORY: It is important that slow-moving semi-trailer vehicles should have clearance lights or lamps high on the cabin structure. With the lights in this position prior warning is given of the approach of the vehicle at night. As I read the clause, it means that all lamps on the vehicle must be left burning. That does not seem very practicable, and I wonder if there is something wrong with the drafting.

The Hon. N. L. JUDE: It will depend chiefly on the regulations. Large vehicles remaining stationary at night is one of those things that has given authorities much concern. It is perhaps unreasonable to expect a lighting system to work all night. There have been cases where the lighting system has failed, and where motor vehicles have been parked under street lights which are later turned off, leaving the vehicle in darkness. These cases are covered by regulation, and honourable members no doubt realize that the authorities are aware of the problems, and will endeavour to cope with them by regulation.

The Hon. C. R. STORY: I raise the point because I am a member of a much-maligned committee, the Subordinate Legislation Committee, and these regulations will be before the committee in the near future, and unless they conform with the Act they will have to be disallowed, which may annoy some people. All regulations have to conform to the Act.

The Hon. N. L. JUDE: Many regulations already exist and I shall ascertain from Sir Edgar Bean if they have to be renewed.

Clause passed.

Clauses 120 to 122 passed.

Clause 123—''Reflectors.''

The Hon. C. R. STORY: It will be necessary for all motor vehicles to have two red reflectors on the rear. Would it still be necessary for semi-trailer drivers to carry the red triangles or some other device prescribed by regulations?

The Hon. N. L. JUDE: That is already provided for in existing regulations and my colleague the Attorney-General informs me that the existing regulations will still stand.

Clause passed.

Clauses 124 to 126 passed.

Clause 127—''Brakes on motor vehicles other than cycles or trailers.''

The Hon. N. L. JUDE: I move at the end of subclause (2) to add the following passage and subclauses:

which shall comprise respectively a service brake and an emergency brake as defined in this section.

(2a) A service brake is a brake which—

(*a*) is applied by a foot pedal; and

(*b*) operates directly on road wheels and not on the transmission; and

(*c*) if on a motor vehicle manufactured after the commencement of this section, operates on all the road wheels of the vehicle.

Provided that a service brake on a vehicle having an articulated track in lieu of road wheels may operate on the transmission.

(2b) An emergency brake is a brake which—

(*a*) is applied either by a hand lever or foot pedal; and

(*b*) is fitted with a ratchet or other locking device capable of holding the hand lever or foot pedal in any position; and

(*c*) operates on road wheels or transmission by direct mechanical action without the intervention of any hydraulic, electrical, or pneumatic device; and

(*d*) is a retaining brake.

and to strike out subclauses (3) to (7).

This is an amendment relating to hand brakes on motor vehicles. The provision in the Bill on this subject is in accordance with the rules worked out by the Australian Motor Vehicles Standards Committee and approved by other experts, but until quite recently no-one seemed to be aware that on a certain make of vehicle the function usually performed by the hand brake was carried out by a foot brake. The matter was brought to the notice of the Government by the Royal Automobile Association of South Australia and has been inquired into by the officers of the Road Traffic Board. They have advised that this form of brake is quite satisfactory and should be recognized by law. In order to do this it is necessary to redraft some of the provisions about brakes because all references to brakes operated by a hand lever will have to be deleted. It is proposed to use the term "emergency brake" in place of the expression "brake operated by a hand lever" and the words "service brake" in place of the expression "brake operated by a foot pedal". These alterations necessitate omission of some subclauses and insertion of new ones. The net effect of the amendments is to recognize that the emergency brake (commonly called the hand brake) may be operated either by a hand lever or a foot pedal.

Amendments carried; clause as amended passed.

Clauses 128 and 129 passed.

Clause 130—"Performance ability of brakes on motor vehicles other than cycles."

The Hon. N. L. JUDE: I move:

In paragraph (*a*) to delete "operated by a foot pedal" and insert "comprising a service brake"; in paragraph (*b*) to delete "operated by a hand lever" and insert "comprising an emergency brake"; and to delete paragraph (*c*).

These amendments are consequential to the amendments made in clause 127.

Amendments carried; clause as amended passed.

Clauses 131 to 157 passed.

Clause 158—"Number of trailers or towed vehicles."

The Hon. C. R. STORY: I ask the Minister to give me time in this case because it is necessary for the draftsman to do some checking before an amendment that I propose to move can be brought forward. The object of the amendment will be to enable the insertion, in subclause (1) (*a*), of wording to enable a jeep, land rover or four-wheel drive vehicle to be included. The clause at present provides that a person shall not drive a vehicle (other than a vehicle the unladen weight of which exceeds two tons or a tractor) towing more than one trailer or other vehicle. In the fruit industry in the river areas bulk handling of citrus fruit and apples has recently been introduced and has certainly come to stay. Many growers will have to cart their fruit eight to 10 miles from their properties to the packing houses, and it is often necessary for two of these trailer bins to be towed one behind the other. A four-wheel drive vehicle could be included with a tractor. A blitz buggy that has been stripped of the tray is often used as a prime mover, but it would not weigh two tons. Will the Minister allow clause 158 to stand over to allow the Parliamentary Draftsman an opportunity to further examine the matter and prepare an amendment?

The Hon. N. L. JUDE: I shall be happy to do that and I move that consideration of the clause be postponed.

Motion carried.

Clauses 159 to 167 passed.

Clause 168—"Power of court to disqualify driver on conviction."

The Hon. F. J. POTTER: I move:

At the end of subclause (2) to add the following:

"and may further order that any person so disqualified shall not at the expiration of such period of disqualification be licensed to drive a motor vehicle until such person passes a driving test as prescribed by section 79a of the Motor Vehicles Act, 1959-1960, and no such person shall be granted a driver's licence other than as prescribed by the said section 79a, and

the disqualification from holding and obtaining a licence shall continue until the expiration of the stated period of disqualification or the passing by such person of the said driving test, whichever last occurs.''

The intention of my amendment is to make it possible for a court that has ordered the suspension of a driving licence to also, if it is satisfied that reasonable cause exists—because after all these are the governing words in subclause (2)—order that the person so disqualified be compelled before he gets his licence back again to undergo a driving test under the provisions of section 79 (*a*) of the Motor Vehicles Act which was the section inserted last year to provide for practical driving tests. This is a power the court should have. Since the introduction of compulsory driving tests the best information I have is that although they have been confined mainly to juveniles, they have been very successful. Quite a high percentage of the applicants have been failed by the examining officers at the first instance. Where the circumstances give a magistrate reason to suspect that bad or inefficient driving was the cause of the offence, under my amendment he may order a practical driving test. In about 50 or 60 years, if the present system continues, everyone driving will have had practical driving test, but meanwhile I think that my amendment would provide a useful power for the court.

The Hon. N. L. JUDE: Undoubtedly, there is some merit in the suggestion, but I am of opinion that the power already exists in the Act for tests to be ordered at any time. Sir Edgar Bean would like to have a look at the drafting of this clause, and the honourable member will have an opportunity to consider it later.

Consideration of clause postponed.

Clause 169—''Duty of court to disqualify driver for certain offences.''

The Hon. Sir ARTHUR RYMILL: I move:

In subclause (1) to strike out ''Section 64 (right of way at ''give way'' signs)''.

The clause refers to compulsory disqualification for the repetition of certain named offences within three years. A previous clause gives power to the court to order disqualification for any offence against any of the charges and this is superimposed upon that clause, and relates to any offence, whether or not it be a first offence. Clause 169 says that in certain named offences the court shall disqualify on a second offence. There is no option. It must disqualify for a period subject only to a provision that the court may order that any offence need not be taken into account for the purposes of the section if it is satisfied that the offence is trifling. I am happy with the clause as it used to be—that there shall be compulsory disqualification for reckless and dangerous driving and for excessive speed in a municipality, town or township, and in relation to the general right-of-way at intersections and junctions. To those the Minister is proposing to add failure to stop after an accident, and that for a second offence there shall be compulsory disqualification; and the same applies as regards the general speed limit of 60 miles an hour. I agree with these provisions.

Clause 64 relating to right-of-way at ''give way'' signs is disturbing me. If one fails to give way at any two of these ''give way'' signs within three years, one's licence will be taken away compulsorily for a period, unless the court is satisfied that the offence is trifling. Although ''stop'' signs have been provided for in the Act for many years there has never been any provision for compulsory disqualification for two failures to stop at these signs, and this is just as dangerous as failure to stop at ''give way'' signs. Every driver knows when he is driving dangerously, recklessly or over the speed limit and on which side is his right-hand and when he should give way, but not everyone knows where these ''give way'' signs are situated. No doubt some drivers in due course will learn, but some of us will continue to come across some of these signs that we had never seen before. On many occasions other traffic is blocking one's view. The most cautious driver is the one who is looking straight ahead, especially when there is heavy traffic, and it would be very easy to miss such signs.

One may safely cross an intersection without having noticed the ''give way'' sign, and then find himself apprehended by a policeman, and then do the same thing at another ''give way'' sign. I should say that every honourable member has at some time or other unwittingly failed to give way at a ''stop'' sign. I have done so, either because I did not know it was there and did not see it or knew it was there and forgot about it. The penalty is far too extreme for cases of this nature. It is not a matter of not observing the law on, say, dangerous driving, but failure to notice a sign on the side of the road. The courts take the matter of the certificate of triviality very seriously and the onus is on the motorist to show that it was a trivial matter. I do not think the ordinary motorist could discharge

that onus and show that the offence was trifling. It is not so easy as it appears at first glance. There is the power to order disqualification on any offence against this clause if the court thinks fit to do so. I am not against compulsory disqualification for second serious offences, but two failures to observe a sign can be extremely trivial, although they need not come within the triviality clause. Members can safely leave it to the courts to say whether or not the offence warrants disqualification. I hope, for the reasons I have given, that the Committee will see the matter as I see it, and that is why I am moving for the deletion of the reference to section 64—the right of way at "give way" signs.

The Hon. N. L. JUDE: I have listened with much interest and sympathy to the honourable member's argument. He says that the offence is failure to give way at a "give way" sign, which he says some people may unwittingly do at any time. Police statistics and information from the National Safety Council show that the chief cause of accidents is failure to give way to the vehicle on the right. If we argue on comparative merits we notice that six sections are quoted in the clause, in addition to the one dealing with "give way" signs. One of the sections deals with the speed limit in a speed zone. We may have a dual highway and we may be caught doing 45 miles an hour in a 40 miles an hour zone. Members would not object to this. The failure to give right of way is generally noted on the arrival of the authorities after an accident. Some people do not give right of way in instances when the negligence is not excessive. There are many occasions when a vehicle in good condition can get across the intersection before a "bomb" that is approaching on the right, but the clause is inserted to cover the vast number of accidents that occur through failure to give right of way. Perhaps Sir Arthur would comment on that side of the question rather than on the comparatively minor matter of failing to stop at a sign.

The Hon. Sir ARTHUR RYMILL: I think the Minister has missed the point, or is doing some hair-splitting. I might have referred to failure to stop at a "give way" sign, but in many instances stopping at a sign would be synonymous with giving way. My point is that these "give way" signs refer to giving way to the left as well as to the right, and the ingredient of the offence is that if we do not notice the "give way" sign, and do not give way, for instance to the left, there will be a cancellation. The licence will be compulsorily taken away in cases that are not serious, purely because the existence of the sign was not noticed. It does not matter whether the driver stops or gives way. The "give way" sign alters the onus of giving way because it makes the driver give way to the left as well as to the right. To know that we must give way to the left means that we must have seen the sign, and if we do not notice the sign there will be a dire penalty for the second offence. I guarantee that some members will pass "give way" signs without knowing that they were there. There is absolute power for the court to order disqualification even for a first offence against this matter if the court thinks it is a case for disqualification. The removal of the words by the amendment will not stop courts from imposing disqualification in such cases, but it will stop the compulsory ordering of the removal of a licence when both offences have been committed unwittingly and are not dangerous.

The Hon. C. D. ROWE: The whole purpose of this Bill is to try to make safety on the roads a little more secure than it is at present. I cannot imagine any movement on the road that is calculated to create a greater hazard, or to result in a more serious accident, than failure to give way, where there is a "give way" sign. In normal circumstances the sign is not erected, in the same way as no sign is erected to tell a driver to give way to the vehicle on the right. The appropriate authority, having looked at the intersection, would say that there was a special source of danger through either the nature of the intersection or the extent of the traffic involved. The board says that in these circumstances it must go beyond what is done elsewhere, and puts up a particular sign in a conspicuous place to draw the attention of motorists to the danger existing at this spot. What is mentioned in this clause? The first thing is that it has to be the second offence against this particular section; then, if on one occasion a person has inadvertently failed to obey this direction, if there were circumstances reducing it to a trivial contravention, the driver is excused; and thirdly, the offences have to occur within three years.

My own experience is that if a person has disobeyed an important sign, the obligation is on him to see that he exercises extra special care during the next three years to ensure that he does obey the signs. It would be a salutary lesson to him. I respect the opinion of the Hon. Sir Arthur Rymill on traffic matters

because of his great experience, but, firstly he has unwittingly trangressed this section on more than two occasions, and secondly, he is arguing from his own cases. It is not necessary for me to repeat that hard cases make bad laws. I cannot reconcile the desire to make conditions on our roads safer with the suggestion made by Sir Arthur Rymill. I believe there are adequate safeguards and that these signs are only erected where there is a special danger and where special care is needed, and we should do everything we can to educate the public to exercise special care where there is a very great hazard.

The Hon. Sir ARTHUR RYMILL: I know the Attorney-General is keen to get Government Bills through precisely as they are submitted to the House, but it is our duty to draw attention to matters needing consideration. The Minister has put up a very pious argument saying that this is a terrible offence, and should be singled out, with five other dire offences, for a compulsory disqualification for a second offence. He says that this is done in the interests of making road safety safer. I refer him to section 80, which states that a driver shall not drive his vehicle or any part thereof on to a level crossing while any warning device at or near the crossing is oscillating or emitting sounds or flashing lights. That is a sign or signal which can be generally seen, but is there a compulsory disqualification for deliberately doing that a second time? Not on your life!

The Hon. Sir Frank Perry: You wouldn't have a second chance!

The Hon. Sir ARTHUR RYMILL: That is a much more serious offence than the one we are discussing. Why doesn't the Minister include that instance in this clause? There are plenty of other instances to which I could draw his attention.

The Hon. JESSIE COOPER: I support Sir Arthur Rymill in his argument and am confident that, after three years, legislation will be introduced so that at "give way" signs you do not need to worry about oncoming traffic on your left. There will be great confusion, more irritation and more accidents, and the Government will be very happy!

The Committee divided on the amendment:

Ayes (12).—The Hons. K. E. J. Bardolph, S. C. Bevan, Jessie Cooper, L. H. Densley, G. O'H. Giles, A. C. Hookings, A. J. Melrose, F. J. Potter, W. W. Robinson, Sir Arthur Rymill (teller), C. R. Story, and R. R. Wilson.

Noes (4).—The Hons. E. H. Edmonds, N. L. Jude (teller), Sir Frank Perry and C. D. Rowe.

Pair.—Aye—The Hon. A. J. Shard. No.—The Hon. Sir Lyell McEwin.

Majority of 8 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER: I move:

After "court" last occurring in subclause (2) to insert "at the hearing of a complaint for any offence mentioned in subsection (1) of this section,"

I move this amendment to clarify the position, because the proviso to the subclause mentions "any such offence". That is using the singular, whereas the subclause refers to a first offence and then to a second offence. It could be taken that any such offence could relate only to the second offence against the same provision. This is undesirable and the court should certify as trifling either a first or a second offence if it is trifling. My amendment will also make it clear that the court dealing with a second offence will not be reviewing the decision of the court in the first instance. It may either give or not give a certificate of triviality. If the words are inserted it will put the position beyond doubt.

The Hon. N. L. JUDE: If the honourable member, with his legal knowledge, thinks there is some doubt about this clause I can see no reason for not accepting his amendment.

Amendment carried; clause as amended passed.

Clauses 170 and 171 passed.

Clause 172—"Removal of disqualification".

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

In subclause (1) to strike out "until further order" and to insert at the beginning of subclause (2) the words "Except on the ground that a driving licence is necessary to the applicant's employment".

The purpose of the amendment is to give a person who has been convicted and sentenced and has had his licence suspended for a fixed period an opportunity to apply for the removal of the disqualification. The particular case I have in mind relates to a man who broke into a factory and stole goods, and at the time used a motor car. He was sentenced to six months' imprisonment and his licence was cancelled for three years. In certain cases after these people have served their sentence it is extremely difficult for them to rehabilitate themselves unless they have permission to drive a motor vehicle in the course of their employment. I am not saying that the courts should not do certain things, but where a person has served the hardest part of a sentence, has realized his

mistake and wishes to rehabilitate himself, but has been disqualified for a definite period he should be placed in the same position as the person who has been disqualified from driving until further order. A person who has been disqualified from driving for an indefinite period may, within three months after serving his sentence, appeal to the court for restitution of his licence. However, a person disqualified from holding or obtaining a driver's licence for three years has no such right of appeal and the amendment seeks to give him this right. I want both classes of drivers to be on the same footing. I do not believe the case I referred to is an isolated one and I believe a member in another place knows of a similar case. Such cases would be rare because the drivers would have to show some stability in the community and prove that they were now decent citizens and that a licence was necessary for their employment. I would be happy if the licence were restored only during a driver's working hours. A provision of that nature applies in Western Australia. Surely this is not too much to ask if we wish to help these people back to a normal way of life. The final decision will still rest with the court and if the court refuses an application nothing further can be done about it.

The Hon. N. L. JUDE: I listened with interest to the honourable member's plea on behalf of one particular section of the community, but most people who own a car use it in connection with their employment. When cancellation of a licence takes place together with a severe sentence, it is for a serious offence and Parliament has always upheld the principle that serious offences should be adequately penalized. In fact there is a general tendency to suggest that penalties should be higher in connection with motor car offences. A person who has had his licence cancelled may have other avenues of employment or he may be able to make other provisions. It is hard to determine whether disqualification affects his employment. It is a case of the punishment fitting the crime and the Council has decided that it should fit the crime. I do not think that exemptions of this type are desirable just because a person claims that he uses his motor vehicle to obtain a living. Let us suppose that a man drove his car for pleasure and then if he had a conviction decided to take a job where driving was essential so that he would have the right to say that it would interfere with his employment. The question arises whether he took that form of employment so that he could have the right of appeal. I suggest that the Committee does not accept the amendment.

The Hon. A. J. SHARD: The Minister has replied to everything I said except the main point. If the court disqualifies a person until further order, that is a much more serious penalty than if there is a time limit. Whereas one person has the right of appeal, the man guilty of the minor offence has no such right. If a man is trying to do the right thing, we should give him the right of appeal to have his licence restored. I have never heard a more reasonable request than this one since I have been a member. Surely we are not going to play Party politics on this suggestion.

The Committee divided on the amendment:

Ayes (5).—The Hons. K. E. J. Bardolph, S. C. Bevan, A. J. Melrose, Sir Arthur Rymill, and A. J. Shard (teller).

Noes (12).—The Hons. Jessie Cooper, L. H. Densley, E. H. Edmonds, G. O'H. Giles, A. C. Hookings, N. L. Jude (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, C. R. Story and R. R. Wilson.

Pair—Aye—The Hon. A. F. Kneebone. No—The Hon. Sir Lyell McEwin.

Majority of 7 for the Noes.

Amendment thus negatived; clause passed.

Clauses 173 to 177 passed.

The Hon. N. L. JUDE: To enable members to have a further look at the postponed clauses I ask that progress be reported.

Progress reported; Committee to sit again.

TRAVELLING STOCK RESERVE: HUNDREDS OF BOOLCUNDA, PALMER AND WILLOCHRA.

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That those portions of the Travelling Stock Reserve in the hundreds of Boolcunda, Palmer and Willochra, shown on the plan laid before Parliament on August 29, 1961, be resumed in terms of section 136 of the Pastoral Act, 1936-1960, for the purpose of being dealt with as Crown lands.

TRAVELLING STOCK ROUTE: HUNDREDS OF SEYMOUR, MALCOLM, BONNEY, GLYDE, SANTO AND NEVILLE.

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That those portions of the Travelling Stock Route in the hundreds of Seymour, Malcolm,

Bonney, Glyde, Santo and Neville, shown on the plan laid before Parliament on August 29, 1961, be resumed in terms of section 136 of the Pastoral Act, 1936-1960, for the purpose of being dealt with as Crown lands.

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

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

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

That this Bill be now read a second time.

Its principal object is to extend the operation of the Landlord and Tenant (Control of Rents) Act for a further 12 months and accordingly clause 6 amends section 123 of the principal Act by substituting "62" for "61" in that section, thus extending the operation of the Act to December 31, 1962. The demand for rental housing is still greatly in excess of supply and, apart from flats, little housing for rental is being built except by the Housing Trust. During the year which ended in March, 1961, the trust completed just over 3,000 houses, but it received 6,000 applications for rental houses and over 3,000 for purchase houses, making a total of over 9,000 applications. During the previous year nearly 6,000 rental applications and over 3,000 sale applications were received. It will be apparent from these figures that there is no diminution in the rate of demand.

I would point out to members that amendments made to the Act from time to time removing various types of lease from control have led to heavy increases in rents and I am informed that since January, 1960, over 5,400 tenants have complained to the trust about such increases. Over the past few months complaints have disclosed an average rental of some £6 16s. a week for premises, the average rental on which would, if they had been under control, have been about £2 5s. a week. The houses concerned are mainly in the city and older suburbs and range from premises verging on a substandard to older types. The Government feels that the time has not yet been reached when control of rents should be allowed to lapse.

The Bill effects three other amendments. Clause 3 effects two amendments. The first is designed to close up a loophole which has been discovered in section 6 (2) (*b*) of the principal Act deriving from the form in which that section now appears. It is a result which was possibly not foreseen when the Government accepted an amendment in 1959 or, at any rate, was not intended. Section 6 (2) (*b*) of the Act exempts from control certain leases of premises or any part thereof which or any part of which was not let between 1939 and 1953. As expressed, these provisions give rise to a peculiar result which is best explained by way of an illustration. Suppose that a landlord had a house property which had been let before 1953 and on which the rental had been fixed. Let us suppose further that recently some additions were made to the premises. It appears that the whole premises would be free from control because they are premises part of which, namely the recent additions, had not been let between 1939 and 1953 for the very simple reason that the additional part was not in existence. It is accordingly proposed to amend section 6 (2) (*b*) so that it will provide for an exemption of premises or part of premises which were not let wholly or in part between 1939 and 1953. In the hypothetical case which I have mentioned, the composite premises, that is the original premises plus the additions, although not let as a whole between 1939 and 1953, were certainly let in part during that period.

The other provision in clause 3 is designed to exempt from the Act a dwellinghouse attached to a shop where the owner of the shop requires possession of the dwellinghouse for the purpose of extending his shop. There are some cases where a man owns a small shop with a dwellinghouse attached, but has let the dwelling and lives somewhere else. The amendment will free the dwellinghouse from control, thus leaving the owner his normal right of obtaining possession where he requires the house for the purpose of incorporating it into his shop.

Clause 4 amends section 21 of the principal Act, subsection (2) of which provides that in fixing rentals the basis to be taken is the general 1939 level increased by 40 per cent, that percentage having been raised from 33⅓ to 40 in 1957. It is proposed to liberalise this provision by empowering the trust or the local court (as the case may be) to take as a basis the 1939 level plus such percentage as it considers just, but the percentage is not to exceed 60 in any case. The Government believes that this provision will operate as a measure of alleviation in proper cases.

Clause 5 provides that no notice to quit can be given in respect of any premises in respect of which rent has been overcharged without the consent in writing of the trust. The new section 48a will avoid the notice to quit and make the giving of such a notice an offence.

The reason for this amendment is that the experience of the trust shows that not infrequently after an investigation of a complaint for the overcharge of rent the landlord gives the tenant a notice to quit and worries him out of the premises. The new section 48a is designed to prevent that from happening.

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

PUBLIC SERVICE ARBITRATION BILL.

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

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

That this Bill be now read a second time.

The object of this Bill is to enable the appointment of a Public Service Arbitrator. It is introduced following discussions with the Public Service Association. The basic provisions of the Bill may be summarized as follows:

(1) The Arbitrator will deal only with salaries: he will have no jurisdiction in respect of other conditions of employment which are directly or indirectly regulated by the Parliament through the Public Service Act.

(2) Claims can be submitted only by groups of officers whose duties are substantially identical. Where an officer's duties are unique the individual officer can submit a claim, but this will be the exception since there are few such officers in the service. First division officers, heads of departments and officers of the State Bank are excluded.

(3) The broad outlines of procedure are set out in the Bill. Claims are lodged first with the Public Service Board: if agreed, they are embodied in a return by the board; if not, they go to the Arbitrator for determination.

(4) The right of access to the Industrial Court is not affected, nor are the general provisions of the Public Service Act affected.

I now deal with the clauses of the Bill. Clauses 3, 4 and 5 are machinery clauses, providing for the appointment of an Arbitrator, salary and term of office, on lines similar to those relating to holders of other statutory appointments where independence of the Government of the day is essential. Clause 6 relates to staff. Clause 7 provides for the jurisdiction of the Arbitrator which is limited to determinations affecting salaries. Clause 8 sets out the general procedure in regard to claims. As I have said, claims by individual officers cannot (except in those few cases where an officer's duties are unique) be made. Lodged with the board in the first instance, if not accepted by the other party, they go to the Arbitrator for determination. Effect is to be given to an agreed claim or determination by return under the Public Service Act in the usual manner.

I draw attention at this stage to subclause (5) of clause 8, which provides for the Arbitrator to decide whether an officer or officers constitute a group and for the board, where it thinks it desirable, to refer to a claim by an individual officer or officers (not eligible to make a claim directly) to the Arbitrator. Clause 9 deals with the general powers of the Arbitrator which includes power to summon witnesses. Clauses 10, 11 and 12 provide that the Arbitrator is not to be bound by technicalities, that costs are not to be allowed in connection with proceedings and that paid agents cannot appear except by leave. Clause 13 provides for punishment for contempt, clause 14 provides for summary procedure for offences, and clause 15 for regulations.

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

HOSPITALS ACT AMENDMENT BILL.

Returned from the House of Assembly with an amendment.

SUPERANNUATION ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The amendments made by this Bill fall into three groups. The first and most important group relates to increases in pensions and entitlements; the second will change the present system of payment of contributions from monthly to fortnightly, and the third concerns administrative and machinery matters. The first group of amendments is made by clauses 10 (*a*) 11, 17 (*a*), 20 (*a*), 23, 24, 26, 27, 28 (*a*), 29, 32, 33 and 36. Without describing in detail what each of these clauses and subclauses does, since some of them are consequential upon others, I state their effect as follows: First, the number of units of pension which may be taken out by a contributor is liberalized. At present no member of the public service can contribute for more than 36 units; in future there will be no arbitrary maximum, but contributors on higher

salaries will be able to contribute for a pension not exceeding one-half of their salaries. Existing contributors for the present maximum of 36 units (equal to a pension under the new rates of £1,872) may, up to March 1 next, elect to take additional units which would bring their pension entitlement up to one-half of their salaries. At the same time the number of reserve units which a contributor may take out is being increased from four to eight.

Secondly, the value of the unit of pension is raised from £45 10s. to £52. The increased value will apply to all units now being, or to be, contributed for. No increase in rates of contribution is being made. Although the increase in the value of the unit has meant an alteration in the scale of units, I point out that the new scale will not affect present contributors, all of whom will receive at no cost to themselves an increase of one-seventh in the value of the pensions for which they are now contributing. Future contributors will likewise pay no more than present contributors per unit of pension. Correspondingly, the value of widow's pensions is raised from the present £26 to £31 4s. a unit, while that of children of deceased contributors is raised from £26 to £52 per annum; the pension for children of widows retiring on invalidity is raised from £52 to £104 per annum, and orphans' pensions are similarly raised from £52 to £104 per annum. Thus, children's and orphan's rates are doubled.

Thirdly, provision is made for the increase of existing pensions to accord with the increase in value of the unit. Clauses 26 (*c*) and 27 (*d*) increase widows' pensions now in force by one-fifth, and clause 33 extends the increase of one-seventh which was made last year for the first ten units to all units, and at the same time increases pensions payable to pensioners who have since retired or reached the retiring age before the increased value of units by the like amount.

I come now to the second group of amendments which are effected by clauses 8, 15 (*b*), 17 (*b*), and (*c*), 18, 20 (*b*), 21, 22 (*a*) and 41. These are all technical amendments designed to change the method of payment of contributions. Hitherto, contributions have been deducted from salaries of contributors on a monthly basis, equal deductions being made for twenty-four fortnights during the year, and no deduction for the remaining two fortnightly pay periods. It is proposed as from July 1 of next year to divide annual contributions by twenty-six, so that the calculations of salary and deductions will be the same for every fortnight of the year, rather than uniform for all but two pay periods, thus making for greater efficiency and saving of time by the use of uniform figures throughout the year.

The third group of amendments relates to a number of administrative and machinery matters. It will be necessary to refer to some of these in detail. Clause 4 is of a technical character, designed to remove confusion as to the application of the present definition of "actuarial equivalent". Clause 5 removes from the definition of "public authority" (with which the Superannuation Board may make arrangements for participation in the fund) the requirement that the authority must hold property on behalf of the Crown, a requirement which unduly limits the power conferred. Clause 6 will clarify the powers of the board in relation to the lending of moneys on real property. Clause 7 will increase the frequency of actuarial valuations of the fund by requiring them every three, instead of every five, years.

Clause 9 amends section 23a of the principal Act requiring medical examination of new contributors by empowering the board to refuse to accept a medical certificate over 12 months old. Subclause (*b*) of clause 10 repeals subsection (2) of section 24 of the Act (which in view of present day salaries now has no meaning), and introduces a new subsection which will enable a contributor to elect in advance to take up additional units to which he may become entitled by reason of increments in, or increases of, salary from time to time, rather than make an election each time. The amendment will also save considerable administrative delays. Clauses 12 (*a*) and (*b*), and 13 (*a*) makes two amendments relating to the dates for making elections for units of superannuation and are designed to simplify administration. The remaining parts of clauses 12 and 13 will make provision to cover the situation where a contributor dies before the expiration of the period for making an election for additional units. In the ordinary course a failure to elect is deemed to be an election to take all the units available.

Clause 14 removes the time limit for making an election not to contribute for additional units (at present three months), a limit which is unsatisfactory and, if rigidly imposed, would lead to hardships. Clause 15 (*a*) will make express provision for the board to allow an employee not certified as of sound health to contribute for reduced benefits. Clause 16 repeals the present section 24be relating to the right of a minor to elect after reaching

his majority to take units to which he is entitled. Under section 24bd all contributors have the right to apply for units not previously taken and it is considered that section 24be can be repealed with considerable savings in time in recording and following up re-elections by minors. Clause 19 is a drafting amendment. Clause 22 (*b*) enables the board to charge compound interest on contributions in arrear (except in case of illness). Similar provision exists in New South Wales and Western Australia.

Clause 25 amends section 41 of the principal Act which deals with the amount of reduced pensions for contributors who retire before the normal retiring age. A strict interpretation of the existing section would mean that a contributor who had previously been on invalid pension and who elected for a reduced pension after the age of 60 years would receive a smaller pension than a contributor who had not been on invalidity pension. No such discrimination is made in respect of a pension payable at 65 years and the Government considers it just that the amendment suggested should be made. If the amendment is adopted the Government would then also be deemed to have contributed during the period of receipt of invalidity pension.

Clause 28 (*b*) will extend the benefits for dependent children of widows who were contributors in their own right to children of female contributors whose husbands were divorced. Clause 30 (*a*) is designed to remove an anomaly. It appears that two benefits are available in the case of a widow contributor who dies leaving a dependent child or children under the age of sixteen years; namely a pension in respect of the children under section 43a and section 44 (2), and a payment equal to the contributions paid by the contributor (less 5s. per annum) to be made to the personal representative of the deceased contributor under section 45. The amendment will provide for benefits of the first class, but will exclude any claim for the second benefit. Clause 30 (*b*) makes an amendment similar to that made by clause 25.

Clause 31 amends section 45a of the principal Act dealing with payments where contributions exceed benefits. Recent cases under this section have disclosed the possibility of serious anomalies arising under the present legislation and the Government is of the opinion that any moneys payable under this section should be paid to the personal representative of the deceased contributor or pensioner as in other cases of refunds of contribution (section 45); and that the restriction imposed in the present section be removed to widen the field of benefit in such cases to all cases where the total benefits received are less than the total contributions paid. Clause 34 amends section 50 of the principal Act dealing with retrenchment. The amendment is based upon the same principle as the amendment made by clause 25 and is designed to remove a provision which is considered unfair to contributors who are retrenched. Clause 35 (1) (*a*) makes a similar amendment in relation to contributors who are dismissed, discharged or who resign.

Clause 35 (1) (*b*) will empower the board to deduct from refunds of contributions any moneys owing to it without the necessity of obtaining a procuration order from the contributor. Clause 35 (2) will place recreation leave on the same basis as long service leave in relation to the prepayment of refunds of contributions. Clause 37 will make it clear that a contributor retired on pension for invalidity who resumes duty must contribute for the same number of units at the rate which would have applied if he had not been retired. Clause 38 empowers the board to close a voluntary savings account which it considers unsatisfactory. Similar provision exists in New South Wales. Clause 39 is consequential upon clause 22 (*b*). Clause 40 will enable the making of additions to benefits or reductions in contributions according to the state of the fund as advised by the Actuary.

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

MOTOR VEHICLES ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

It will make three amendments to the principal Act. The first, which is effected by clauses 5 and 7, will empower the separate registration of a prime mover and trailers with separate registration numbers to be used in conjunction with it for one fee to be calculated (as at present) upon the combined power-weight of the prime mover and the heaviest of the trailers concerned. At present, articulated motor vehicles are registered as one unit and are therefore required to carry the same number on the front and back of the units.

In what are known as "roll-on roll-off" operations, the Adelaide Steamship Company

may use a number of prime movers and a large number of trailers. At ports private contractors may take over, using their own prime movers. Under the present legislation this would involve the constant change of number plates. The amendments made by clauses 5 and 7 would enable ease of operation on the interchange of trailers. The provision will of course apply to any owner desiring to operate in the same way.

The second amendment, effected by clauses 6, 8, and 9, will change the present period of registration from the first of the month during which registration takes place, to the actual day of registration. This will mean that a person will obtain twelve full months' registration whether he registers on the first of the month or any other day. It will thus be of advantage to the owner as well as to the department which under the present system is faced with applications for renewal at the end of each of the 12 months of the year instead of receiving a more even flow throughout the year. To the owner it will also mean a saving in registration fees on transfer of his vehicle. The system of day-to-day registration has been adopted in all the other States and does not involve any loss of revenue. Where cancellations are made the refund will be increased by the odd days.

The third amendment is made by clauses 4, 10 and 11 which provide for the introduction of driving instructors' licences. Clause 11 will require every instructor for fee or reward to hold a special licence. A person over 21 years of age who has held a driver's licence for three years is entitled to an instructor's licence if the Registrar is satisfied as to his good character and proficiency, after test if the Registrar requires one. A fee of £10 is payable for a licence which normally lasts for three years, but can be cancelled and is in any event cancelled or suspended if the holder's driver's licence is cancelled or suspended. An appeal against refusal, cancellation or suspension is provided by clause 10.

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

ADJOURNMENT.

At 5.35 p.m. the Council adjourned until Thursday, October 26, at 2.15 p.m.