LEGISLATIVE COUNCIL.

Wednesday, November 13, 1963.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS.

HISTORICAL BUILDINGS.

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

Leave granted.

The Hon. K. E. J. BARDOLPH: There appears in this morning's *Advertiser* the following statement in connection with historical buildings in Sydney:

Stung by a recent remark that there is no nation in the world so "bulldozer happy" as Australia, a growing number of Sydney residents are heeding pleas for the preservation of buildings and structures of historical or architectural merit.

Bringing it back home, we have similar buildings in the city of Adelaide that have been there from the early days of the foundation, and they come under the control and supervision of the National Trust. Will the Chief Secretary take up the question with the Government towards providing sufficient funds to the National Trust so as to retain by purchase or restoration the many historical buildings of architectural merit at present in Adelaide?

The Hon. Sir LYELL McEWIN: Parliament has already dealt with legislation concerning the trust and I do not know of any obligation on the Government to raise funds for it.

The Hon. K. E. J. Bardolph: I suggested that you take up the matter.

The Hon. Sir LYELL McEWIN: I will refer the question as submitted by the honourable member.

THIRD-PARTY INSURANCE.

The Hon. R. C. DeGARIS: Has the Minister of Roads a reply to my question of November 6 regarding third-party insurance?

The Hon. N. L. JUDE: The honourable member was good enough to indicate that he would like a more specific reply. This matter was mentioned in a debate by the Hon. Mr. Bevan. A report I have from the Registrar of Motor Vehicles states:

All provisions regarding third-party insurance are covered by the Motor Vehicles Act. There is no reference to such insurance in the Road Traffic Act, as suggested by Mr. Bevan. The present position is that in view of sections 12 and 102 of the Motor Vehicles Act a tractor (under certain circumstances) and farm implements may be driven without insurance within 25 miles of a farm occupied by the owner. Section 13 read in conjunction with section 102 enables a tractor to be driven for any distance without insurance for road work, making fire breaks, or destroying noxious weeds or vermin.

Whilst these provisions exempt farmers from the obligation to take out third-party insurance they are not precluded from doing so if they desire. In fact it is highly desirable that they should do so to protect themselves, for they have no protection whatever unless this precaution is taken. The Registrar of Motor Vehicles and his staff strongly advise any inquirers on this matter to avail themselves or third-party cover. It should be stressed that section 12 (2) is not qualified by section 102 (1). Thus any tractor travelling outside a radius of 25 miles of the farm occupied by the owner for workshop repairs must be insured.

MARION BY-LAW: BUILDINGS.

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

That By-law No. 25 of the Corporation of the City of Marion in respect of Buildings, made on May 28, 1962, and laid on the table of this Council on October 1, 1963, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

BERRI BY-LAW: NOISY MACHINERY.

Order of the Day, Private Business, No. 2: The Hon. C. R. Story to move:

That By-law No. 51 of the District Council of Berri in respect of the Prevention and Suppression of Nuisances—Noisy Machinery, made on September 13, 1962, and laid on the table of this Council on June 12, 1963, be disallowed.

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

That this Order of the day be discharged.

Order of the Day discharged.

ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS).

Adjourned debate on second reading.

(Continued from November 6. Page 1489.)

The Hon. G. O'H. GILES (Southern): I should like to commend the honourable member for Mitcham in another place (Mr. Millhouse) for introducing this Bill. I am happy that he has done so. It is not my aim to go through every facet dealt with by my colleague, the Hon. Mr. Story, in introducing this measure to the Council. However, there are one or two matters that he dealt with to which I should like to refer.

First, I think it is just as well to remember that in other parts of the world today this type of legislation has already been introduced in varying forms. For instance, there is the interesting fact that in America today various

car-manufacturing companies, including General Motors, have accepted the onus of fitting safety belts to their cars before they are offered to the public.

The Hon. Sir Frank Perry: That is not legislation.

The Hon. G. O'H. GILES: That is so, but the reason I mentioned that aspect in particular was that they agreed to do this a year before such legislation was offered to the public of America.

The Hon. K. E. J. Bardolph: When did they introduce such legislation in America?

The Hon. G. O'H. GILES: They have not, but it was threatened for 1965. Owing to several ideas put forward by the general public and by certain traffic and safety experts in America, finally the stage has been reached, I gather, when such legislation is to be introduced covering 1964, and not 1965 as originally planned. In fact, the Hon. Mr. Story, in introducing this Bill, mentioned the name of Senator Speno who is chairman of the Joint Legislation Committee of Motor Vehicles and Traffic Safety of the Senate of the U.S.A. He had the responsibility of collecting evidence and filtering it so that the committee could arrive at a conclusion working on the principle that the public of America should be safeguarded wherever possible against the rising number of fatalities occurring on the roads. The report of the Senate Committee stated:

Speno said that the General Motors and Chrysler decisions were the high mark of the New York State Legislature's traffic safety efforts and the biggest break-through for traffic safety in the history of the automobile. The letters he sent to the company presidents August 9th were a sequel to his committee's precedent-setting 1961 and 1963 mandatory seat belt laws and meetings with top Detroit executives.

What Mr. Speno was saying was that influencing the public through education towards the desirability of wearing safety belts which at first appeared hopeless during the last few months has undergone a great change. Use of safety belts was not forced on the people by legislation but by education through the press and national safety councils in America. Now the stage has been reached where people in that country accept the idea that they should wear safety belts. This sums up my own feelings on the subject. I would regard any legislation for the compulsory wearing of safety belts as being completely wrong and not the type of legislation to be introduced to the freedom-loving people of South Australia. That would be a matter of coercion and would mean that milkmen, for instance, would have to wear safety belts and get in and out of them when delivering milk.

The Hon. Sir Frank Perry: What about the breadcarters?

The Hon. G. O'H. GILES: Yes. I am sorry that the Leader of the Opposition is overseas and cannot be here because, as a former secretary of the Breadcarters' Union, he would no doubt have much to say about the compulsory wearing of safety belts by breadcarters.

The Hon. S. C. Bevan: You are only assuming that.

The Hon. G. O'H. GILES: That is true, but I assume that he would still be interested in breadcarters and would have their position very much at heart in considering this legislation. The correct way to educate people in these matters is to provide the facility and, having provided it, allow a period to elapse so that the public can be further educated about safety belts. I hope that this legislation will be passed. As an example of the state of mental slothfulness that exists in the minds of many members of the public today I shall quote a case in point.

The Hon. K. E. J. Bardolph: It is easy to see you are not coming up for election.

The Hon. G. O'H. GILES: The honourable member who is interjecting will be interested to know that the case I intend to quote is my own. I believe that people should wear safety belts and I think it is right that they should do so. I can produce statistical information to prove the advisability of using safety belts.

The Hon. K. E. J. Bardolph: Have you safety belts in your car?

The Hon. G. O'H. GILES: Contrary to the Hon. Mr. Bevan, I do not have a safety belt in my car.

The Hon. K. E. J. Bardolph: Why is that?

The Hon. G. O'H. GILES: The answer is simple. It is because I have not yet got around to having one fitted. I think I am no more lacking in mentality or common sense than other members of the community. The point I make is that many people who believe they should wear safety belts have not as yet had them fitted to their cars. I know of a man who believes very much in their value. Recently he bought a car for his daughter and through pure oversight did not have safety belts fitted. He regrets that very much because he believes it is most necessary for teenagers who attend dances and commute from one place to another to have them in their cars. This is another example of the mental laziness of the

average member of the community and is another argument to support the legislation before us.

If the Bill is not accepted the necessary action will be left to the whim of the average member of the community and I believe that often he will not take action that he entirely approves of. I again commend the honourable member for Mitcham in another place for introducing this legislation. Whichever way one looks at the possibilities involved, the case he has put forward is irrefutable if the fatality rate in the community is to be reduced. It has been proved conclusively in many countries of the world that this is so. In some States of America it is considered that the fatality rates have been lowered by about 30 per cent in certain circumstances. The question might well be asked that if this is so should we not be allowed to fit our own safety belts? However, I believe I have answered that question. If legislation requiring the use of safety belts is introduced in this State what will be the position in other States and how will it affect the Federal bodies whose job it is to achieve uniformity in these matters? My answer is that whether we believe in this legislation or not, the fact remains that in five years' time we shall be wearing safety belts. I hope that will not be compulsory, but I am sure that the people will be educated at that time to the stage where they will wear them. I think this is the answer to the problem. Over the years South Australia has often led the country with the type of legislation that it has introduced, and I value the contribution of the member for Mitcham in another place in this regard.

This legislation is entirely commendable and I do not believe any case can be put forward by car manufacturers in this or any other State that this type of legislation should not be operative by 1965. If motor vehicle manufacturers consider there is a risk with legislation providing for the compulsory wearing of seat belts that an inferior quality will be produced, and possibly it will not be the best article from the point of view of safety, then I remind members that there is power under regulation in this State to declare the type of belt to be used, if the Bill is passed. I do not think that if we legislate purely on anchorages without the fitting of the belts it will achieve the same purpose. Many people learn to use a safety belt by sitting as a passenger in the front seat of a motor vehicle. If the facility is provided people will be educated to wear the belt, and that is the way to achieve a desirable purpose. I think that a country such as U.S.A. with a high standard of living should be the guide for Australians in the matter of using safety belts, and the application of other safety factors.

The Hon. K. E. J. Bardolph: Are not their conditions totally different from ours?

The Hon. G. O'H. GILES: No. If we consider numbers of people probably the honourable member is right, but both countries are heading towards two-car families. The only thing we lack in Australia, as compared with America, is numbers.

The Hon. K. E. J. Bardolph: Do you accept the statistics?

The Hon. G. O'H. GILES: Yes. I point out that the Bill covers only new motor vehicles. There is nothing to say that old vehicles come under it. If it is passed, it will be a move towards the day when most vehicles will have safety belts fitted. This matter is dealt with in the report submitted by Senator Speno to the New York State Legislature. He said:

Seat belts reduce fatalities and serious injuries among users by 35 per cent . . .

The Hon. N. L. Jude: How can we get the figures?

The Hon. G. O'H. GILES: From the official report presented by Senator Speno. If the Minister wants me to itemize the statistics and to say how they were prepared, I cannot do that, but I accept Senator Speno's report. I think the Minister would probably agree with the views of such a man. His report continued:

. . . according to scientifically-examined accident records across the nation and exhaustive control tests. Nothing in the entire field of safety, and for that matter preventive medicine, is more important than this simple device, which, used universally, could conceivably save 100,000 American lives and prevent millions of crippling injuries in 10 years' time while substantially reducing the seven-billion-dollar annual cost of accidents. Detroit has known the facts about seat belt effectiveness for 10 years.

If Detroit knows about it I think it possible that the Australian manufacturing firms know about it. Our job is to decide whether we should adopt something that will minimize the number of fatalities and injuries in our community. The report continued:

Since passage of the 1962 New York law mandating seat belts in 1965 model cars, 18 other States have passed identical laws with varying enforcement dates, none later than the 1965 model year.

I have said that agreement has been reached now to introduce the legislation as from 1964. The report continued:

More important, public purchase of the belts, which you in the industry call "public acceptance" has jumped as this committee predicted in 1960, from less than 2 per cent of all cars on the road having at least two belts in that year to approximately 15 per cent of all cars on the road having at least two seat belts right now—about 10,000,000 of the 65,000,000 passenger cars.

These figures were borne out by the Hon. Mr. Story in his second reading speech.

The Hon. N. L. Jude: These numbers are associated with compulsory installation.

The Hon. G. O'H. GILES: I am aware of that, but I point out that whether we look at it in a mandatory fashion or a gallup poll fashion the trend is remarkably the same. I do not want to help my Labor friends in any amendment they may move, but such coercion is entirely the wrong way to get people to use safety belts.

The Hon. K. E. J. Bardolph: You said it was mandatory.

The Hon. G. O'H. GILES: I read a report that said that in some States of America it was mandatory, but that does not alter my view as already expressed, and I hope forcibly. It is typical policy of the honourable member's Party to coerce everybody and to get people to do everything under legislation. The honourable member would say "You buy this", "You do this", "You buy from that petrol pump", and "You wear a safety belt and if you hit anybody you will do no damage." Whether or not I used the word "mandatory", I do not suggest that I am on the side of the mandatory use of belts.

The Hon. K. E. J. Bardolph: Which side are you on?

The Hon. G. O'H. GILES: I think the honourable member imagines that he is clever, but I have spent some time in pointing out that I am very much in favour of Mr. Millhouse's Bill, as passed in another place. I regard it as likely to reduce the number of fatalities and injuries in this State. I hope the Bill is passed because, if for no other reason, it has my complete blessing. I support it.

The Hon. G. J. GILFILLAN (Northern): I rise to support this Bill, which was introduced in another place, because I believe that this is a practical and common-sense way of reducing the alarming fatalities and injuries that occur on our roads. I listened with much interest to what the Hon. Mr. Giles had to say on this and I believe he has covered the main points completely. However, there are one or two additional points I should like to mention, some of which are in answer to some of the objections to this Bill. One objection has been that the mass fitting of belts could lead to an inferior article being marketed to meet the mass demand, but my interpretation of the Bill is that the onus is not on the manufacturer but on the buyer of the car to fit belts of his own choice, provided they come within the standards laid down. Far from encouraging the manufacture of an inferior article, this Bill could, because of widespread competition, lead to the development of better belts.

I believe that the most effective way of educating passengers and drivers of cars to wear safety belts is to have them fitted and readily available. I have them in my own car and have found from personal experience that passengers do use them on nearly all occasions, particularly if the driver is wearing one. I have noticed that some people who have spoken against the wearing of safety belts have eventually used them when they are made available. The principles behind this Bill are worthy. The only real objection that we could consider seriously is that the principle of compulsion encroaches on the freedom of the individual, if he is forced to fit them to a car.

The Hon. K. E. J. Bardolph: How will you prevent accidents unless you make the fitting of the belts universal?

The Hon. G. J. GILFILLAN: The fitting of these belts in South Australia is the purpose of this Bill.

The Hon. K. E. J. Bardolph: But how will you prevent accidents unless belts are fitted and used universally? There must be some compulsion.

The Hon. G. J. GILFILLAN: That is the point of this Bill.

The Hon. K. E. J. Bardolph: You are going to support our amendment?

The Hon. G. J. GILFILLAN: I support the Bill but not the amendment; I support the fitting of belts but not the compulsory wearing of them.

The Hon. K. E. J. Bardolph: What is the good of fitting them unless one wears them?

The Hon. G. J. GILFILLAN: That is true, but I believe that the quickest way to educate people to wear them is to have them fitted to the car. One of the main objections to the compulsory fitting of belts is that it is an act of compulsion. But there are many other sections in the Road Traffic Act compelling people to do certain things to their cars to make them safer on the roads. There are provisions that refer to road users generally, and not merely the drivers of vehicles. We have to make sure

that the passengers in our cars are covered by third-party insurance against any damage through injury, or against death.

The Hon. K. E. J. Bardolph: When one owns a car, one has compulsory registration—

The PRESIDENT: Order!

The Hon. G. J. GILFILLAN: That is what I am referring to. This legislation, in effect, is only extending what we already do to try to ensure the safety and protection of the drivers of and passengers in motor cars. This fitting of belts should help to reduce the high cost of our third-party insurance and which may, to some extent, cover the very small cost of fitting them. The cost will not be a major item when buying a new car. I shall not go into figures that I have about the protection that these belts afford. It is readily accepted by most people that safety belts in cars do give protection to those using them. Figures do not always mean much to us as individuals because so often they are impersonal, but, when it comes down to people whom we know and who perhaps are dear to us, we may appreciate this added protection. Those people who fit belts to their own cars to give their families added protection will be pleased to know that they will have the same protection if they are riding as passengers in other cars.

The Hon. L. R. HART (Midland): I rise to support the second reading of this Bill. In principle, I agree with many of the sentiments expressed by the previous speakers. Possibly the wearing of safety belts does give some protection to the occupants of a motor vehicle in case of accident, but I do not believe that the time is ripe for us to legislate to make it compulsory for people to have safety belts fitted to their motor vehicles. This is, to a large extent, a fairly recent innovation; it is one to which there will be many improvements made as time goes on. To compel people to fit to their cars at this stage a gadget that may be out of date shortly seems to me a retrograde step. By education, far better results can be achieved.

We have in South Australia a custom that motor cyclists wear crash helmets. There was a suggestion at one stage that this should be made compulsory. However, that was not to be, and the wearing of crash helmets is purely voluntary. Many motor cyclists today wear them while they are riding their machines, which probably has had a great bearing on cutting down injuries to motor cyclists. But what worries me is the administration of this legislation. It is quite easy to fit a safety belt to a car, but whether that safety belt in itself will be effective for the particular person wearing it is quite another matter. We are not all built the same; we are not of the same stature. A belt that will fit me may not fit another person. After all, we do not always ride in or drive the same car. So, although a belt may comply with the law, it may not be fully effective.

The Hon. K. E. J. Bardolph: Could not the belts be made adjustable, as they are in aeroplanes, to satisfy your point?

The Hon. L. R. HART: I realize they can be made adjustable, but that does not necessarily make them effective.

The Hon. K. E. J. Bardolph: In other words, you are saying that they are ineffective whether or not they are adjustable?

The Hon. L. R. HART: At present, the person who fits them fits safety belts to his specification. I feel that that is quite a good move. But to compel the manufacturers of vehicles to fit safety belts would mean, in effect, that they would obviously fit the most economical type of safety belt from their point of view. In other words, they would fit one that would not increase the cost of their car to any extent. By compelling manufacturers to fit safety belts the belts would cost 22½ per cent more than if fitted by the purchaser of a car at a later date. I believe this aspect should be carefully considered.

I am concerned with what constitutes a motor vehicle. Many definitions of motor vehicles are laid down in the Act but some are not defined and this Bill will apply to them. For instance, an auto-header is often used on farms.

The Hon. F. J. Potter: That matter is covered by subsection (8).

The Hon. L. R. HART: Certain tractors would also come under this Bill and they are probably incapable of a greater speed than 10 or 15 m.p.h., but under this Bill they would have to be fitted with safety belts. I believe the accident rate could be reduced in many ways and this Bill is only one of them. At present many incompetent drivers are allowed to drive on the roads at practically any speed and yet there is no suggestion that a law should be introduced prohibiting them from using the roads. In addition, there are many dangerous sections on highways. So that these roads may be negotiated safely it is suggested that cars be fitted with safety belts, but I feel that this is treating the effect rather than

the cause. I agree that possibly the time will come when safety belts will be worn by most people, but it is difficult for many drivers to wear safety belts when they are in and out of their vehicles many times during the day. It may be necessary to legislate that a driver should have to travel a specified distance before he was required to use a safety belt. He may well have an accident in a short distance but it will be inconvenient for him to fasten a safety belt for use during that period. Undoubtedly manufacturers will effect many improvements to safety belts in the next few years, their cost will be reduced, and through education people will be encouraged to wear them; but I believe some provision should be made for the fitting of safety belts to meet the owner's specifications. With that in mind I foreshadow an amendment that will provide that it will be compulsory for manufacturers to fit safety belt anchorages to cars at a specified and convenient date. I am not prepared to support the Bill in its present form and I give notice that in Committee I will move certain amendments.

The Hon. S. C. BEVAN (Central No. 1): I have listened very attentively to the debate and I have heard more contradictions from members who support the Bill than I have ever heard before. I shall add a few more. The Hon. Mr. Giles made a speech full of contradictions. First he said that under no circumstances should a person be compelled to use safety belts and then he said that anchorages and seat belts in cars should be compulsory whether people liked it or not.

The Hon. G. O'H. Giles: Be fair. It is not compulsion on the individual.

The Hon. S. C. BEVAN: Anchorages and belts will be compulsory after January 1, 1965, and vehicles registered for the first time after that date will not be permitted on the road without them. The honourable member said the wearing of safety belts should not be compulsory. I can understand that because quite often the Government has opposed this type of legislation. The question of fitting safety belts is not new, as it has been advocated for many years. However, the Government would never have introduced legislation to bring it in; that has been left to a private member.

The Hon. G. O'H. Giles: Whose side is he on?

The Hon. S. C. BEVAN: He is on his own side and has expressed his personal opinion. This is not a Government Bill and does not express the thoughts of the Government. The member for Mitcham in another place is not entitled to do that.

The Hon. G. O'H. Giles: You should look at the division figures in another place.

The Hon. S. C. BEVAN: I am not concerned with the division figures, but it will be interesting to see them in this Chamber. I listened to the Hon. Mr. Hart's objections to the Bill. He said that he was not satisfied with its administration. I have analysed the Bill and am at a loss to say under whose jurisdiction it will come. Is it to be under the Road Traffic Board and will the police authorities prosecute in the case of a car being on the road not fitted with safety belts complying with the specifications of the board? Who is going to be the authority to see that these matters are in accordance with the regulations brought down by the board?

The Hon. F. J. Potter: This is an amendment to the Road Traffic Act and will be part of that Act.

The Hon. S. C. BEVAN: It will be the duty of the police to pull up every car after January 1, 1965, and see whether it is fitted in accordance with the regulations.

The Hon. F. J. Potter: Every new vehicle.

The Hon. S. C. BEVAN: Every vehicle registered for the first time after that date. It has been suggested that the onus will be on the owner of the car to see that his safety belts are in accordance with the specifications laid down by the board. Does this mean that the purchaser will have to go to the manufacturer to see that the belts comply with the requirements? The potential purchaser who goes to his dealer and buys a new car after the specified date will have to ensure that his car is fitted with safety belts that comply with the legislation.

The Hon. F. J. Potter: Don't you think the manufacturers will assume the onus?

The Hon. S. C. BEVAN: Yes, I do and that is what I am talking about. The onus will not be on the owners but will be referred back to the manufacturer who will have to see that the seat belts comply with the regulations. Honourable members have said that the general public needs educating in the wearing of safety belts. Reference has been made to motor cyclists wearing safety helmets, and it is not often that one sees a motor cyclist on the road today not wearing a helmet. However, legislation was not necessary for this; education achieved it. Motor cyclists, realizing the advantage of wearing safety helmets, provided them.

The Hon. Mr. Giles said that there should not be any compulsion, but that the public should be educated to fit safety belts. The general public is being educated now; more and more safety belts are being used, as can be seen by any member if he watches vehicles travelling on the roads.

The Hon. G. O'H. Giles: Without their being compelled to have them.

The Hon. S. C. BEVAN: Yes. The honourable member made the point that this could be achieved by education, but he went on to say that to achieve this education we would compel people to fit belts. That is contrary to his statement that there should not be any compulsion. On the one hand we will compel people to fit belts yet on the other hand we will tell them they can please themselves whether they wear them or not. A complete safety belt has yet to be devised. The first belts were a waste; they were strapped around the waist in the same manner as aircraft safety belts are strapped, but it was found from experience that they were not as good as expected because they allowed people to move forward from the waist and hit their heads on the dash board. The shoulder strap type is now on the market. However, this is not a safety belt in the true sense, as I have seen people slide out of them, which can happen if the door flies open and the car swerves. If this Bill is passed, probably this will be the type of belt every motorist will be compelled to have fitted. If a motorist swings the car violently he can slide out from under this type of belt, get his foot caught in the car, and have the back of his head bouncing along the road like a football.

The Hon. G. O'H. Giles: Are you saying that the board will not keep up to date with modern techniques and modern belts?

The Hon. S. C. BEVAN: It has not kept up with them until now, and the manufacturer has not kept up with them. Probably the better type of safety belt would be a combination of the waist and the shoulder strap type, similar to the belts worn by army lieutenants. These belts may be more effective than the two types now on sale. The board has to determine which type will be used and make a regulation about this. If this Bill is passed, all vehicles registered for the first time after December 31, 1964, must have safety belts fitted, but if I buy a car on December 29 or 30 of that year I will not have to fit a belt, yet that car could be on the road for 10 or 12 years. All motorists who buy cars after the end of 1964 will have inflicted on them the extra cost of having safety belts fitted. The purchaser will be responsible for the cost, but whether he wears the belt will be up to him. What will be the attitude of insurance companies? As the legislation does not provide that the wearing of a belt is compulsory, will insurance companies seek to void a policy if the driver is not wearing one?

The Hon. G. O'H. Giles: Where did you find that out? That is imagination.

The Hon. S. C. BEVAN: I said that if it were not compulsory for drivers to wear belts, there could be an effect on the insurance companies. If the wearing of belts is not compulsory, insurance companies will be certain to ask if the person had a safety belt and was wearing it. If he was not, they would ask why. I think they would take action to ensure that drivers wore safety belts.

The Hon. N. L. Jude: I take it, therefore, that you are against the Bill?

The Hon. S. C. BEVAN: I support the second reading, but I also support the foreshadowed amendment because I feel that, if it is compulsory to fit belts but not compulsory to wear them, the expected results will not be achieved. I know there has been considerable agitation by the Royal Automobile Association for cars to be fitted with safety belts, but that organization says that it should not be compulsory to wear them. What is the use of having belts if drivers please themselves whether they wear them or not? The Hon. Mr. Giles said that compelling people to fit them was educating them to wear them. However, if a person does not want to wear a belt, he will not do so. The honourable member admitted that he would not wear them.

The Hon. G. O'H. Giles: On the contrary. Will you answer the query about milkmen and bread carters?

The Hon. S. C. BEVAN: I support the remarks made by Mr. Hart that this could be stipulated in the Bill. Even in these circumstances, a person could meet with an accident in a short distance and perhaps be killed. What was mentioned is a possibility, but there is a greater possibility that it will happen if a safety belt is fitted but not worn. Whether Mr. Giles accepts it or not, he has wholeheartedly supported the legislation to provide that belts must be provided in a car and that they should be worn by motorists for their own safety, yet he has admitted that he has taken no action himself to fit one for his own safety.

The Hon. G. O'H. Giles: The difference is that I do not compel the individual to wear a belt.

The Hon. S. C. BEVAN: The honourable member was inconsistent right through his speech. He believes that a person should be compelled to do one thing, but not another. The Bill will not achieve the desired results unless drivers are compelled to wear safety belts. I support the second reading.

The Hon. N. L. JUDE (Minister of Roads): I oppose the Bill in principle, but am entirely in accord with the encouragement of the use of safety belts in cars. That would be a progressive step. As the Hon. Mr. Giles suggested, this is not a new matter, because it has been put forward in other parts of the world for the past eight or 10 years. Probably the matter has come to us through the use of seat belts in aeroplanes. For the purpose of assisting members I have gathered some data from the Federal Chamber of Automotive Industries and other associations with an interest in this matter. They suggest that the presence of safety belts in vehicles as mandatory equipment will not ensure that they will be used. To make their use mandatory by law, and have it faithfully observed, will not be possible.

Whilst in America recently I had the opportunity on several occasions to wear seat belts. On one occasion I proceeded to put on a safety belt, but the driver of the vehicle said "Before you put that on, clean it a bit because it has not been used since it was put in the car". It needed a dry clean before it could be put on. It would not have been too bad for me, but I hate to think what would have happened to my wife's dress if she had to wear it. A number of types of seat belts are in use and the public that have to use belts should be given the opportunity to choose the type they prefer. This would be impracticable if all motor vehicles were purchased with seat belts already installed. How are we to foresee the style of seat belt we may have in years to come? We may have the straight-jacket type, a foot wide. I do not know what they will be like, nor does any member. In any case, the diagonal strap across the shoulder is only a makeshift arrangement. The strap should be held firmly to the seat on which the wearer is sitting. The design of the belt will alter, and when that happens the anchorages may not be suitable. The driver will have paid for the belt when he buys the car, and that is another objection that I see about having seat belts in motor cars.

We know that from 1964 onwards all motor vehicles will be provided with seat belt anchorages. I am delighted to inform members that I have an assurance from the Chamber of Automotive Industries, and a personal assurance from representatives of Chrysler and General Motors-Holden's, that this will be done as from next year, without having this legislation. The Hon. Mr. Robinson said that he had noticed in the press an article that General Motors-Holden's would put safety belts in all their motor cars as from the time of the American World Fair next year. Naturally, knowing that General Motors-Holden's had said something here about fitting anchorages and not belts I was interested, and I checked with the Chairman of Directors of the company only this morning. He said that the statement was correct. He said it was due to the fact that about a dozen or so of the American States had enacted this rather foolish legislation, as I feel it is, and accordingly had decided that motor cars in future should have seat belts of both types as standard equipment. It is also said in the folder given when a motor vehicle is purchased that a rebate of the cost of the belts would be given to any purchaser if he did not want them installed. Every manufacturer will put in the belts but will allow rebates if the purchaser does not require them. I think that is of considerable interest.

The policy of the Australian Automobile Association and its member organizations is to oppose the fitting of belts as mandatory equipment. It will be of interest to members that the Australian Road Safety Council favours the voluntary use of belts, as evidenced by the following resolution passed at the Brisbane meeting from July 23 to 25 last:

That the Australian Road Safety Council—

1. Again stresses the very significant contribution of seat belts towards the prevention of fatalities and personal injuries;
2. Advocates and encourages, on a voluntary basis, the fitment and use of seat belts conforming to S.A.A. specification No. E. 35;
3. Deplores the sale of seat belts that do not conform to the aforementioned standard and urges State Governments to prohibit such sales; and
4. Requests the manufacturers of motor vehicles to provide seat belts anchorages in all new vehicles.

It can be said with confidence that not only does the motoring public oppose the compulsory fitment of belts, but those who know most about safety, to wit, the National Safety Council, favour their voluntary use. The Australian Transport Advisory Council, of which I am the doyen, and I was chairman in Adelaide last year, considered this

matter and it was noted that the Standards Committee had already recommended against the proposal because of inherent problems associated with compulsory legislation. Dr. Darling was present at the meeting and he was dubious about compulsion and was rather in favour of its being on a voluntary basis, as recommended by the National Safety Council. The member from Western Australia at that meeting suggested that anchorages should be placed in all motor cars so that if the customer wanted seat belts installed it could be done. The final motion passed by the committee was:

That the motor trade should be encouraged to install safety belts of an approved standard in all motor vehicles.

It was indicated at the meeting that in Victoria only one third of the people with safety belts wore them. I do not need to tell members the number of motor vehicles in Victoria that have safety belts. Although the Hon. Mr. Giles did not press the point, he indicated that 24 per cent of the vehicles have safety belts. But we should have, in 1968, 100 per cent safety belts if we made it compulsory. That does not add to the weight of the argument that they would be used or are desirable. The fact that by Government legislation we make them compulsory—

The Hon. K. E. J. Bardolph: Does not that smack of efficiency?

The Hon. N. L. JUDE: I do not think so. I am against compulsory efficiency. A minute has been issued to the effect that any person who drives a Government vehicle and who wishes it to be fitted with a safety belt shall have it so fitted provided he undertakes to wear it. We cannot go further than that. I have issued instructions, as other Ministers have with their cars, that my car is to be fitted with safety belt attachments and anchorages. I have examined the cars of some honourable members this afternoon and have not seen one of them fitted with a safety belt. It is all very well for people to proclaim that these things should be compulsory, but one honourable member says that he would not wear them even if he had them in his car. Again, the honourable member said that it should be mandatory, yet he himself says he would not use them voluntarily. When he says that, I suppose he covers the members of his family too. I am happy to say that we are having the co-operation of the motor vehicle people. A recent survey conducted by the Chamber of Automotive Industries disclosed that 95.7 per cent of cars and station waggons are fitted with anchorages as standard equipment. I draw honourable members' attention to this aspect of seat belts as it affects people's pockets: it concerns the purchase of optional equipment. When one purchases them, they are free of sales tax but, if they are fitted to one's vehicle when one purchases it as a vehicle, a sales tax of 22½ per cent is applicable to them. So, not only is one having two seat belts put in; the sales tax is already applicable to them.

I think the Hon. Mr. Bevan drew attention to a point that I need not labour, with regard to insurance, that by this compulsion we are leaving ourselves open to additional insurance premiums if we do not wear belts and they are fitted in the car. I do not say we are, but it is obviously a matter that may attract the notice of the insurance companies, as the Hon. Mr. Bevan says, and another 10s. per annum may be added to our insurance premiums.

The Hon. W. W. Robinson: Some people maintain that safety belts will reduce insurance premiums.

The Hon. N. L. JUDE: Provided it can be shown that they are effective, General Motors in America offer a rebate when these belts are taken. The basic thing behind this Bill is compulsion on the citizen. I am surprised that it should have been introduced by a member of my own Party who believes in freedom in all these matters. We had this argument in regard to crash helmets some time ago. Finally, we took the sensible view. I can recall the Chief Secretary having to deal with the matter from the point of view of the police who, in the early stages, were opposed to the wearing of crash helmets; then they realized that a number of their people had been injured through the absence of crash helmets.

The Hon. Sir Lyell McEwin: Eventually a light helmet was produced.

The Hon. N. L. JUDE: Yes. Now the police wear them and are content to wear them. That applies also to scooter associations and motor cycle clubs. Now there are many people who voluntarily wear crash helmets. The honourable member may pursue the idea of compulsion, but is it compulsory to have safety glass in all cars? It certainly is not. Yet the use of safety glass instead of the old-fashioned splinter glass assists greatly in the reduction of personal injury. Then hydraulic brakes on cars have made a fantastic contribution to safety. Safety rims and other devices have also contributed much to the reduction of injuries in road accidents. All these things have been brought about by research and none of them by compulsion. There was no compulsion with hydraulic brakes or safety

glass: why should there be compulsion with seat belts? After all, models of seat belts will undoubtedly alter. I feel that before long we shall be considering a safety belt of a variable type that can be kept in a plastic bag in the car. The necessary pins, pegs or bolts will be let into the car (technically these things are called "anchorages") and, if a person wants to use a safety belt, he will pull it out of a plastic bag, and hook it on, according to his own particular liking, either diagonally or around the waist. Who is to know what will be the most desirable type of belt in a few years' time? We may find the present types of belt entirely outmoded. They may be purchasable and on the market for perhaps two for a shilling, except that the law will not permit their use because they will be outside the revised specification.

We do not compel pedestrians to wear white coats or tail lights, which would be a great safety factor. Honourable members may laugh, but it is no more laughable than compulsory safety belts are. There is no need to go beyond the practical stage of providing anchorages for these belts in case people wish to wear them. I hope honourable members will reject the Bill as it stands, but I am prepared to support the second reading to afford an opportunity for honourable members to discuss compulsory anchorages.

The Hon. G. O'H. GILES (Southern): I ask leave to make a personal explanation.

Leave granted.

The Hon. G. O'H. GILES: All I wish to say is that I had a feeling that the Minister might have been under the misapprehension, no doubt due to my clumsy verbiage, that I did not believe in wearing safety belts. Perhaps he was referring to me in his speech. I said the opposite, that unfortunately I had no safety belts in my car and that this was due to mental laziness, but I should like to wear them.

The Hon. N. L. JUDE: I accept the honourable member's explanation.

The Hon. F. J. POTTER (Central No. 2): I rise to support the second reading of this Bill. I have been listening with much interest to the speeches made from both sides of the Chamber on this topical issue. It seems to me there are many members who wish to pay lip service to the principle of installing safety belts in motor vehicles, who very much wish to go down on the record as not opposing the principle of the idea, but who yet seem unwilling to take any step, or are willing to take only a very small step, towards the implementation of the principle of fitting safety belts in motor vehicles. I suggest that the facts and statistics on this matter overwhelmingly prove that the use of safety belts helps considerably in saving the lives of drivers and their passengers. I think there is no honourable member who for one moment will not admit that the investigations and statistics show that this is an irrefutable fact.

If this is so, then all honourable members have to do is make up their minds on a very simple matter: whether or not we should legislate to make it compulsory for new vehicles registered after a certain date to be fitted with approved safety belts. The belts should be approved as to their fitness for the purpose, the quality of the materials in them, and the type to be installed. The Minister has suggested that they might become out of date. All members realize that this could happen and surely it can be left to the board to prescribe, for the time being, the most appropriate belt and anchorage. There is no doubt that if the belt goes out of fashion so will the anchorage. It is no good providing for compulsory anchorages and not providing for the belt as well.

The problem of whether it is sufficient merely to fit the belt has been raised. There is the point of the time when the compulsory wearing of the belt will be enforced. Many red herrings have been drawn across the trail about the possibility of increasing insurance premiums and so on. The Road Traffic Act at present makes it compulsory for all cars to be fitted with a windscreen wiper but there is no provision to force a driver to turn on the switch. There are other examples of this nature.

The Hon. K. E. J. Bardolph: When it rains it is instinctive to turn on the windscreen wipers.

The Hon. F. J. POTTER: That may well be and the National Safety Council and the R.A.A., through education, will endeavour to persuade people to use safety belts just as they have been persuaded by their own instincts to switch on windscreen wipers.

The Hon. K. E. J. Bardolph: It should be left to their own resources.

The Hon. F. J. POTTER: I agree. I believe that education and the campaign for safety belts will be increasingly effective if the belts are installed, because a person is educated to use, not to buy something. It is possible to urge him, persuade him and bring pressure on him to buy, but he is educated to use something only when it is there to use. One or two small objections have been taken, but they do not amount to very much. The

Hon. Mr. Hart may well have a point when he says that if the manufacturers install the safety belts, as it will undoubtedly fall on them to do, under the present incidence of sales tax motorists will have to pay 22½ per cent more for them. I stress "under the present incidence", as the position may change. However, this 22½ per cent may come to only 20s., because I understand that at the moment seat belts cost about £5, and a quarter of that would be 20s. to 25s. That is not very much to pay. There is a growing movement in relation to the installation and use of seat belts. I am sure that whatever happens to this Bill, by 1968, which is the date referred to by the Minister, not only South Australia but all other States of the Commonwealth will have provided for compulsory use of seat belts because of the inexorable influence of this campaign.

I have no hesitation in supporting this Bill, which will put South Australia in the vanguard of this movement. The information available in the latest reports and magazines from America shows that the use of safety belts will be 100 per cent compulsory there in the near future. There is no doubt that safety belts have achieved the purpose for which they were installed in America. In spite of the Hon. Mr. Bevan's almost suggesting that seat belts were dangerous, I am certain that all the evidence points completely the other way. On the question of allation this Bill represents a step forward, and I am sure it will be the forerunner of similar Bills in other States. I have pleasure in supporting the second reading.

The Hon. C. R. STORY (Midland): I thank honourable members for the attention they gave to this matter. I believe all points of view have been expressed and honourable members have spoken from their own experience and from what they have read, believed and hoped. I shall mention one or two matters in closing, because two amendments have been foreshadowed. The Hon. Mr. Giles made some pertinent points. He is a man who has had more experience than most honourable members of the road traps around the metropolitan area. The Hon. Mr. Gilfillan made a point from the country member's point of view that will be useful in the Committee stage. The Hon. Mr. Hart has foreshadowed an amendment relating to anchorages in vehicles, the effect of which will be that anchorages will be installed as standard equipment in vehicles. The Minister also referred to this in his speech. However, this does not really mean anything at all. Anchorages will be installed in cars next year in any case, as the Minister has said. This will only take the matter part of the way.

The whole purpose of the Bill is not to worry about the individual at all. If he is foolish enough to do silly things that is bad enough. The fact that pedestrians are not put in white coats with tail lights on them does not matter because as an individual a pedestrian is responsible for his own destiny. The point is that the driver of a motor vehicle is responsible not only for his own life, but for the lives of his passengers as well. This is important for the driver, and also for the passengers. If the driver were to lose control of the vehicle and be thrown out on to the roadway the car could hurtle along and the passengers could be killed. There is a responsibility to have seat belts and wear them.

The *S.A. Motor* of November 1, 1963, contained the following in regard to safety belts:

Detroit: All new cars produced after January 1, 1964, by General Motors, Chrysler, Ford and American Motors will be equipped with seat belts as standard. The move follows that of the Studebaker Corporation, which began fitting seat belts to all cars in March this year.

I also have under today's date a cablegram from America in reply to one sent by Mr. Millhouse. His cable said:

Would much appreciate information by return of number of States which have passed laws for compulsory installation of seat belts. Can you confirm that big four manufacturers will install belts as standard in all models from 1964.

The reply from Senator Speno, who is Chairman of the Committee on Motor Vehicles and Traffic Safety of the New York Legislature was as follows:

We do not know exact number of States although expect the total will be close to 30 before the year ends. We know definitely 15 States have enacted it. Can definitely confirm that Ford, Chrysler, General Motors, Studebaker and American Motors will install seat belts for the front seat as standard equipment in all their new cars starting 1/1/64. They made separate public announcements and confirmed these further in director telegrams and letters to our Joint Legislative Committee. Seat belt Statutes in all other States will follow as matter of course.

I find it difficult to believe that General Motors-Holden's, Chrysler, the Ford Company and various other manufacturers in Australia, which are virtually subsidiary companies of the American firms, will not follow suit. We have always followed the trend in America in regard to motor vehicles. It is not so many years since flashing lights were installed in American

vehicles, and soon they were on our models. If the move to defeat this Bill is successful, it will only be putting off the evil day.

The Hon. Sir Frank Perry: The manufacturers will fit them, so why worry about legislation?

The Hon. C. R. STORY: Seat belts will be fitted in time, but why not have on the Statute Book power to make regulations about the type of belt to be used? Our Standards Association has done much research into this matter and in a pamphlet dealing with safety belts and harness assemblies said:

Having in mind the need to provide greater safety for motorists, the Australian Transport Advisory Council through its Motor Vehicles Standards Committee asked the Standards Association of Australia to prepare an Australian standard for motor vehicle safety belts and harness assemblies.

That is good information, and there is more of it. It is said that the wearing of safety belts cannot be implemented unless there is a law on the Statute Book and at present we have nothing setting out the type of safety belt to be used. Much has been said about manufacturers putting in anchorages and perhaps using a piece of ribbon or light canvas material, and calling it a safety belt. Such a move would be impossible if the Standards Association laid down a standard type. It is wrong for the Chamber of Automotive Industries to say that it would cause difficulty and confusion if the various States would have different rules. I have had some dealings with the Standards Association and I believe that when it brings down a recommendation it is normal procedure for it to be accepted by all States. I cannot see any difficulty in the manufacturers putting in anchorages, which they intend to do in any case, recommended by the Standards Association. It would not be a problem that could not be overcome by the manufacturers.

We have had much information given to us on the subject. Some of it might be slightly muddled, but the Bill is clear. Some members say there will be a hardship on motorists if they have to buy safety belts now, but they will not have to do that. The safety belts will have to be fitted to new vehicles after a certain date, which would increase their price by a few pounds. The belts will not have to be fitted before that time. We dealt with the installation of flashing lights satisfactorily, and today few vehicles on the road do not have them.

The Hon. N. L. Jude: They all have to conform to the Standards Committee's requirements.

The Hon. C. R. STORY: That is my point, and we shall get a belt that is satisfactory for the whole of Australia. So I think it is quite wrong to say that we should have difficulty with one State wanting one type of safety belt and another State wanting another. This apparatus that the Minister spoke of, which can easily slip into the anchorages, is available. A person purchasing a car could have any type he wished to have, provided that that vehicle had one, two or three alternatives.

The Hon. S. C. Bevan: Under this legislation what will happen if a motorist from another State comes over here and his car is not fitted with a safety belt?

The Hon. C. R. STORY: It would be just the same position as with vehicles from other States: they would have to comply with our laws.

The Hon. N. L. Jude: But that is not satisfactory, is it?

The Hon. C. R. STORY: For instance, a few years ago we had people coming from other States who gave different sorts of hand signals. That did not get them out of trouble when they came over here from Victoria giving one sign when they should have given another sort of sign.

The Hon. N. L. Jude: No; such a driver had to get another permit in Victoria. Now he would have to get another seat belt here.

The Hon. C. R. STORY: No, I do not think so. As the responsible Minister for this Bill—

The Hon. N. L. Jude: I am not responsible for this Bill.

The Hon. C. R. STORY: But the Minister is responsible for the administration of the Road Traffic Act—I hope. If he were faced with that situation I am quite sure that he, with his colleagues in Melbourne, Sydney and Brisbane, could arrive at a solution. If he could not work out something to take care of that small difficulty, I should be most surprised, because he and his colleagues have done it in respect of so many other things.

A number of difficulties have been raised by the Chamber of Automotive Industries. No doubt these people are well qualified to speak but, if we have some legislation on the Statute Book and if we bring down some regulations and get these things all nicely set before 1965, I honestly believe that seat belts will be in every car by 1965 as the makers will put them in. We must have some laws and rules about the type of belt that we shall put into cars and this is a good time to settle it while we are debating it. It will save people

getting the wrong types of seat belts or harnesses. Let the Standards Committee work the whole thing out and let us put our experts on to it. We have experts on the Traffic Committee who can give us the desired type of safety belt.

I do not wish to go any further. I shall not accept the amendment about the compulsory wearing of safety belts. I shall deal with the Hon. Mr. Hart's amendments in Committee, but this legislation is not asking very much. It is legislation that will protect human life. After all, if we as legislators are not primarily here for that purpose, to protect people and human life, what are we here for? I thank honourable members for the attention they have given the Bill and for their thoughts on it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Enactment of section 162a of principal Act."

The Hon. L. R. HART: I move:

In new section 162a (2) to strike out "seat belts and".

Listening to the debate this afternoon, one came to the conclusion that the compulsory fitting of seat belts to cars was extremely urgent. But this Bill says that it shall not be required to be done until December 31, 1964. If this matter is so urgent, why delay the fitting of seat belts to cars until such a remote date? And even at that date it is required only that they shall be fitted to new cars or cars being registered for the first time—which is, in effect, new cars. I submit that old cars are probably more vulnerable to accident and more accident-prone than new cars. Yet at no stage will the old cars be required to have safety belts fitted.

Earlier in the debate the Hon. Mr. Bevan said that a new car purchased at this stage would probably be on the roads for 10 years. That may well be so—it could be longer. Cars bought between now and December 31, 1964, which will be considerable in number, will still be on the roads in 10 years' time, and still without seat belts. If this matter is so urgent, it should be required that they be fitted to all cars and not only to new cars registered for the first time. The demand for this provision has not come from the motoring organizations or from organizations concerned with the safety of the public: it is a Bill introduced by a private member in another place.

The Hon. C. R. Story: The Chairman of the State Traffic Committee, though.

The Hon. L. R. HART: That may be so but, if this is such an important matter and is of such extreme urgency, it should be a Government and not a private member's Bill. The Hon. Mr. Story when closing the debate just now spoke very well and he may have impressed some honourable members, but I think he spoke without much conviction on this point.

The Hon. K. E. J. Bardolph: You could have an opportunity of expressing these opinions by voting the Bill out.

The Hon. L. R. HART: If we are to fit seat belts, we must fit anchorages first and it is far better that anchorages be fitted by the manufacturers. The type of safety belt (which will not be required until December 31, 1964) available then may be different from what it is today.

The Hon. K. E. J. Bardolph: It will not matter.

The Hon. L. R. HART: It will not matter, but provision will be there, so why have compulsory legislation to bring into effect something that will already be in existence? It will not be long before there will probably be uniform legislation in connection with this type of thing throughout the States. This will be necessary because, after all, people do visit different States. Motorists from Queensland, New South Wales, Victoria and other States come here, and it will be necessary that the fitting of safety belts shall be in conformity with the requirements laid down by this State. If we make such a big song over nothing at this stage, rather than inconvenience the public unnecessarily I feel that by accepting my amendments we shall not be requiring the public to do something of any great moment, and it is something that will perhaps be unnecessary when the date for the application of this legislation arrives.

The Hon. N. L. JUDE (Minister of Roads): I have considerable pleasure in supporting the amendment. The Hon. Mr. Story amongst other things made a plea, quite correctly, for a high standard of safety belts. He said he made the point validly that nothing existed in the regulations now on that point. He did not make the point validly. The position is that under the Standards Committee there is a figure that I know the honourable member accepts (Standard E35) that has been laid down at the moment for safety belt standards; it is accepted by the Chamber of Automotive Industries. Honourable members may remember at the last show seeing a type of belt with two fastenings on it. In supporting the amendment, I wish to emphasize that we are the only

State where this legislation has been suggested. The Hon. Mr. Hart merely touched on this aspect. The Australian Transport Advisory Council discussed the use of safety belts at some considerable length with National Safety Council representatives in this building only a few months ago and it advocated that we keep the installation of safety belts on a voluntary basis for the time being at least. As the honourable member suggested in moving his amendment, I believe we should go ahead with seat anchorages being provided in cars made in South Australia. From my contact with the automotive industry I know that at present 95.7 per cent of cars manufactured are being equipped with anchorages and this shows that we are moving to standard conformity. I suggest that to obviate border problems we should leave the compulsory installation of safety belts until it is recommended by the Australian Transport Advisory Council. Then I am sure that all State Ministers will make the recommendation and the installation of seat belts will be made compulsory simultaneously throughout Australia. Therefore, at this time, I have pleasure in supporting the amendment.

The Hon. K. E. J. BARDOLPH: I am somewhat surprised at the views expressed by the Hon. Mr. Hart about his amendment. In his speech he mentioned that anchorages should be fitted to all cars. This means that secondhand cars now on the road will have to be fitted.

The Hon. Sir Lyell McEwin: The amendment does not say it.

The Hon. K. E. J. BARDOLPH: That is what I am saying. The Bill makes the date of fixing anchorages and safety belts to cars abundantly clear, but some further explanation is necessary as to whether the amendment is designed to include all cars and motor vehicles at present on the road. If that is the honourable member's intention he should inform the Committee because it will be a great inconvenience to owners of secondhand cars.

The Hon. G. O'H. GILES: I oppose the amendment for a variety of reasons. First, as the Minister has said, it is expected that by 1964 anchorages will be fitted to all new vehicles. Therefore, there can be no purpose in excluding the words "seat belts" and leaving it so that anchorages must be fitted by the beginning of 1965. The Minister has said that this is not a Government Bill and I agree, but I see no reason why it should be. It is the Bill of a member from another place and it received good support there. As I said earlier, the division figures in that place were interesting, and it will be interesting to see the figures if a division is held in this Chamber later. The amendment violates my argument about people's laziness preventing them from installing safety belts. Most responsible people believe safety belts are necessary, but do not bother to have them installed. I am not in favour of the compulsory wearing of them for many reasons. However, I believe anchorages should be fitted because if they are I am sure the majority of people in South Australia will gradually fit safety belts and the fatality rate can be reduced similarly to the reduction in America of 35 per cent. I oppose the amendment.

The Hon. F. J. POTTER: I oppose the amendment for the reasons I gave in my second reading speech. In his speech on the second reading the Minister said that evidence was given by Dr. Darling and others to the National Safety Council and it reported that the motor trade should be encouraged to install and fit safety belts in all motor vehicles. That was the considered recommendation of a most responsible council, and it was not limited to the fitting of anchorages; it went the whole way, namely, that people were to be encouraged to fit safety belts in their vehicles. Therefore, it is only playing with the problem and being mealy-mouthed to talk about putting in anchorages and not fitting seat belts. What is the use of installing anchorages for a seat belt that may in time go out of fashion? This matter is best left to the board to promulgate regulations to deal with the best type of belt for the current year or years. I therefore oppose the amendment.

The Committee divided on the amendment:

Ayes (7).—The Hons. M. B. Dawkins, L. R. Hart (teller), N. L. Jude, Sir Lyell McEwin, Sir Frank Perry, W. W. Robinson, and C. D. Rowe.

Noes (7).—The Hons. K. E. J. Bardolph, S. C. Bevan, R. C. DeGaris, G. J. Gilfillan, F. J. Potter (teller), C. R. Story, and R. R. Wilson.

The CHAIRMAN: There are seven Ayes and seven Noes. There being an equality of votes, I give my casting vote to the Ayes.

Amendment thus carried.

The Hon. L. R. HART: I move:

In new section 162a (3) after "(*a*)" to insert "an anchorage for".

I do not think I need do other than use the same argument as I used in relation to the previous amendment. However, during the second reading debate the Hon. Mr. Potter

tried to draw comparisons between safety belts and windscreen wipers, tail lights, and so on. Although it may be compulsory to have a windscreen wiper but not compulsory to use it, if the Hon. Mr. Potter or anyone else tried to drive in wet weather without using it he would find that he could not proceed. The same applies to tail lights. It is necessary to have a tail light and to have it burning, so obviously it must be compulsory to use it. I do not think these comparisons have any weight. I have much pleasure in moving the amendment.

Amendment carried.

The Hon. L. R. HART moved:

In new section 162a (3) (*b*) after "other" to insert "anchorage for a".

Amendment carried.

The Hon. L. R. HART moved:

To strike out paragraph (*c*) of new section 162a (3).

Amendment carried.

The Hon. L. R. HART moved:

In new section 162a (4) to strike out "seat belts and".

Amendment carried.

The Hon. L. R. HART moved:

In new section 162a (5) (*a*) to strike out "seat belts and" twice occurring and insert "seat belt".

Amendment carried.

The Hon. L. R. HART moved:

In new section 162a (6) to strike out "seat belts and" and insert "seat belt".

Amendment carried.

The Hon. L. R. HART moved:

In new section 162a (7) to strike out "seat belts and" and insert "seat belt".

Amendment carried.

The Hon. K. E. J. BARDOLPH: I move to insert the following new subsection:

(7a). A person shall not drive a motor vehicle to which this section applies on a road unless he and every passenger in that motor vehicle sitting in a seat for which a safety belt is fitted pursuant to this section wears such safety belt. Penalty: Five pounds.

As a result of the amendments moved by Mr. Hart, the Bill has now become a Chinese puzzle. Since I have been here I have never seen such an array of contradictions in the discussion of a Bill. Some members, with unctious indignation, oppose compulsion, but the Road Traffic Act is full of compulsions. It is all very well to say that on a voluntary basis certain things will not happen, and I am astounded that our legal members should suggest it. The basis of most of our legislation is to protect people against themselves. If we are to reduce the heavy road toll it must be mandatory to use safety belts. True, as the Minister said, the type of belt may be changed, but we are constantly making changes. We have not always had motor cars and aeroplanes. We must have a starting point. It must be compulsory for people to use safety belts fitted to motor vehicles.

The Hon. C. R. STORY: In the preparation of the amendment the honourable member assumed that the Bill would go through as drafted.

The Hon. K. E. J. Bardolph: No. I prepared this matter earlier.

The Hon. C. R. STORY: The Committee has decided not to have the Bill as introduced, and I do not think there is much use in the honourable member moving for the compulsory wearing of safety belts when the Committee thinks otherwise. I cannot see the purpose of the amendment, except that it may have been another attempt to defeat the Bill. Apparently the honourable member has now discharged his obligation, and if there were anything to oppose I would oppose it.

The Hon. S. C. BEVAN: I support the amendment, because of remarks made by the Hon. Mr. Story. He did not say it in so many words, but implied that it was a stupid move by the Hon. Mr. Bardolph as the Bill had been amended, and that it was no longer necessary to have seat belts. However, seat belts are already fitted to some cars. The Bill will not make it mandatory for them to be used, so the amendment says that where a belt is installed it shall be used.

The Hon. F. J. Potter: No. It says "pursuant to this section".

The Hon. S. C. BEVAN: I do not agree with that interpretation. We are making it compulsory for anchorages to be installed, and if that is so it means the safety belts must be used. When seat belts are fitted, the amendment provides that people shall be compelled to wear them. That is all there is to it.

Amendment negatived; clause as amended passed.

Title passed.

Bill read a third time and passed.

MAINTENANCE ACT AMENDMENT BILL.

Second reading.

The Hon. K. E. J. BARDOLPH (Acting Leader of the Opposition): I move:

That this Bill be now read a second time.

I have much pleasure in explaining its provisions to honourable members. Clause 3 provides that in making an order for the repayment of public relief a court must be satisfied not only that the person summoned can afford to pay but that such circumstances exist

as to make repayment desirable. In the other place there were many complaints that public relief had been treated as a repayable loan rather than as a community grant to necessitous persons. Clause 4 empowers the Minister in appropriate cases to continue public relief to children up to the age of 18, whereas now it ceases at 16.

Clause 5 prohibits the department, in assessing an applicant's means, from taking into account gifts or loans of food or household goods or chattels. At present if someone lends an indigent person a television set, that prevents that person from obtaining relief.

Clause 6 prohibits the department from repaying to itself out of maintenance moneys in its hands amounts previously awarded for public relief unless a court orders the repayment. The court may not make such an order unless it is satisfied that repayment will be without hardship. Clause 7 provides that in affiliation cases the defendant may demand a blood test and that the results of the test may be given in evidence. Blood tests cannot prove paternity. They may, however, disprove it. Clauses 8 and 9 provide that in maintenance cases the court may attach the earnings of the defendant. Such orders may not be made under the Commonwealth Matrimonial Causes Act and are equally desirable in summary jurisdiction against those who evade their responsibilities to their dependants. This Bill has received support in another place. I commend it to honourable members and know that they will give it the consideration it merits. I wish to inform the Chief Secretary that either this afternoon or yesterday when other private member's business was introduced, no extra copy of the second reading speech was made available. This is a private Bill and if the Chief Secretary takes umbrage at a copy of the explanation not being available for him I am sorry, because it has happened on many occasions before.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

EXCESSIVE RENTS ACT AMENDMENT BILL.

Second reading.

The Hon. K. E. J. BARDOLPH (Acting Leader of the Opposition): I move:

That this Bill be now read a second time.

This Bill has also been passed in another place. Clause 3 provides that as from the passing of this Bill, in oredr to obtain exemption from the provisions of the Act, letting agreements must be for a period of three years or more. Exemption will still apply to letting agreements for one year or more, provided they were entered into prior to the passing of the Bill. It has been found that the one-year agreement exemption is too short. As originally moved in another place, the Bill sought to include all letting agreements as it was felt that if rent was excessive it was excessive whatever the period for which it was paid. The three-year agreement exemption was a compromise.

Clause 4 provides that the court will not order costs on excessive rent applications. It has been found that poor tenants are deterred from making applications not by their own costs (for they may obtain assistance from the Prices Commissioner or the Law Society), but by the thought that as the outcome of their applications was uncertain, they might, if unsuccessful, face an order for substantial costs to the landlord which they could not meet. Under the Landlord and Tenant (Control of Rents) Act no costs were ordered. Clause 5 provides that the court may obtain a valuation and make it available to the parties. Obtaining valuations can be very costly, and this service could be of great assistance in determining applications.

Clause 6 re-enacts a provision of the Landlord and Tenant (Control of Rents) Act which was overlooked upon the lapsing of that Act. Recently landlords have been harrying tenants by cutting off lights and water, removing the roof, and interfering with quiet enjoyment in these improper ways. The new section will penalize what has been called in England the "Rachman" technique, and force landlords to obtain possession of premises only in the proper manner through the courts. I submit the Bill for the consideration of honourable members.

The Hon. C. D. ROWE secured the adjournment of the debate.

PHYSIOTHERAPISTS ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Physiotherapists Act, 1939-1955. Read a first time.

The Hon. Sir LYELL McEWIN: I move:

That this Bill be now read a second time.

It has been prepared to give effect to recommendations of the Physiotherapists Board of South Australia relating to registration under the principal Act and to the practice of physiotherapy. Clause 3 insert a proviso in subsection (2) of section 6 of the principal

Act to place on persons who are exempted from registration by reason only of the fact that they practice face or scalp massage or apply physiotherapy to members of sporting teams a limit on the duration of such treatment. As the Act stands, these exempted persons are entitled to continue any such treatment indefinitely. It is considered undesirable that such exempted persons should be permitted to practice, in effect, as physiotherapists for a longer time than is necessary for the purpose of the exemption. Under the proviso inserted by this clause the massage or physiotherapy must be confined to a period of three months after the training or the time when the injury was received.

Clause 4 effects two amendments of section 39 of the principal Act. The first of these amendments removes the requirement that a person must be a resident of the State before qualifying for registration. Under the existing Act, if a person holding the required diploma goes to another State before being registered he is required to return to this State and take up residence here if he wishes to obtain registration. The second amendment made by this clause relates to qualification for registration by virtue of a diploma granted by the South Australian Branch of the Australian Physiotherapists Association. The amendment merely affords statutory recognition of the fact that the association ceased to issue diplomas in the year 1945 after which the University of Adelaide has issued diplomas in physiotherapy.

The Physiotherapy Board has received many applications for registration from migrants who have qualified or undergone training as physiotherapists in foreign countries. In some cases the board, after due enquiry, makes a reciprocal agreement with the country concerned under which a migrant may obtain registration as a physiotherapist. (The countries are specified in regulations made under the principal Act.) In other cases however, there is no central authority through which negotiations can be conducted and it is sometimes impossible to obtain any evidence on the course of training that a particular migrant has had. Thus it may well happen that a migrant has had ample training and practice in physiotherapy overseas but cannot become registered here because the board is not able to make sufficient enquiries.

Clause 5 inserts new sections 39a and 39b into the principal Act. The purpose of new section 39a is to empower the board to investigate an application from such a migrant and determine whether the applicant is a fit and proper person to be registered here as a physiotherapist. If the board is satisfied that the migrant fulfils the following requirements, namely that—

(*a*) he has qualified as a physiotherapist in a foreign country;

(*b*) he is competent to practice physiotherapy in this State;

(*c*) he is of good character and has an adequate understanding of English,

he may be registered here as a physiotherapist. The new section is not mandatory—but discretionary; it will enable the board to make enquiries and, if satisfied that an applicant is in fact qualified, to register him. It is designed to remove a difficulty which has been a source of dissatisfaction among several migrants who, although possessing excellent qualifications, are barred even from having their cases considered.

Clause 5 also inserts new section 39b in the principal Act. The purpose of this new section is to enable students who qualify for their diploma in December to obtain temporary registration as a physiotherapist until they receive their diplomas some months later. Under subsection (2) of the new section the temporary registration will remain in force, unless permanent registration is sooner obtained, until one month after the council and senate meetings convened for the purpose of conferring diplomas. Under subsection (3) the board may, for sufficient cause, extend a temporary registration. Subsection (4) is a consequential machinery provision. Clause 6 inserts new section 47a into the principal Act. The purpose of this section is to preclude physiotherapists from treating their patients with drugs. This Bill has been introduced at the request of the Physiotherapy Board for the reasons explained, and as the drafting obviously implies. The board would have liked clause 6 to go further, but the Parliamentary Draftsman thinks that the present specifications set out in the Bill are sufficiently wide. In certain cases physiotherapists have even claimed that they can treat cancer with drugs. This clause prevents physiotherapists from using drugs.

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

CHURCHES OF CHRIST, SCIENTIST, INCORPORATION BILL.

Returned from the House of Assembly without amendment.

MINING (PETROLEUM) ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

RURAL ADVANCES GUARANTEE BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1577.)

The Hon. R. C. DeGARIS (Southern): I support the second reading of the Bill, and congratulate the Government, and particularly the Premier, on its introduction. Before it was introduced the Bill received much publicity, and unfortunately that resulted in a misinterpretation of the Bill's intention. It deals with rather a narrow field and is not a scheme to settle a large number of people on the land. Clause 2 says an "approved borrower" is a person:

(*a*) to whom a bank has made or proposes to make a loan for the purpose of enabling or assisting him to acquire land for the business of rural production; and

(*b*) who, having regard to his ability and experience in such business is approved by the Treasurer as a suitable person to undertake or conduct such business.

Firstly, a proposal must be made to a bank and then the applicant must be approved by the Treasurer as a suitable person to undertake the business. Then the applicant must run the gauntlet of the several conditions set out in clause 3. First, under clause 3 (2) (*a*) the Land Board shall furnish the Treasurer with a certificate signed by the Chairman or any member of the board certifying that the amount paid for the acquisition of the land is no greater than its fair value. So the first part of the gauntlet is that the Land Board must make a valuation and give a certificate that the land in question is being puchased at a fair value. Then subclause (2) (*b*) provides that 85 per cent of that valuation shall be guaranteed by the Government. Paragraph (*c*) reads:

The board has furnished the Treasurer with a report in writing that the borrower has the ability and experience to undertake or conduct such business of rural production successfully.

Paragraph (*d*) reads:

The Director of Agriculture or some other person nominated for the purpose by the Minister of Agriculture has furnished the Treasurer with a report in writing that the land is or would be adequate for maintaining the applicant and his family after meeting all reasonable costs and expenses in connection with the conduct of such business and in connection with the repayment of the loan and interest thereon;

In other words, the Director of Agriculture has to be quite certain that the farm on which the guarantee is being given is a living area.

The fifth condition occurs in paragraph (*e*), under which the Parliamentary Committee on Land Settlement must also give its undertaking that in its opinion the whole scheme is workable. So the applicant has quite a difficult gauntlet to run before ever his application can be approved. I emphasize here that, while this Bill is excellent, it can be applied to only a very narrow field. Unfortunately, the prior publicity has been misinterpreted by many people who feel that this Bill has a much wider application. It has a particular application to transfers such as from father to son, where the father possibly desires to retire and establish his son on the land. It has, I believe, a particular application to the case of a share farmer with knowledge and equipment, and maybe even with stock, who wishes to farm on his own, possibly on the property upon which he has been share farming, the owner wanting to retire from the land or quit it. In that case the share farmer would be the correct person to take over that property.

I emphasize again that this Bill has a narrow application in this State. All these things we tend to regard from the point of view of our own district. In my district, for instance, this Bill has practically no application. To go on to a living area a person in my district would require capital of about £25,000. This is in regard to a grazing property in the Lower South-East. I do not wish to go into details of the necessary payments over 30 years to service a property of £25,000, but any person who contemplated going on the land under those conditions would need at least £8,000 in cash, and possibly more. So in my district this Bill has little application. However, there are other districts in South Australia with other forms of primary production where I am sure this Bill will apply: in districts where the initial capital requirement for a living area is not so great.

My colleague, the Hon. Mr. Giles, has said that in intensive farming in the Adelaide Hills a capital of probably £15,000 would cover a living area. He made a valid point in his speech on this, that the capital required for a living area does vary from district to district, according to the form of primary production in which one is engaged. This is very good legislation and will have some success. I hope that in time the scope of its application will be wider, to assist those with a rural background, people who were possibly born on

the land but were not able to go on the land and want to return to it. They want to make a start in a job about which they know something. Already they may hold a job in some form of rural service, such as the shearing industry or the contracting industry relating to primary production, top-dressing, and that sort of thing. Here we have an opportunity to start a person in a form of production into which he wants to go, but in the first place not starting him on a complete living area. As I pointed out earlier, in my own district the initial capital involved is too great for a person to start, that capital being about £25,000. Indeed, it is too great for him to start with an 85 per cent guaranteed loan. I have discussed this point with many people and they are opposed to the idea of developing what is termed an urban peasantry. I share their opposition: I do not like the term "urban peasantry". From my own experience in financing people on to the land, it is far better to start a person on something less than a living area, with probably a cash contribution of £3,000, £4,000 or £5,000, than it is to tie him up to a living area in which he will have great difficulty in servicing the debt.

Commenting on the Hon. Mr. Giles's statement on this, I say that in terms of rural finance one of the main things to be considered is that it is the man one is financing, not the property. Anybody who is financing has his main equity in the person being financed. I support the Bill.

The Hon. R. R. WILSON (Northern): I am pleased to see any legislation that will enable qualified persons to secure land for the purpose of primary production. I think this Bill is designed for that. When I study it and its various clauses, I cannot see that many transactions will take place. For many years most farm lands have been purchased at a price far above their value. The reason for that is usually because either buyers have sufficient capital to pay the high prices or farmers who live in the locality desire more land preparatory to setting up their sons on the land. A plant to work today 700 or 800 acres is worth £7,000 to £8,000. There are not many people who can afford to pay that price for farming plant but, if a man can get land close to his own holding and can put his sons on it, he has a chance of avoiding the expense of extra plant.

The Land Board must certify that the land in question does not exceed fair value according to its type of production. The Land Board, the banks, the Director of Agriculture, the Parliamentary Committee on Land Settlement and the Treasurer are all involved.

Such a scheme in South Australia could, in my opinion, apply only to irrigation, not dry lands, of less than 500 or 600 acres; that is the minimum with which one could expect to make a go of it in the dry areas. The Hon. Mr. Giles referred to a property in the Adelaide Hills. I do not know which part of the hills he referred to. This point has been made by the Hon. Mr. DeGaris, and I support him. If a person cannot succeed on 2,000 acres something is wrong with him. The honourable member may have referred to land in the Adelaide hills which produces very little, but most land there provides a good living if it is 2,000 acres in area. The only failures under the war service land settlement scheme were caused by the settlers themselves and I think that position will apply under the present scheme. When making loans the banks have as much regard to the person as to the property because it is up to the person whether the venture will be a success.

On two occasions I have had the opportunity of going through much of the farming land in New Zealand where they are making a success of small holdings. The good rainfall and fertility of the soil enable properties to carry 10 sheep to the acre. They have many small paddocks and change their stock frequently, which is necessary when carrying out intense production. If the Bill is passed it will be interesting to see the results of the scheme. If the applicants can comply with all the conditions set down for taking part in this scheme they will probably be successful afterwards. The scheme is worth a trial and I have much pleasure in supporting the Bill.

The Hon. M. B. DAWKINS (Midland): It gives me pleasure to support this Bill and I wish to congratulate the Government on bringing it down. As previous speakers have said, it has been given some publicity and I understand there is a waiting list of people anxious to apply under the terms of the Bill when it is passed. The Hon. Mr. DeGaris and others have mentioned urban peasantry, but I think that it is assuming too much to say that the Bill is not going to succeed. The Bill should be passed as the Government is making a real attempt to enable people to go on the land who would not otherwise have the opportunity or finance to do so. I hope its scope will be widened and that people, such as share farmers, who have been referred to in this debate, will have the opportunity in due course to take advantage of its provisions. I believe

some of those men could be of great benefit to this country if they could eventually take up their own holdings. I have heard doubts expressed as to whether share farmers can come under this Bill.

The Hon. Sir Lyell McEwin: Are they excluded?

The Hon. M. B. DAWKINS: I do not know whether they are to be excluded. I heard doubts expressed as to whether they would be included and I hope they will be. Reference has been made about ample screening being provided. In fact, some speakers have suggested the screening is almost too good. This is a wise provision because it is important that the right type of person should be selected to partake of this scheme.

The possible division of properties that might occur under this scheme should be approached with some caution. I would not be in favour of dividing a well-managed property into, for instance, five poorly and inefficiently run properties, and this could happen. We should take a long view of this legislation. Perhaps most of its more successful application will be increasingly in the future.

I was interested to hear the Hon. Mr. Wilson refer to irrigation. Only last week there was a discussion about the impounding of water, and the expansion of this country that will undoubtedly occur with irrigation is destined to increase enormously the production of this State. I believe that this legislation probably has a great future under these conditions and many of those who benefit by it will be taking up land that will be at least partly irrigated. Therefore, the legislation has great potential and may be of assistance in transferring land from father to son where, in the present circumstances, this may be difficult. It is important for experienced people to be kept on the land and if the Bill can do this, amongst other things, it will be performing a signal service.

The Government has referred to a living area and some honourable members have expressed doubts about the size of it. It has been said that it might be too small and might result in the urban peasantry to which the Hon. Mr. DeGaris referred. I believe the Government is wise in referring to a living area because this Bill will benefit the community for many years and what is a living area today might well be more than a living area tomorrow; this will be decided by the people who have been given the opportunity to administer this Bill. Once again I congratulate the Government on bringing forward this legislation. This is yet another proof that it is anything but a "class" Government. It legislates in the best interests of all people in the community and its aim is to give people with ability every opportunity to advance themselves in this State. I support the second reading.

The Hon. L. R. HART (Midland): I support the Bill. I did not intend to speak in this debate and I do so only because certain members have seen fit to pour cold water on the scheme. The Bill has much to commend it and it is further proof of the vision of the Treasurer, Sir Thomas Playford. He initiated the Bill after a trip to America where he saw many productive small holdings and he felt that, perhaps, the same type of situation could well apply to South Australia. The only factor that could stop that was that the prospective landholders were unable to acquire land because of financial difficulties. I believe that the provision of 85 per cent of the estimated value of the property to be determined by the Land Board will enable many settlers to acquire holdings. Admittedly, every person qualified under this Bill may not be able to acquire land immediately. It is not designed for large-scale immediate settlement on the land but it is longsighted legisaltion. It is a provision to give people with qualifications the opportunity to acquire land when that land is available to them at a reasonable price, and this can well happen. We know from our own experience in the past that had finance been available to many young men with suitable qualifications they would have been on farms of their own now instead of share-farming, working for others, or even being in employment in the metropolitan area, having had to leave the country.

I think this Bill will provide an opportunity for many who have not had that opportunity yet. In my district, which is not far from Adelaide, I see instances where people with qualifications have been able to obtain sufficient finance to get small properties. These men with the necessary qualifications are prepared to work hard for long hours and are able to pay off loans on those properties.

The Hon. R. C. DeGaris: Is that on a living area?

The Hon. L. R. HART: A living area is an area judged not by the number of acres but by the ability of the individual settler to work the land; I think that is the true definition. I can give instances, particularly in the South-East, where people have not had to develop country to its fullest capacity to make a living.

They have struggled along with 2,000 acres, yet in other areas people who have had 200 acres of equivalent quality land have been able to do well. Often there are areas in this State which could be obtained at valuations acceptable to the Land Board and on which many of these people could be settled. This Bill will give these men an opportunity to acquire land on which to make a living for themselves and raise families under conditions and in a type of work for which they are well fitted. I think we should commend the Government for introducing the Bill, which will be available for these people to take advantage of. I have much pleasure in supporting the second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary): I have risen only because of doubts expressed about whether this legislation will be able to provide an adequate living area or whether people might take up restricted areas and not succeed. However, there is nothing in the measure to suggest that; it is just the opposite. It is to assist people, who may be on restricted areas because they might not have been able to finance larger holdings, to get an area that will support them. I cannot understand the suggestion that this is limiting legislation. As I said in moving the second reading, this legislation is not new; this type of legislation has been applied to industry with some success. The Industries Development Committee deals with applications for assistance by industry; where this committee considers that an industry will be successful, the Government grants finance to it. The Government has been doing this for years in relation to housing, too, and this has been successful. People otherwise not able to obtain houses have been able to get them on Government guarantees. About three houses a day have been taken up under that legislation. People who have not got enough money will be able to buy land, but they will not be able to buy it at inflated values. Obviously the Government would not grant 85 per cent of an inflated value, but it would do so in relation to real values, so at least these people would get 25 per cent more than they could obtain from a banking institution. I cannot understand why any member has expressed doubts about whether this legislation goes far enough. I cannot see any limitations in it except that certain conditions have to be considered.

The Hon. G. O'H. Giles: I have not heard any member doubt that.

The Hon. Sir LYELL McEWIN: I have heard much said about what constitutes a living area; the honourable member spoke about it for half an hour yesterday. I tried to discover his conclusion, but he did not have one. It has also been said that the Government will start a pauper community. Rather than that, this legislation is to help people to start farming on a profitable basis. I do not intend to delay the passage of this Bill, which I think honourable members intend to support; I have just pointed out these things in reply to what honourable members have said.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Treasurer may guarantee repayment of loan."

The Hon. G. O'H. GILES: Subclause (2) (*d*) deals with an area that should be adequate to maintain the applicant. I did not hear anyone doubt the Government's wisdom in introducing this provision. This was debated on another matter, when I sided completely with the Government in having such a provision to safeguard an adequate living area. I see no reason to doubt the goodwill and honest intention of the Government in introducing the clause, on which I congratulate it.

Clause passed.

Remaining clauses (4 to 11) and title passed.

Bill read a third time and passed.

OPTICIANS ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Opticians Act, 1920-1949. Read a first time.

The Hon. Sir LYELL McEWIN: I move:

That this Bill be now read a second time.

Its principal amendments are contained in clause 3, which inserts new sections 16a and 16b into the principal Act, and clause 4. New section 16a confers minor disciplinary powers on the Board of Optical Registration. Under section 16 of the principal Act the board has power to temporarily suspend opticians or to remove their names from the register. However, it is felt that these penalties might be too severe in most cases of unprofessional conduct, and the new section therefore provides that if in the opinion of the board an optician is guilty of unprofessional conduct the board may censure him, impose a fine not exceeding £50 or require an undertaking to abstain in the future from the conduct complained of.

Under new section 16b the board is required (in the case of a complaint under the new section or under the existing provisions of the principal Act) to hold a full enquiry and to act in accordance with established legal procedure

before determining the complaint. Under subsection (2) of new section 16b the board may require the attendance of and examine any person on oath. Subsection (3) is a consequential provision relating to subpoenas.

Clause 4 amends section 19 of the principal Act to provide that all moneys received by the board can be expended by it on administration of the Act and for optometrical education, training and research. At present the board can retain only up to £150 a year for the administration of the Act, the remainder being paid to the Treasury. The total amount of moneys received by the board is little more than £300 each year.

The amendment of section 23 effected by clause 5 will allow registration fees for opticians and licence fees for spectacle sellers to be prescribed from time to time instead of being fixed by the principal Act, which necessitates amendments to take account of changes in money values.

Clause 6 is in the nature of a drafting amendment. At present regulations can be made "deciding" the conditions under which names may be removed from the register, and it is proposed to substitute "defining" for "deciding" as a more appropriate word.

Clause 7 raises the penalties provided for by the principal Act by approximately 100 per cent. The penalties were fixed some 30 or 40 years ago.

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

ELECTRICITY SUPPLY (INDUSTRIES) BILL.

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

The Hon. Sir LYELL McEWIN: I move:

That this Bill be now read a second time.

It enables the Electricity Trust to provide power on special terms in order to encourage the establishment, expansion or maintenance of an industry or proposed industry in the country. It provides that the Treasurer, after discussing the matter with the Electricity Trust, may declare an approved industry and the trust may then provide power on special terms. An industry may be approved only if it is outside a radius of 26 miles from the General Post Office. The areas covered could have the facilities for the establishment of new industry including water, transport and suitable factory sites. On the other hand, since it is the Government's intention to assist decentralization as much as possible, industries inside this radius will not be eligible for special treatment. It is not expected that frequent use will need to be made of the provisions of this Act. Although electricity is always a vital requirement, it is not a major expense for any normal industry. Present country tariffs are now at such a satisfactory level that they are not normally a determining factor in whether an industry will establish or expand in the country. In a few cases the amount of electricity involved is such that special consideration in terms of this Bill might be the factor that would permit an industry to proceed with its plans.

At the present time the Electricity Trust, quite properly, must treat all consumers on a similar basis. This Bill will permit special consideration in any case where an industry is approved for that purpose. I should point out that if, in the terms of this Bill, the Electricity Trust makes a special contract with an industry for the supply of power, this will not be done to an extent that would have any detrimental effect on other electricity consumers. The reason for this is that no conceivable new industry is large enough by itself to affect the trust's plans of development. The turbo-alternators now on order are of 120,000 kilowatts capacity. An industry with a demand of 5,000 or even 10,000 kilowatts will not affect the power station plant installation programme and will involve the trust only in increased operating costs.

Obviously, if a large number of industries were involved, the trust would be faced with an increased capital programme for power station expansion, but this is not likely. The Bill provides that special treatment of one industry shall not thereby entitle any other industry to the same conditions. I visualize that if this Bill is passed it will be used only on rare occasions, but it may be quite important to the welfare of the State that its provisions should be available in special cases. It will mean that we will be able to offer conditions to a proposed industry which it might find difficult to match elsewhere in Australia and this might well result in the establishment of important decentralized industry in this State.

The Hon. K. E. J. BARDOLPH (Acting Leader of the Opposition): I support the second reading. Members who heard the Minister's second reading explanation must realize that the purport of the Bill is to encourage the establishment of major industries in the country beyond a certain radius of Adelaide. It is logical to assume that to attract any industry of major importance to the country concessions must be made in connection with power and other services.

You, Mr. President, know that this matter of decentralization of industry has been considered by a special committee for some time, and it is about to complete its report after an investigation lasting from 2½ to three years, and after traversing the whole State in taking evidence. The committee found that the Electricity Trust was most co-operative, and it emphasized not only its desire and intention to supply country areas for the purposes of the Bill, but to go further. I was pleased to note that the trust was prepared to give special concessions in the matter of power costs for the establishment of industries. This question of decentralization of industry is a knotty one. Many matters arise, such as services, schools, churches, social entertainment, distance from raw materials and the carriage of manufactured goods.

We have no difficulty with power or water for the working of the industries. Most areas in South Australia near the major centres have an ample reticulation of water. However, we do find there are many grave disabilities. Ancillary industries must be attached to major industries to absorb the growing population of the particular area. Those are some things not dealt with in the Bill but which surround the question of decentralization. The actual purport of this Bill is, in connection with the Electricity Trust, to provide an avenue that will attract oversea major industries to establish themselves here in country areas, and all honourable members will commend the Electricity Trust for its action in assisting in a practical manner the further development of industry and the progress of South Australia.

It may be as well to remind this Council that the Electricity Trust has a memorable history. Without bringing politics into it, I remind honourable members that the legislation that established the trust was passed in this Chamber with the support of the Labor Party, thus giving the Government a majority of one; but, be that as it may, in spite of the forebodings of those who opposed the taking over of the old Adelaide Electric Supply Company they have now become champions of the Electricity Trust of South Australia as regards its management, its efficiency and its supply of power since it has been taken over. South Australia, prior to the trust's taking over the company was in a parlous position in the supply of fuel. The only supply available had to be hauled by sea and then by train from New South Wales, from the Newcastle coal mines. The development of the Leigh Creek coalfield, however, placed South Australia in a position where it was not dependent upon other States. In view of what I have said, I support the second reading.

The Hon. C. R. STORY (Midland): This Bill conforms to the policy that most honourable members on the Government side have always been proud to support. It is part of the decentralization policy. I am pleased to see that the area from the General Post Office as laid down in the Bill has been reduced by an amendment in another place from 39 to 26 miles. In my opinion, this will have repercussions upon the establishment of industry in the outer areas away from the towns that we have come to know as our new industrial areas. Angaston, towns in the Barossa Valley, and perhaps Murray Bridge, would be included in this area but certainly it will be important to develop secondary industries in areas where raw material exists. The Minister has said that it is not visualized that this provision will be used to any great extent but it is a definite incentive for the large consumer to establish an industry away from the seaboard. That is our whole object, to try to decentralize industry away from the seaboard, provided it can function economically. I do not think anybody is foolish enough to think that we should establish industry for the sake of establishing it, in some area where it cannot possibly be a success.

You, Mr. President, as Chairman of the Industries Development Committee and of the Industries Development (Special) Committee have visited the whole State taking evidence from various people. I have no doubt that you have come up against this problem of electricity costs in industry. In some cases that difficulty is not real. People rather tend to think that electricity costs make all the difference, but often the amount of electricity used is a minor consideration. On the other hand, in some industries that we can visualize starting up in our country areas away from the metropolitan area, electricity could be the main cost component. Therefore, I think it a wise provision to have this on the Statute Book so that the Electricity Trust can, after due investigation, give special consideration to industry that is prepared to set up in those areas. This sort of legislation is good. I cannot imagine that anybody in this Chamber would have any doubts about it. I certainly have not and have pleasure in supporting the second reading.

The Hon. M. B. DAWKINS (Midland): Briefly, I add my support to this Bill, which is a major step forward in another progressive move by this Government in its endeavours

(and no-one can say that the Government has not been sincere and active in its endeavours) to decentralize industry. Like the honourable member who has just resumed his seat, I am pleased to see that the radius from the General Post Office has been reduced from 39 to 26 miles. This Bill is a means of further industrial expansion in this State. I wholeheartedly support the second reading.

Bill read a second time.

Clauses 1 and 2 passed.

Clause 3.

The Hon. G. O'H. GILES: I refer to the wording of this clause in connection with the desirability:

. . . to promote or encourage the establishment or expansion or maintenance of any industry or industrial undertaking carried on or intended to be carried on outside a radius of twenty-six miles . . .

Many established small industries will be pleased with that. Towns like Murray Bridge, I imagine, will come within the ambit of this clause. I hope that the words "maintenance of" will apply to the firms that I have in mind. The fact that in future, at any rate, it obviously will apply will be a great attraction to industries that are having lean times in some country areas. I congratulate the Government on introducing this Bill.

Clause passed.

Clause 4 and title passed.

Bill reported without amendment. Committee's report adopted.

WHEAT INDUSTRY STABILIZATION BILL.

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

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

That this Bill be now read a second time.

It is the State's contribution to the legislation required for continuing the Australian Wheat Board and the scheme for stabilizing the wheat industry and the price of wheat. The present scheme, which has been in operation for some 15 years and is covered by the Wheat Industry Stabilization Act, 1958, does not apply to any wheat harvested after September 30 last. For some time discussions have been taking place between Commonwealth and State Ministers in the Australian Agricultural Council and general agreement has been reached that it is most desirable and in the interests of the industry to extend the scheme for a further period of five years with minor modifications.

The Australian Wheat Board, which is established by Commonwealth law, at present undertakes the marketing of the Australian wheat harvest, both locally and overseas. Commonwealth and State Acts virtually empower the board to take control of substantially the whole of the Australian wheat harvest. It markets the wheat and pays the growers. Under the present scheme price stabilization has been achieved by means of legislative and administrative arrangements under which a price equal at least to the cost of production was guaranteed for approximately 160,000,000 bushels of wheat a year. The Commonwealth legislation ensured that the guaranteed price would be received on up to 100,000,000 bushels of wheat exported while the legislation of the States ensured that wheat sold for consumption within the Commonwealth (approximately 60,000,000 bushels a year) would realize not less than the guaranteed price. Legislation just recently passed by the Commonwealth Parliament will ensure that the guaranteed price for the next five seasons would be received on up to 150,000,000 bushels of wheat exported from Australia. In order to continue the scheme, which has during the past years operated so successfully, it is necessary that the new Commonwealth legislation be supplemented by uniform State legislation. It is, therefore, necessary to repeal the expired Wheat Industry Stabilization Act, 1958, and for each State to enact a new measure on uniform lines.

The Bill, when it becomes law, will be administered by the Australian Wheat Board, which is continued in existence by the new Commonwealth legislation. The only alteration proposed in the membership of the board is that Queensland will now be represented by two members instead of one member and one alternate member. The Bill does not alter the duties of growers to deliver wheat to the board through the medium of licensed receivers. The guaranteed price for wheat for home consumption or stock feed in Australia as fixed by the new Commonwealth legislation for the season 1963-64 is 14s. 5d. a bushel on the basis of fair average quality bulk wheat free on rails at ports of export. The existing provisions relating to the loading on the home consumption price of wheat to subsidise the cost of transporting wheat from the mainland to Tasmania are unaltered by the Bill. The loading at present is 1½d. a bushel.

The guaranteed price for wheat sold overseas is also fixed at 14s. 5d. and, as I have mentioned earlier, the new Commonwealth legislation will ensure that this price would be received on up to 150,000,000 bushels of wheat exported from the 1963-64 season. This price

of 14s. 5d. is based on the findings of a recent survey of the economic structure of the wheat industry conducted by the Bureau of Agricultural Economics. The guaranteed price in future years will be reconsidered from time to time in accordance with movements in the cost of production. The new Commonwealth legislation provides for the continuance of the Wheat Prices Stabilization Fund from which money for meeting obligations under the guarantee will be met. The Commonwealth legislation, however, raises the ceiling of the fund from £20,000,000 to £30,000,000. If payments into the fund at any time should bring it above that figure the excess will be returned to the growers. Where it is necessary to find money to bring the export returns up to the guaranteed price, the money will be drawn from the fund for this purpose. If there is insufficient money in the fund, the Commonwealth Government will find the difference.

The provisions of the expired Commonwealth and State Acts by which Western Australian growers received a premium of 3d. a bushel on the amount of wheat exported from that State are continued except that under the new legislation power is conferred on the board to reduce that amount having regard to freight charges payable in respect of such exported wheat and other freight charges payable in respect of wheat exported from other places in Australia.

From what I have said it will be apparent that the provisions of the Bill are substantially the same as those of the expired Act with some additional advantages. Its main object is to extend the stabilization scheme to the next five harvests. The present scheme has operated so successfully that the Government believes that both the marketing arrangements and the provisions for price stabilization have the approval of an overwhelming majority of the growers and has no hesitation in asking Parliament to approve this measure. It will be seen that, as the date of the expiration of the present legislation is September 30, this Bill has some urgency and I commend it to honourable members.

[*Sitting suspended from* 5.52 *to* 7.45 *p.m.*]

The Hon. W. W. ROBINSON (Northern): I support the second reading. This is really supplementary legislation to the Bill passed by the Commonwealth Parliament extending the life of the wheat stabilization scheme for another five years. Stabilization has operated for about 15 years since Acts of Parliament passed in 1948 and I shall give a brief summary of the conditions in the wheat industry which led to the formation of stabilization in order to prove its success. As honourable members are well aware, the wheat industry over those years passed through difficult times and in 1938 reached the lowest point for 440 years. The return to the grower in that year was about 1s. 8d. a bushel and the wheat industry was then in a parlous position. The flour sales tax was inaugurated and operated for three years and during that period the wheat industry received a bonus of some £5,000,000 from the local bread consumers. Since then not less than £150,000,000 has been returned to the consumers by the wheat industry.

The Hon. K. E. J. Bardolph: To the consumers?

The Hon. W. W. ROBINSON: Yes, by the difference between the price overseas and the home consumption price. In 1946, a stabilization scheme was submitted to growers with the provision of a guaranteed price of 5s. 2d. a bushel which the growers rejected, but in 1948 a scheme was submitted by referendum and was carried with a guarantee of 6s. 3d. a bushel while the price received for wheat exported that year was 20s. 4d. a bushel. Notwithstanding these discrepancies the Wheat Stabilization Act has worked satisfactorily, coupled as it has been with the international wheat agreement. Under this agreement the sales of wheat were dealt with on a Government or semi-government level. Up to that time the wheat harvest in the Commonwealth was handled by some six or seven grain merchants who had to dispose of their purchases in competition with each other. This competition for sales tended to depress the overseas market, and with the inauguration of the wheat stabilization scheme the merchants were appointed licensed receivers, and I can say with inside knowledge that the merchants made infinitely more and were on a more satisfactory basis under that scheme than they were under the purchase and sale of wheat overseas.

Under the new Commonwealth legislation, the Wheat Price Stabilization Fund has been continued to stabilize the wheat industry and to meet any obligations to growers under the guarantee. It raises the ceiling of the fund from £20,000,000 to £30,000,000. This money in the fund is increased by the wheatgrowers when the export price is higher than the home consumption price. A levy of 50 per cent of that excess is taken into the fund, but not at a rate in excess

of 2s. 2d. a bushel. If growers' payments at any time should bring the fund above £30,000,000 the excess will be returned to the growers and where it is necessary to find money to bring the export returns up to the guaranteed price—that is, when the export price is lower than the home consumption price—the money will be drawn from the fund for that purpose. If there is insufficient money in the fund the Commonwealth Government will find the difference. It guarantees a return on home consumption wheat, and on up to 150,000,000 bushels for export, of 14s. 5d. a bushel.

Western Australia has a freight differential of 3d. a bushel, but this is subject to revision. This is because of Western Australia's favourable position in regard to exports. It is nearer to the markets and therefore gets a differential of 3d. a bushel. Tasmania enjoys 1½d. a bushel differential for meeting freight charges to carry wheat to that island. To give members some idea of how successful the stabilization scheme has been, the prices received by the grower in the last two completed pools, Nos. 24 and 25, were: No. 24 pool return to the growers in bag wheat 14s. 4d. a bushel, and in bulk wheat 13s. 7½d. a bushel.

The Hon. K. E. J. Bardolph: What year was that?

The Hon. W. W. ROBINSON: That was about two years ago.

The Hon. K. E. J. Bardolph: What was the cost of production of wheat in 1949?

The Hon. W. W. ROBINSON: In the year I am quoting the cost of production was about 15s. 10d. a bushel. The export price was lower and the home consumption price was fixed at 15s. 10d. On average the price was 14s. 4d.

The Hon. K. E. J. Bardolph: How do you account for the cost in 1949 under the Chifley Labor Government being 7s. 1d., whereas in 1963 under the Menzies Government it was 14s. 5d.?

The Hon. W. W. ROBINSON: I did not know that the Chifley Government had much to do with the wheat industry. If I thought members would be interested I would have taken out figures.

The Hon. K. E. J. Bardolph: I have some here.

The Hon. W. W. ROBINSON: My figures would show that today the wheatgrower is receiving a better home consumption price than was the case under the Chifley Government. I have figures at home that show that the home consumption price to the consumer was 9s. a bushel and the export price 13s. 4d. In the first year of the stabilization scheme the growers received 6s. 3d. I am reminded that Mr. Scully, the Commonwealth Minister for Agriculture at the time, sold wheat to New Zealand at 4s. 10½d. a bushel when the price was 21s. overseas. Wheat was also made available for the manufacture of dog biscuits at 6s. 3d. a bushel in that same year. I would have brought along more figures if I had thought members were interested, but I do not think the honourable member would get much pleasure out of them. For the No. 25 pool the price for bagged wheat was 15s. 3½d. a bushel and for bulk wheat 14s. 5½d. The Bureau of Agricultural Economics goes into the matter of production costs, and when variations are necessary the alterations are made accordingly. Last year the guaranteed price was 15s. 4d. This year, because of the increased production per acre, there is a slightly reduced production cost, and the price is 14s. 5d. I support the Bill because a great improvement has taken place in the wheat industry, which is now on a sound basis, and consumers are getting wheat for the making of bread at the cost of production price.

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

WEEDS ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

Its main objects are to encourage councils (and to provide them with financial assistance) to carry out more regular and intensive programmes of weed control within their areas and to increase representation on the Weeds Advisory Committee. Section 6 of the principal Act provides for the constitution and appointment of the Weeds Advisory Committee. Subsection (2) of that section provides that the committee shall consist of such number of members, not exceeding seven, as the Minister from time to time determines. At present the committee consists of seven members of whom the Director of Agriculture is Chairman, one is a member of the Pastoral Board and five are primary producers from various agricultural districts in the State. The Government considers it desirable to increase the number of primary producers on the committee to six and to enable this to be done clause 3 amends subsection (2) of section 6 by increasing the maximum number of members from seven to eight.

Clause 4 inserts in the Act a new section which will empower the Minister to pay subsidies to councils which employ local authorized officers for the purposes of weed control inspections and of enforcing the provisions of the Act. The new provision, it is felt, would encourage councils to carry out more regular and strenuous programmes of weed control in their areas and enable them to secure the services of officers with training or experience in this field. The new provision sets out the limits subject to which any such subsidy would be payable. The subsidy will not exceed 50 per cent of the remuneration paid by a council to its local authorized officer for carrying out weed control work. It will not be paid in respect of any local authorized officer who is also the district clerk or town clerk of the council nor will it be paid unless an authorized officer is employed for at least a period of 60 days or for at least one day in each week of the relevant financial year. This will ensure that a council must carry out a definite weed control programme in order to qualify for a subsidy. It is considered most desirable that authorized officers should be possessed of suitable qualifications. The new section accordingly provides that after a period of five years no subsidy will be paid in respect of authorized officers who are not qualified unless they are employed with the written permission of the Minister who will have regard to the availibility or otherwise of suitably qualified persons when permission is sought.

Section 19 of the principal Act sets out the basis on which contributions towards the destruction and control of weeds on public roads are to be made to district councils by owners of land abutting the road, and requires the councils concerned within one month of incurring any expense in this connection to give notice to the respective owners or occupiers of the amount of their contribution. The period of one month does not give councils sufficient time to assess the results of any treatment for weed destruction or control or whether fresh treatment would be necessary and gives rise to additional work for councils when extra accounts have to be rendered for subsequent treatments. Clause 5 (*a*) accordingly extends this period to three months.

Section 19 applies only to contributions to district councils by adjoining landowners for weed control on public roads. Municipalities were excluded from its application because of the administrative difficulties of recovering small contributions from many thousands of ratepayers in the more closely settled towns. However, the Corporation of the Town of Renmark is responsible for the largest area in the State which includes much land used for agricultural and horticultural purposes and the Government feels that this corporation should therefore be enabled to recover contributions from adjoining landowners for weed control on public roads. Clause 5 (*b*) accordingly extends the application of section 19 to that corporation.

At present district councils are obliged to bear the cost of weed control on roads abutted by Crown lands. Clause 6 enacts a new section which empowers the Minister to reimburse those councils their expenses in that connection. A council will not be entitled to such reimbursement unless the manner and programme of the weed control are previously approved by the Minister.

The Hon. M. B. DAWKINS (Midland): It gives me pleasure to support the second reading. As a member of local government over the last few years it is my opinion that the Weeds Act, 1956, was and still is a great improvement on previous noxious weeds legislation. It has meant that the main responsibility for weed control remains with the owner or occupier of the land and the administration of this Act is vested in the councils. While still leaving something to be desired, the Act has in most cases proved a success. Many councils do a fine job and are achieving weed control. Others are doing a fair job and getting under way, while a few have not yet shouldered their task in any way. The Minister of Agriculture said in another place that weed inspectors from other States have been impressed by our scheme and are satisfied that it is workable. Nevertheless, we cannot afford to be complacent just because we have on the Statute Book an Act which is a great improvement.

The Minister reminded us of the difficult and dangerous weeds that are growing and spreading through the State, such as skeleton weed and noogoora burr, and other weeds which, although they may not be so difficult to control or so dangerous, are in some instances so widespread that they constitute a serious drain on the carrying capacity in certain areas. Evidence that we are not complacent about this is contained in the Bill, which seeks to further amend and improve the already fine Act I have referred to. Its main object is to encourage and assist councils to carry out weed control more effectively and efficiently than they have been. As I have said, some councils have been doing excellent work and it is good to see the improvements made.

On the other hand, one may sometimes drive a few miles and, for instance, run into an avenue of boxthorns. Not long ago I could do that without driving many miles from my home.

The Hon. K. E. J. Bardolph: What is the council doing to clear the boxthorns?

The Hon M. B. DAWKINS: As I have said, in some cases councils are doing excellent work; in other cases they have not tackled the problem. Clause 3 amends section 6 (2) of the principal Act by adding one more member to the advisory committee, which brings the total membership to eight. The important point about this is that it enables the Government to appoint an extra primary producer to the committee. Clause 4 inserts a new section in the Act which will enable the Minister to subsidize councils up to 50 per cent of the remuneration of authorized weeds officers. This is the most important part of the legislation. It should encourage councils to undertake more positive action in weed control. It will be the means of enabling large councils who have been, perhaps, managing with a part-time officer to employ a permanent weeds officer and will enable smaller councils (as I understand the Minister's speech on the second reading), who have in many cases been using the district clerk in this capacity, to share in the appointment of a weeds officer. The terms laid down will ensure that an authorized officer shall be employed for at least one day a week or 60 days a year. Apparently this means that five smaller councils can share in the employment of the one officer. In some of the smaller areas that would probably be very satisfactory. The provision that requires authorized officers to be suitably qualified is logical and reasonable, and the period of five years that has been granted before this provision applies is satisfactory. It is also desirable that, even after this period, the Minister should be able to approve, in exceptional circumstances, of inspectors who, although not possessing written or theoretical qualifications, are otherwise deemed by the Minister to be suitable appointees. The legislation enables the Minister, in exceptional circumstances, to approve appointments such as this.

Clause 5 (*a*) amends section 19 and provides a longer period of three months in which councils may be able to give notice to ratepayers of expenses incurred in the destruction or control of weeds. The present period of one month has not proved to be completely satisfactory. It has not given sufficient time and the extension to three months is a necessary improvement. Clause 5 (*b*) applies section 19 to the Renmark corporation. This section previously applied to only district councils, but it has now been applied to Renmark, where the corporation area includes much rural land.

Clause 6 will be welcomed by district councils that are now obliged to bear the cost of weed control on roads that abut Crown lands. It enacts a new section that gives the Minister power to reimburse councils for expenditure in this connection, with certain limits. The Bill is important and is an improvement to the Act, which I previously said was an advancement on previous noxious weeds legislation. I have pleasure in supporting the second reading.

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

LICENSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1571.)

The Hon. K. E. J. BARDOLPH (Acting Leader of the Opposition): Whilst I support the second reading, I have regard for the opinions of people who may be opposed to any alteration in our liquor laws. This legislation is of a social character and members of the Labor Party are at liberty to support or oppose it in accordance with their views. I understand that in bringing in the Bill the Government has had unanimity amongst those people concerned in the industry and, accordingly, I wholeheartedly support the second reading. The Bill is in line with legislation operating in other States; consequently, the Government does not desire it to come into conflict with any of the provisions of the Commonwealth Constitution. In other States there have been occasions when amendments have been made to liquor laws and they have been challenged in the High Court. After a series of trial and error our Bill has been based on legislation that has run the gauntlet of the High Court. Other States have encountered difficulties with their legislation, which has been challenged. I believe the Bill in its present form cannot be proved to be *ultra vires* under the Commonwealth Constitution. In concluding his second reading explanation the Chief Secretary said:

I would therefore urge upon honourable members that they accept or reject the scheme as it stands and do not seek to introduce serious amendments or modifications which might result in the rejection of the whole scheme upon the grounds of contravention of the Federal Constitution.

I think that covers the issue in this matter. The Minister gave a warning that if there were any major amendments to the Bill it would fall by the wayside and become inoperative. The amendments are in three categories: a new method of assessing licence fees, a slight relaxation in trade requirements; and administrative amendments. I do not propose to recount in detail all the amendments because they have been detailed by the Chief Secretary. It would be repetition on my part to explain them, and I content myself by saying that I wholeheartedly support the second reading of the Bill.

The Hon. C. R. STORY (Midland): I support the Bill, which will make the licensing position a little easier. Substantial increases are to be made in licence fees. One significant feature of the Bill is that the definitions of "mead", "wine", "cider" and "perry" are deleted from the definition clause in the principal Act. "Perry" is a pear wine and an enjoyable beverage indeed. Perhaps we should make more of it and thereby use more of the pears that now rot under our trees. There are great departures from the principal Act in the matter of licence fees. Clause 7 amends section 16 of the principal Act. We have all sorts of licences, such as storekeepers' licences and wine licences, the fees for which are to be increased steeply. At the moment they are paying £20. I do not know how long they have been paying that, but I imagine it is a very long time. I do not know when this section of the Act was previously overhauled but it comes as a shock to us sometimes when we have had a good year and have had to pay more income tax to find that we are faced with rather larger amounts of money that we did not think we owned. In one case that I know of the fee will be increased from £20 to £700, which is about a 4,000 per cent increase. That is on 3 per cent of the value of the turnover.

There would be others in similar categories. However, if business is booming, as it apparently is in some of these organizations, I do not doubt that that will be passed on to the general public and recouped in that way. The publican's licence seems a much more equitable way of dealing with the licensing fees than has applied in the past, particularly in the small country hotels where a small increase in council assessments could mean often a very large increase in the licensing fee. Worked out on a basis like that, it was inequitable, because many hotels selling their five or six 18-gallon kegs a week would be paying as much in rates as some more fortunately situated people selling 15 to 20 barrels a week. So this turnover tax (as we may call it) of 3 per cent seems a much more equitable arrangement. I am encouraged by the fact that we have the assurance of the Minister introducing the Bill that the Hotelkeepers Association agrees with it. That in itself speaks volumes.

The distillers' and storekeepers' licence deals with the two-gallon licence held by many distillers in South Australia, and the brewers', distillers', and ale licences are also worked on the 3 per cent basis. The packet licence applies to ships and also to boats plying on the Murray River. If we had a boat running there at the moment, which we have not, it would be forced to close its doors when in port. However, it is still a handy provision and I am sure that coastal ships appreciate the fact that they have this sort of licence.

The Hon. C. D. Rowe: Is the *Coonawarra* run like that?

The Hon. C. R. STORY: The *Coonawarra* is sporadic in its sailings. I am interested in dining rooms and restaurants, and particularly in restaurants, because I think that in the last few years the City of Adelaide has improved out of sight as it now has some nice, clean small restaurants where one can go and get a congenial meal with his family and have a bottle of wine if he so desires. For many years this amenity was lacking in Adelaide. One was rather forced to go to more expensive types of hotels, whereas in the city today there are a number of good restaurants serving meals at moderate prices. The benefit extended to them under the Act in consideration of the increase in their fees is that they will now be able to sell fortified wine. In other words, instead of their being tied to 25 beaume wine, they will be able to go to the fortified heavy sherries and ports. To those who appreciate a glass of wine, it is essential that they can have the range of wine from a flor sherry to red wine, white wine and finish up with a port. Lack of this facility has been criticized, particularly by overseas people but also by many of our friends from other States, who like to enjoy a port at the end of a meal. Consideration has been given to this aspect by this provision. It is a wide one. It also does away with a practice that has been prevalent in this city for some time, where certain types of drinks have been diluted before their sale for the purpose of meeting the legal requirements. That is most improper. People, whether they believe in drinking or not, frown upon the fact that certain drinks are diluted so

that they may come within the ambit of the law. This wide provision allows restaurants to have the full range of Australian wines. It also assists a number of clubs in South Australia. Club life has become a part of the Australian way of life, particularly in many country clubs that I know of where wives are associate members and can join their husbands in not a Saturday afternoon sit-down but a convivial drink in the cool of the evening. I am much in favour of that sort of thing.

The Hon. K. E. J. Bardolph: It becomes a social centre.

The Hon. C. R. STORY: It is that. After a game of bowls or tennis, people can call in for a few refreshments and drinks on their way home, which is much better than some other practices that are frowned upon. I do not want to say much more about this Bill. I think the parties involved, the Government and the people holding licences, are to be commended for their agreement. I know that some restaurant proprietors would have liked a lot more; that is only human nature.

The Hon. K. E. J. Bardolph: Like Oliver Twist!

The Hon. C. R. STORY: Quite, but he did not get very far, did he? I believe that this legislation is a great improvement to the Licensing Act. It is equitable and, what is more, I am pleased to see that the additional fees gained from this medium will relieve succession duties. That is something for which I really commend the Government. I support the Bill.

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

SUCCESSION DUTIES ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

Its main objects are, first, to increase the exemptions from succesion duty on property derived, on the one hand, by widows and children under 21 years of age and, on the other hand, by widowers, descendants (other than children under 21 years of age) and ascendants of the persons from whom the property is derived; and, secondly, to increase from £50 to £200 the value of certain classes of gifts exempted from duty where the donors die within 12 months of the making of the gifts or where the donees do not immediately assume possession and enjoyment of the property to the exclusion of the donors.

Clause 5 gives effect to the increases in the exemptions from succession duty on property derived by widows and children under 21 years of age and by widowers, descendants and ascendants. These increases have taken account of the changes in money values since the rates were last fixed in 1954. At present, where the property derived by a widow or child under 21 years of age does not exceed £3,500, no duty is payable. The clause proposes to extend this exemption to property up to £4,500 in value. Under the present scale property worth £4,500 passing to a widow or child under 21 years of age attracts a duty of £200 and the scale proposed by the clause reflects the same benefit or exemption which is carried through the whole range of the new scale.

So far as widowers, descendants (other than children under 21) and ascendants are concerned, at present no duty is payable where the value of the property does not exceed £1,500. The clause proposes to extend this exemption to property which does not exceed £2,000 in value. Under the present scale property worth £2,000 passing to a widower attracts a duty of £50. On any property worth £3,000 and more, the benefit a widower would derive from the new scale is approximately £25. It is estimated that the increased benefits under the new scales to beneficiaries would cost approximately £200,000 per annum.

Clause 4 amends section 35 of the principal Act. That section brings to duty certain classes of gifts where the donors die within twelve months of the making of the gifts or where the donees do not assume immediate beneficial interest and possession, but exempts from its application any gifts up to £50 in value. The figure of £50 has stood for over 40 years. The clause increases the value of gifts so exempted from £50 to £200. The amendment is particularly designed to exempt gifts up to £200 made by persons during the year before their death for religious or educational purposes, to church or school building funds and to benevolent institutions.

The Bill also affords an opportunity of seeking the approval of Parliament to the amendment to the principal Act contained in clause 3 which will close a loop-hole through which succession duty particularly in respect of settlements of large estates can be avoided with serious loss of revenue to the State.

A settlement is defined, in effect, as a non-testamentary disposition of property which contains trusts or dispositions to take effect upon or after the death of the settlor or some

other person. As a general rule a non-testamentary disposition conveying property or an interest in property can be said to take effect in the legal sense when the instrument is executed, but where there is included in such a disposition either an overriding power of appointment which, if exercised would result in the property or the right to assume immediate possession of the property accruing to some person only on the death of another; or an overriding power of appointment or revocation which renders the interest conveyed by the disposition incomplete or revocable until the person on whom the power is conferred dies without exercising it (in which event, only, does that interest become absolutely and irrevocably vested in the person to whom it was conveyed) there is clearly a disposition of property which takes effect on the death of a person and the property should properly be chargeable with succession duty under the Act. The clause is intended therefore to make it clear that, for the purposes of the Act, a trust or disposition will be deemed to take effect upon the death of a person if—

(*a*) as a result of the exercise of a power of appointment thereunder or in relation thereto, any property or the right to assume immediate possession and enjoyment of any property accrues to any person upon, or by reason of, such death; or

(*b*) any incomplete or revocable interest in property vested thereunder in any person becomes absolutely or irrevocably vested in that person upon, or by reason of, such death.

The amendment, however, will not apply in any case where property accrues on the death of a person in consequence of the exercise by deed of a power of appointment before the Bill became law or where an incomplete or revocable interest became absolute and irrevocable before the Bill became law.

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

SUPREME COURT 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 does two things. First, it increases (clause 4) the remuneration of the judges of the Supreme Court by £750 per annum as from July 1, 1963. The last increase in judicial salaries was made in 1960, since when, as honourable members know, there have been adjustments in salaries of other members in the Government service including adjustments by Bills to be introduced covering certain statutory salaries and salaries and allowances of honourable members. Under the Bill the salary of the Chief Justice will be £7,000 per year and that of the puisne judges £6,250.

Secondly, clauses 3, 5, 6 and 7 make it clear that the Master of the Court may exercise such jurisdiction as may be conferred upon him by rules of court (which, as honourable members know, are made by the judges). In particular, these provisions are designed to enable the Master (if so authorized by the rules) to exercise certain jurisdiction in matrimonial causes under Commonwealth legislation which has conferred Federal jurisdiction in such matters upon the Supreme Court.

The Hon. K. E. J. BARDOLPH (Acting Leader of the Opposition): I support the second reading and take this opportunity to compliment the judiciary of South Australia on the manner in which it has carried out its onerous duties. Over the years South Australia has been paid a great compliment because whenever an inquiry has been held in the Commonwealth sphere with regard to certain events (and I am thinking of the war period) application was made, in contra-distinction to all other States, to certain of our judges to carry out the inquiries. I believe all honourable members will agree that this was a compliment to the judiciary of South Australia for its integrity, application to duty, and knowledge and application to matters submitted to it for consideration.

I agree with the salaries proposed in the Bill. When members of the legal profession reach a certain standing in the legal world they are usually elevated to the Supreme Court. They do not enter into that new sphere for monetary consideration; in many cases, on that consideration, they would lose. But actuated by a desire to serve the community in the realm of the law they accept these positions and consequently they should be paid commensurately with the work they do and at about the income they received when they relinquished their legal practice. I believe the salary proposed is not too high for the work they perform. The puisne judges will receive £6,250 a year and all of them, before their elevation to the Supreme Court, were earning more than that at the South Australian Bar. Consequently, we owe a debt to those gentlemen who are

elevated to the judiciary in South Australia. The Masters of the Supreme Court are to act as commissioners in undefended divorce cases. Like the judges these officials are men of high intellect and integrity, and the work performed by the senior and deputy masters adds lustre to the work of the Supreme Court. I support the Bill.

The Hon. F. J. POTTER (Central No. 2): I have pleasure in supporting the Bill and agree with the Hon. Mr. Bardolph about the fine work done by our judges. Every member will agree that the proposed salary increases have been justly earned, and they will in no way place the judges in a disproportionately higher salary bracket. In other words we are carrying through the general salary increase of the Public Service. I do not think anything new has been introduced regarding the Masters of the Supreme Court. It is well known in matrimonial and other jurisdictions that the Masters have for years exercised the jurisdiction conferred upon them by the judges under existing rules of courts.

The Hon. K. E. J. Bardolph: The Bill confirms that.

The Hon. F. J. POTTER: It puts into statutory form what has always been accepted. When the Commonwealth Martrimonial Causes Act was introduced there was doubt whether conferring Commonwealth jurisdiction on the Supreme Court would interfere with the Master's jurisdiction to deal with matrimonial causes. A year or two ago the matter was dealt with by the Supreme Court in a judgment by His Honour Mr. Justice Chamberlain. He declared that in the opinion of the court the Masters in this State could exercise that jurisdiction and ever since that has been done. As far as I can understand, this is the only State where Masters have exercised the jurisdiction. In other States ancillary work like maintenance and custody orders, and orders for access have been made by the judges. If that position applied in South Australia when the matrimonial causes jurisdiction was conferred on our court, we might have had to appoint two additional judges to do the work that had been done by the Masters in a competent manner.

We are now putting in statutory form what has applied so that if there should be any reference to the High Court it will be clear that our Masters can carry out the jurisdiction conferred on them by the judges. The Hon. Mr. Bardolph said that the Masters could act as commissioners to deal with undefended divorce cases. I do not think that has happened in the past and it will be up to the judges to decide whether they will confer that power on the Masters in the future. I do not think there will now be any legal difficulty if there is any question about the jurisdiction of the Master.

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

AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES ACT AMENDMENT BILL.

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

The Hon. Sir LYELL McEWIN (Minister of Mines): I move:

That this Bill be now read a second time.

It provides for the continued operation of the Australian Mineral Development Laboratories in the manner which was authorized four years ago upon a trial basis. The original Act provided for a five year arrangement whereby the State, the Commonwealth, and the mineral industry together undertake the support, the financing and the administration of the laboratories. Members will recall that the laboratories were set up some 14 years ago by the State Department of Mines as a mineral research and development project. Primarily it had to deal with and solve the complex and difficult problems of the recovery of uranium oxide from the Radium Hill ores. It played a significant part in the success of that venture, as well as giving major assistance to other sections of the mining and mineral industry, both within the Department of Mines and outside.

Following consultations, both with the Commonwealth and the mineral industry, it was agreed that the laboratories could perform a most valuable function in the community, and that the first-class staff and facilities already created should be retained, and even further expanded if necessary. For the five-year trial period the State agreed to take the major responsibility and to guarantee to provide funds to the extent of £135,000 per annum, whilst the Commonwealth and industry were each to guarantee £45,000 per annum. Each party was to provide funds to the extent agreed, irrespective of the amount of work ordered, and each was entitled to secure work and services to the extent of its guarantee without further payment. The State also provided the original land, buildings, and equipment free of any charge, and undertook for the trial period to meet maintenance of buildings and rates and taxes.

During the past four years the arrangement has worked very well, and fully demonstrated its value to the community. Industry has consistently ordered work beyond its £45,000 per annum guarantee, and in the later stages so has the Commonwealth. The State, which gave by far the largest guarantee, has not found it necessary to require work and services to the full extent of its guarantee, and accordingly its subsidy has gone to strengthen the organization financially and to permit a measure of more general research work. All three parties are agreed that the trial has been a success and that it is vital that the laboratories continue to function on a permanent basis. This Bill is to facilitate such a continuation. Its principal design is:

(1) To authorize the Minister of Mines to make appropriate new arrangements with the other parties and to renew and review those arrangements from time to time.

(2) To vest in the organization the land, buildings, and equipment which were originally provided by the State.

(3) To give rather wider financial powers and responsibilities to the organization.

(4) To place the staff wholly under the control of the organization and require that the staff which was originally engaged under the Public Service Act either transfer fully to the organization or seek alternative appointment within the Public Service.

(5) To provide for the steps to be taken if the arrangements should for any reason cease to operate.

Because they have to be reasonably flexible and capable of variation from time to time, it is neither desirable nor practicable that the actual arangements as between the parties should be included in the Bill. It is therefore proposed that this Bill should come into operation when proclaimed, and that a proclamation should not be made until the Governor is satisfied that appropriate financial arrangements have been made. This is entirely in line with the provision made in the original Act.

Negotiations with the other parties are at an advanced stage and contemplate a new arrangement as from January 1 next. Under the new proposed arrangement, the other parties will be expected to take a proportionately higher responsibility in line with the actual volume of work ordered in recent years. The Government had hoped that by this stage the need for fixed guarantees would be no longer necessary, and that the partnership would be placed upon a basis of equality. However, to firmly secure the future operations of the organization, it is now generally agreed that guarantees should continue at least for a further five years, but that the other parties shall give guarantees which together shall equal the State guarantee, instead of taking together only two-thirds of the State responsibility.

Clauses 1, 3 and 4 are formal. Clause 2 provides for the amendments to come into operation upon proclamation by the Governor when satisfactory financing arrangements are completed. Clause 5 authorizes the Minister to make continuing arrangements beyond the original five years' trial period; provides for the land, buildings, and other property of the laboratories which were Crown property to be vested in the organization; and makes provision for the Minister's resumption of the organization should the arrangements be terminated. Whilst the assets vest in the organization it is provided in the original Act that the organization shall hold its assets for and on account of the Crown, and provision is made in clause 5 that the land and buildings shall not be sold or mortgaged without the Minister's consent.

Clause 6 makes detailed provisions for the transfer of staff now having the status of public servants on leave to the organization. Such staff was, with very few exceptions, originally engaged for the specific purpose of working in the organization. From the point of view of both the Department of Mines and the officers, that work was to be their vocation or career. This Bill provides in effect that if such an officer, rather than remain with the organization and thus cease to be a public servant in terms of the Public Service Act, requests an alternative public service appointment, this will be granted to him if practicable. If, however, he is to remain with the organization, the Minister is authorized to make arrangements to ensure that he shall lose thereby none of the leave or similar rights arising out of his previous service under the Public Service Act. It is also provided that superannuation arrangements shall continue to be available to officers of the organization, whether originally public servants or not.

Clause 7 provides that the organization may borrow and, in line with a number of other Acts creating statutory bodies, authorizes the Treasurer to guarantee such borrowing. This will permit financing of expansion upon a

reasonably economic basis should expansion become desirable. Clause 7 also relates to the provision of necessary funds. Clause 8 makes it clear that the State's responsibility for maintenance, repairs, water and sewer rates, etc., as now provided, was only for the original trial period, and also makes clear the organization's responsibility for any borrowing it may make.

Clause 9 provides for the procedures to be adopted if for any reason the arrangements for the tripartite responsibility for the organization should cease. Obviously the whole of the assets and liabilities would then have to revert to the State, which would then have to decide their future. It is to be expected, of course, that such a contingency would not arise, and if it did that there would be full agreement between the parties as to any residuary rights to the Commonwealth and industry flowing from their interest in the organization. However, in a matter of this kind it is desirable to provide the requisite machinery should agreement not prove possible. Of course, as the State provided the original assets and has been the major contributor, it would have by far the greatest rights if the arrangements should cease. As it is thought desirable to make new arrangements operative from January next, and particularly to give assurance to staff that the organization is to be placed upon a permanent footing, I would desire it to be given early approval. I commend the Bill to honourable members.

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

RAMCO HEIGHTS IRRIGATION AREA BILL.

In Committee.

(Continued from November 12. Page 1579.)

Clause 2 passed.

Remaining clauses (3 to 9), schedule and title passed.

Bill reported without amendment. Committee's report adopted.

MANNINGHAM RECREATION GROUND ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It was originally introduced in another place by a private Member but, for technical reasons based upon Joint Standing Orders, was re-introduced by the Government as a hybrid Bill. It was considered by a Select Committee, which recommended its passage, and it now comes to this Chamber for consideration. As it is primarily designed to solve a problem of a private order, I formally move the second reading to enable its consideration by this Chamber. A private member of the Council will explain the reasons which have lead to the introduction of the Bill and what it seeks to accomplish. I commend his explanation to honourable members.

The Hon. S. C. BEVAN (Central No. 1): I support this Bill, which is, I suggest, of local character. It arises out of the leasing of a portion of land known as the Manningham recreation ground by the Gilles Plains and Hampstead sub-branch of the Returned Servicemen's League. It was first introduced in another place and was subject to an inquiry by a Select Committee, which subsequently reported on it. So that all honourable members are conversant with the import of the Bill, I shall relate a brief history of the events that led up to the need for legislation.

On September 2, 1936, the Hon. S. W. (later Sir Shirley) Jeffries, at that time Attorney-General in the Butler Government, introduced the Manningham Recreation Ground Bill. In delivering his second reading explanation two days later (at page 1320 of *Hansard*), he said that the Bill dealt principally with two blocks of land situated in the district council district of Enfield. These blocks had been settled by a Dr. Bennett upon trust to use one of them as a playground and recreation ground, and the other as the site of some residential cottages. As difficulties had arisen in carrying out the trusts of Dr. Bennett's settlement, the only way those difficulties could be overcome was by an Act of Parliament so that the land might be used for the benefit of the public as it was intended to be used. The Attorney-General told the House that the Enfield District Council had announced its willingness to take over the land and develop the block Dr. Bennett intended for a playground and recreation ground in accordance with his intentions.

The original Bill vested the whole of the trust land in the Enfield council so that it would hold the playground and recreation ground as a public reserve under Part XXII of the Local Government Act. Further, the council was to develop the land as far as possible in accordance with Dr. Bennett's design, and to carry out his idea for the erection of a drinking fountain bearing a certain inscription. The Bill also empowered the Enfield council to sell certain residential sites included in the trust land and to apply the proceeds of the sale in developing the recreation ground and playground. The Bill was referred, under Standing Orders, to a

Select Committee, which submitted its report on September 22. The Bill was passed without further debate, and forwarded to the Legislative Council, where it was also passed. It became law on assent in October, 1936.

That is a brief history of the principal Act governing the Manningham recreation ground. The original Bill was introduced by the Government, it survived the scrutiny of a Select Committee comprising five members of another place, and it was passed by both Houses. I should like now to refer to another Bill on this matter introduced in this Chamber on November 4, 1959, by the present Minister of Local Government. That Bill sought to empower the Enfield City Council to lease portion of the Manningham recreation ground for the purpose of a bowling green, the design of which had been set out in a plan made by Dr. Bennett in his lifetime. The Bill was referred to a Select Committee comprising five members of the Legislative Council, and that committee reported on December 1, 1959, that it had heard certain evidence and that it was of the opinion the Bill would defeat the basic principle of the original trust by enabling certain portions of the land to be leased to a person, association of persons or incorporated club, so withdrawing the land from public use. Further, the committee found that the accounts had been meticulously kept. In the final paragraph of its report the committee stated:

The committee feels, therefore, that it has no alternative but to recommend that the Bill be withdrawn.

I do not desire to comment at this stage on the decisions of the 1959 Select Committee, on its findings of fact, or on whether the finding was right or wrong. The committee dealt substantially with the position we have before us now, but it dealt also with other factors in relation to the management of the trust of the recreation ground itself. Apparently, on inquiry, the committee considered that the public would be deprived of the use of the recreation grounds under the suggestion being considered, and it reported and recommended that the Bill be disallowed. I should like to place before members the submissions in support of this Bill made by the local branch of the Returned Servicemen's League, which were as follows:

The need for an amending Bill arises from a set of circumstances which are unusual because the terms of existing legislation, although designed to protect the intentions of the generous donor of the Bennett Reserve at Manningham are, at the moment, acting contrariwise. In April, 1957, an approach was made to Enfield City Council seeking approval for the Gilles Plains-Hampstead sub-branch of the Returned Servicemen's League to modernize an old stable on the reserve and convert it to sub-branch clubrooms and to secure a lease of five years for its occupancy.

In due course, in May of that year, the Mayor, Mr. T. Turner, caused to be published a notice calling a public meeting of ratepayers to discuss the proposal. The meeting was held in the council chamber at 8 p.m. on June 3, 1957, and lasted for more than two hours. After exhaustive discussion, the proposal was agreed to by the meeting of ratepayers. Subsequently a memorandum of agreement was entered into between council and the sub-branch granting a five-year lease as from August 1, 1957.

Members of the sub-branch then set about the work of rebuilding and modernizing and by dint of voluntary labour and the expenditure of some £2,000 established clubrooms of a highly satisfactory nature on Bennett Reserve. So far, so good; the conduct of the centre was exemplary and, with increasing population in this progressive suburban city, it became apparent that the needs of members and the community would best be met by an extension of the facilities available as was intended by the late Dr. Bennett.

With an eye to the future, the sub-branch contacted council in March, 1959, seeking an extension of their lease for a further period of 30 years. In his reply in May, 1959, the then Town Clerk, Mr. Harold Tyler, indicated that the maximum period for which the lease could be granted was 21 years; and that council had approved such an extension in principle. Then came the body blow! It was found, on an objection made by one ratepayer, that council did not have the power to grant a lease; and as a consequence. not only could the R.S.L. be not granted further tenure but also that it would lose the right previously conceded to use the premises as clubrooms. This means that the money and effort put into the clubrooms is completely forfeited; although, and this point is very strongly emphasized, the intention to do what was done was approved by a meeting of ratepayers in conformity with Part XXII of the Local Government Act and by virtue of an agreement entered into in good faith by both council and the R.S.L.

The sub-branch has plans to lay down a bowling green, membership of which would not be restricted to members but would be controlled by that body. Such a scheme does fulfil the intentions of Dr. Bennett. However, the primary desire at the moment is to preserve the clubrooms for the sub-branch. This is desirable and just from whatever angle the position is viewed, and it would be grossly unfair, if, because of existing provisions, members should be deprived by law of what is theirs by right.

It is pertinent to observe at this stage just how important the premises are to that section of the community which the R.S.L. represents. In 1957, the sub-branch had a membership of 52; as at December 31, 1962, this figure had increased to 150. Thus in five years, membership has trebled; and as an indication of members' acceptance of their responsibility, it is worthy of note that this small band, in

addition to raising its own urgently needed finances and supporting local appeals, has ploughed £150 into league charities such as the War Veterans' Home, Poppy Day and the Distressed Sailors' and Soldiers' Fund. This sub-branch is held in very high esteem by the league; and the State council and the State board are solidly behind the members in this effort to retain the fruits of their labour.

In all there are 54 metropolitan sub-branches of the league. All of these are in possession of premises which are a valuable contribution to the architectural assets of their locality. Where they do not own their own clubrooms they hold leases from civic bodies—evidence of the excellent public relations which exist between local government and this nation-wide organization.

To illustrate this point I direct attention to the position in Marion; a district similar in many ways to Enfield. As is well known to the Premier, and to the member for the district, tremendous progress has been made in recent months as the result of close co-operation between Marion sub-branch and the corporation. Here is a sub-branch, for many years frustrated by having to occupy unsuitable premises and prevented from going ahead with its plans for civic development by circumstances beyond its control, now playing a leading part in providing ideal facilities for the youth of the district as well as looking after the interests of its members. The corporation there made an area available to the sub-branch; and now in this working man's district, again similar to Enfield, South Australia can point with pride to the degree of civic responsibility which has its core in the mutual confidence which characterises the relationships of local government and the policy of the R.S.L. to learn from the past, consolidate the present and provide for the future. This is progress, the kind we want in Enfield and the kind we can have if honourable members will give their approval to the Bill.

It is also desired to make reference to the actual position which exists in respect of the administration of Bennett Reserve. Members will be able to judge the merit of this Bill by regard to the history of the area. It is three acres and two perches in area; and although in the nominal care of Enfield City Council, through its Parks and Gardens Committee, is not a reserve in the sense that its administration is a charge against the general revenue of council. It is the responsibility of a trust which has insufficient money to undertake major developments of the type envisaged by the sub-branch in the establishment of complete clubrooms and bowling greens. The trust has funds which will be used in part to complete the fencing project now in hand and also the provision of a suitable memorial. At some time prior to 1957 Hampstead Gardens Progress Association sought approval to renovate the building on the land for the purpose of establishing its headquarters there. However, due to lack of public support, the association became defunct. In sharp contrast to this situation is the proposal of the R.S.L. which, over the years, has gone from strength to strength, demonstrating the great potential which it presents for the maximum development of the area in the interests of the community at large as well as for its own members. This organization would extend the facilities intended by the generous donor and completely without expense to the public to whose welfare the area is dedicated. The plan is a sound one, economically and from the point of view of civic progress and must commend itself on these grounds.

To sum up, the need for this amendment is brought about by the following circumstances:

1. The R.S.L. sub-branch obtained its present lease by authority of the ratepayers.

2. Its members observed in full all the obligations it assumed under the lease.

3. Its intentions are consistent with those of the donor.

4. It is able and ready to implement those intentions.

5. The trust is unable financially to go beyond the strict limits of the governing legislation, the framers of which could not, at that time, have foreseen the great increase which has since occurred—and will continue at an even greater pace, *vide* the Town Planner's Report—in the City of Enfield.

6. Council has stated its willingness to grant a lease for 21 years, evidence of its confidence as representatives of the ratepayers in the intentions and conduct of the sub-branch.

7. Because the ratepayers are unable to approve the lease because of legal strictures it is plainly desirable that in order that the intentions of the donor and the wishes of the ratepayers may be achieved the amendment submitted herein should be assented to.

I am concerned that justice be done to the people and organization concerned in this matter. From what I have said it can be plainly seen that the R.S.L. will do its best in relation to the club rooms and the establishment of bowling greens in this reserve and it has the full support of the council, with the exception of one person. To show that the council fully supported this measure I shall quote from a letter from the Town Clerk of the Enfield council, Mr. L. J. Lewis, addressed to Mr. Jennings, M.P. It deals with the Bennett Reserve at Manningham and the Gilles Plains R.S.L. The letter is as follows:

> With further reference to the above matter and advice received from Mr. K. R. Heaven . . .

Mr. Heaven is the Secretary of the local R.S.L. sub-branch. The letter continues:

> . . . under date September 12, 1963, with which he enclosed copy of submissions prepared in connection with your endeavours to bring about the amendment of the Manningham Recreation Grounds Act I would advise that the matter was the subject of consideration at a meeting of the council held on the 23rd inst.
>
> The council resolved that it support the endeavours of the sub-branch as far as the amendment of the Act is concerned, and a copy of my letter to Mr. Heaven under date September 25 is also attached, which you will find self-explanatory.

This deals with the submissions that the sub-branch made to the council. The letter was signed by Mr. L. J. Lewis, the Town Clerk. The Bill gives the council power to lease to the sub-branch a portion of the Manningham recreation ground for a period of 21 years. Anticipating the green light, the sub-branch has spent £2,000 on improving that portion of the recreation ground.

The Hon. R. R. WILSON (Northern): Members should thank the Hon. Mr. Bevan for the information he has given. The ground is in his district, so he is familiar with what has happened. We are indebted to him for giving us so much detail. The members of the Gilles Plains-Hampstead sub-branch include men who have recently arrived from England. Because of increasing population in the area and more houses being built, these men have found the sub-branch to be a great benefit to them. When they produced their discharges after service in Her Majesty's Forces they became eligible for membership of the sub-branch. Despite the number of deaths of members last year the membership has increased, because of so many of these men from England becoming members.

In all good faith the sub-branch proceeded under the authority of the council to repair an old stable and make it into a club house, but it found suddenly that the council had no authority to do what it did. The Bill enables the sub-branch to hold a 21 year lease over the property. The Minister of Local Government will remember that in 1959 a Bill was introduced here but not accepted because of strong opposition from the Broadview Bowling Club, because of the close proximity of the Manningham recreation ground. Because of the increase in population I have mentioned, there is not now the opposition from the club. The sub-branch has done much towards raising money for charitable purposes, and it has been loyal to the R.S.L. I support the Bill.

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

ADJOURNMENT.

At 9.45 p.m. the Council adjourned until Thursday, November 14, at 2.15 p.m.