LEGISLATIVE COUNCIL.

Tuesday, September 15, 1964.

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

ASSENT TO BILLS.

His Excellency the Governor, by message, intimated his assent to the following Bills:

Cattle Compensation Act Amendment,
Fruit Fly (Compensation),
Public Purposes Loan,
Swine Compensation Act Amendment.

DEATH OF MR. H. L. TAPPING.

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

That this Council express its deep regret at the death of Mr. Harold Leslie Tapping, member for Semaphore in the House of Assembly, and place on record its appreciation of his public services, and that, as a mark of respect to the memory of the deceased honourable member, the sitting of the Council be suspended until the ringing of the bells.

The late honourable member was very well and favourably known to members of both Houses of Parliament and he was popular with all members regardless of their Party affiliation. He was elected member for Semaphore on October 5, 1946, and he was a member of this Parliament for almost 18 years. He was the Opposition Whip for six years. He was a member of the Public Works Committee for five years and a member of the Executive Committee of the Commonwealth Parliamentary Association for nearly nine years. He played a leading role in the Australian Labor Party's State Executive and also in the development of the LeFevre Community Hospital and the working of the South Australian Amateur Swimming Association and the South Australian Spastic Paralysis Welfare Association.

He took a deep interest in all sporting activities within his area. I had some association with him whilst he was working on behalf of the LeFevre Community Hospital, which was one of the first of the chain of community hospitals established in the metropolitan area. I always found him keen on every organization that he represented. He was always practical and approachable in his attempts at influencing the Government in its decision. We all know his interest in the South Australian Amateur Swimming Association. As I said earlier, we all respected him. He has been called away at an early age, for he was only 63 years of age, which is comparatively young. In moving this motion, I express the sympathy of this Council to his relatives.

The Hon. A. J. SHARD (Leader of the Opposition): I rise to second the motion in respect of the late Mr. Tapping, of whom I was a friend for many years. It would be fair to say that few members have been fortunate enough to come to Parliament and prove as popular and efficient in their work as was Mr. Tapping. He was sound in his outlook in everything that he undertook. From moving around the district of Semaphore, I know that he was well respected by all. The part that he played in that district is indicated by the number of life memberships conferred upon him. He was a member of the Port Adelaide City Council from 1940 to 1946—quite a period for a suburban council. I have been informed by the present and previous mayors and town clerks that he was well respected in that area. He was also past president and life member of the South Australian Amateur Swimming Association, a life member of the Ethelton Swimming Club, a life member of the Exeter Football Club and a life member of the South Australian Spastic Paralysis Welfare Association. His membership of so many organizations only proves the amount of work he did in an honorary capacity.

I had the pleasure of knowing the late Mr. Tapping for many years, working with him on the executive body within our Party. His judgment was always sound and respected. He was a member of our Party executive for a number of years. I feel that to say anything further would be unnecessary but I should like to join my colleagues in expressing deepest sympathy at his passing to his son and daughter, and to his brother and sister who were very kind to him during his sickness, which unfortunately extended, off and on, over the last two years.

The Hon. C. R. STORY (Midland): Members of my Party wish to be associated with the motion and the remarks of the Hon. Mr. Shard. I think every one of us has had quite a lot to do with the late Mr. Tapping, and our associations have always been very happy and friendly. It is sad when a member of the calibre of Mr. Tapping passes from the political scene. I think the large number of electors and Parliamentary colleagues who attended his funeral was indicative of the very high respect in which he was held in this Parliament and in his district. I express to his son, daughter, brother, and sister the sympathy of members of my Party. We wholeheartedly support the remarks of the Chief Secretary and the Hon. Mr. Shard.

The PRESIDENT: I, too, would like to add a personal tribute to the late Mr. Tapping. Mr. Tapping endeared himself to all members of Parliament irrespective of their Party, and he took a personal interest in the welfare of his constituents. As all members know, he took an interest in the Commonwealth Parliamentary Association, of which he was a valued member of the executive for about nine years. It was with sadness that we learned he had passed on. On behalf of the Council, I have written to his family expressing the sympathy of all members. I ask honourable members to stand in their places and carry the motion in silence.

Motion carried by members standing in their places in silence.

[*Sitting suspended from* 2.27 *to* 2.50 *p.m.*]

QUESTIONS.

HIGHWAYS DEPARTMENT PARKING AREA.

The Hon. A. J. SHARD: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. A. J. SHARD: During recent weeks I have noticed with considerable interest the preparation of a car park adjoining the new Highways Department building at Walkerville. I was impressed this morning to see that it was almost completed and that it seemed to be a good job. Can the Minister of Roads tell me how many cars it will accommodate and its approximate cost?

The Hon. N. L. JUDE: I do not carry these figures in my head, but I will get the information for the honourable member.

ROAD MAINTENANCE (CONTRIBUTION) ACT.

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. L. R. HART: Under the Road Maintenance (Contribution) Act, by virtue of a combination of factors, some trucks are assessed for taxing purposes at a weight greater than the weight they are permitted to carry under the wheel-axle section of the Road Traffic Act. It was stated in the press recently that the Government had agreed that log-hauling trucks in the pine forests would not be assessed at a weight greater than they were permitted to carry. Will the Minister of Roads say whether this principle applies to all trucks irrespective of the purpose for which they are used and whether the Government will agree that no truck will be assessed at a weight greater than that which it is permitted to carry?

The Hon. N. L. JUDE: The honourable member was good enough to inform me last week that he had this question in mind, and I obtained the following report from the Highways and Local Government Department:

The normal method for calculating the load-carrying capacity of a vehicle is to take the manufacturer's gross vehicle weight, or in the case of a semi-trailer or truck-trailer the manufacturer's gross combination weight, and deduct the tare weight. With lighter type lorries the resulting load capacity is usually slightly less than the weight which can be loaded legally. Some vehicles are constructed to carry heavy axle loads in excess of our 8-ton maximum and, as those loads cannot be carried because of the limits laid down in the Road Traffic Act, assessments are made by taking the legal limits for trailing and driven axles plus the manufacturer's specification for the front axle.

Many vehicles in use are equipped with a smaller number of axles than are necessary to carry the manufacturer's permissible gross load and as a result some semi-trailers with three axles have been over-assessed with a load capacity which would require the use of four axles to comply with legal limits and not overload the front axle or tyres. In these cases figures are amended when the circumstances are submitted to the Road Charges Section for consideration. Should an owner consider that the load capacity of any vehicle has been over-assessed on the basis mentioned, he should communicate with the Road Charges Section, where arrangements will be made for an inspection and if necessary action will be taken to correct the figures.

COMPANIES ACT AMENDMENT BILL.

The Hon. Sir ARTHUR RYMILL: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL: My question, which is directed to the Attorney-General, is relative to the Companies Act Amendment Bill now before us. I understand that similar, although possibly not identical, measures have been passed in the States of Victoria, New South Wales, and Queensland, and it is difficult for private members to get copies of those Acts because they are so recent. Will the Attorney-General say whether the Government intends to make a comparison of the variations that already exist between those Acts with a view to giving such comparison to each honourable member to assist him in the debate?

The Hon. C. D. ROWE: The honourable member is correct when he says that Bills similar to the Companies Act Amendment Bill have been passed in Victoria, New South Wales and Queensland. I understand that in the near

future similar Bills will be passed in Western Australia and Tasmania. The Western Australian Bill is almost ready for introduction, but I am not sure about the programme in Tasmania. The Bill I introduced agrees in all material respects with the Bill passed in New South Wales, except for the amendment I have placed on members' files, but I understand that New South Wales contemplates introducing a similar amendment to its Bill in the not too distant future. Queensland has omitted altogether the provision regarding half-yearly audits but is considering whether it should introduce an amendment along the lines of the one I have placed on the files. Apart from these matters, I believe that substantially the Bills in the other States agree with the Bill introduced here. I will discuss the matter with the Parliamentary Draftsman to make sure that there are no other differences of consequence, so that I can supply the information to the honourable member.

SWIMMING POOLS.

The Hon. JESSIE COOPER: Referring to a question I asked late last session, has the Minister representing the Minister of Education any information on whether the educational authorities have yet found it possible to devise a plan whereby swimming pools in State schools can be used more extensively, especially in holiday periods?

The Hon. C. D. ROWE: I have not got the information but I will confer with my colleague and obtain a reply for the honourable member.

GUY FAWKES CELEBRATIONS.

The Hon. L. R. HART: On August 5 I asked a question relating to moving the date for Guy Fawkes Day celebrations from November 5 to May 24 when the fire risk is not so great. Since that time a number of local government associations and fire fighting organizations have passed resolutions asking that the celebrations be moved from November 5 to May 24, because of the grave fire risk in November. Can the Minister representing the Minister of Agriculture say whether the Government has an answer to my question and, if it has not, will consideration be given to the matter?

The Hon. Sir LYELL McEWIN: The only information I can give is that the matter has been discussed in Cabinet but no decision has been made. It is a matter of whether local government bodies should have power to alter the date if they wish to do so. I know that the problem of fire danger does occur, and in some seasons more than in others, but Guy Fawkes Day is recognized as November 5. Whether we should transfer it to May 24 is the problem. It is a question of whether it is appropriate to leave it to a local government body to decide whether the danger in its areas justifies some action. So far no decision has been reached upon it by Cabinet.

VICTORIA PARK RACECOURSE.

The Hon. A. J. Shard for the Hon. K. E. J. BARDOLPH (on notice): In view of the proposed charge of 2s. 6d. by the Adelaide Racing Club for entrance to the flat at the Victoria Park racecourse, and the previous refusal of the Government to agree to this charge, is it the intention of the Government to re-affirm its decision and thus prevent any further alienation of the park lands?

The Hon. Sir LYELL McEWIN: No request has yet been made on this proposal.

AUDITOR-GENERAL'S REPORT.

The PRESIDENT laid on the table the Auditor-General's Report for the year ended June 30, 1964.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL.

Read a third time and passed.

SECOND-HAND DEALERS ACT AMENDMENT BILL.

Read a third time and passed.

SOUTH AUSTRALIAN GAS COMPANY'S ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and ordered to be printed.

The Hon. Sir LYELL McEWIN moved:

That the Bill be recommitted to a Committee of the whole Council on the next day of sitting.

Motion carried.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 2. Page 736.)

The Hon. Sir FRANK PERRY (Central No. 2): The purpose in amending this Act is to ensure the safety of workmen engaged in operations similar to mining. Safety often improves the functioning of industry as well as providing safer conditions for workmen, and it is very prominent in the minds of both employers and

employees. Industrial safety should be fostered; it is now the concern of the Department of Labour and Industry, which covers most factories and industrial operations in this State. The Mines Department has its own inspectors. The Government evidently considers that the more hazardous occupations carried on outside of mines, although similar, should be brought under the more experienced inspectors of the Mines Department. These operations are closely associated with mining. If it is agreed that these inspectors are competent, we should agree that this proposal is satisfactory. This work is hazardous, and mining and quarrying incur the highest premium rate under the Workmen's Compensation Act. The premium for a quarry employee is 115s. 6d. per £100, which means that nearly 6 per cent of employees' wages has to be provided by the employer to cover the accident rate. The mining premium is a little lower, being 92s. 6d. per £100, so it can be seen that both of these operations will be affected by this Bill as both are of a hazardous nature. The attempt to make them safer for the operator must be approved by us. The quarrying industry is one of the few where premiums have been reduced over the last few years. That is quite contrary to the usual trends regarding premiums for covering industrial employees.

The Parliamentary Draftsman has probably had difficulty regarding the scope of the Bill, and he has attempted to classify general operations that are outside but similar to mining operations. This has resulted in a complicated clause. We can visualize as mines the operations carried on by companies such as the Broken Hill Proprietary Company Limited at Whyalla, and the Zinc Corporation at Broken Hill or perhaps the mine in the hills where some opals were found recently, and it is the scope of this Act that may lead to some ambiguity. However, I have no suggestion to offer. I think the attempt of the Parliamentary Draftsman is as near an approach as can be made in the circumstances. The effect of the legislation will depend upon the action of the Government when the proclamation is issued and I think that should be sufficient safeguard in the Bill. For instance, in mining there is a common method of opening up a mine by costeening; that is, by a simple trench. That is the system used in many places but it should not come under this Bill but be left to the Department of Labour and Industry. A point has been raised as to how long the Bill should operate. The Act makes provision for two years with an extension to three years. This would be quite satisfactory. When the proclamation is to be issued due notice will have to be given. The time limit will not be allowed to extend further than the Bill stipulates. The Minister defined two operations only, one being in the Gorge Road and the other a tunnel that is now being constructed at Happy Valley. If that is the type of work proposed, I think the change of inspection from the Department of Labour and Industry to the Mines Department is all to the good, and I will support the Bill.

Bill read a second time and taken through its remaining stages.

COMPANIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 2. Page 722.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this Bill which amends the Companies Act of 1962. Since the passing of the Companies Act in 1962, the procedure has been adopted of having a standing committee of Attorneys-General, assisted by Parliamentary Draftsmen, prepare amending legislation. They have done a particularly good job. The Government has had the assistance of the Australian Associated Stock Exchanges, the legal, accountancy and secretarial professions and representatives from various finance, insurance and trustee organizations.

The Government has recognized it as important, complex and difficult legislation. We feel that members of the Opposition Party should have been given an opportunity to be represented at talks and discussions with experts in the financial field. When legislation like this, which is not political in character but is so important to the community, is being considered, it would be a step in the right direction and in the interests of everybody if the Opposition were invited to be present at relevant discussions. When we agreed in 1962 that the principal Act was important and necessary legislation, we also recognized that amendments to it would be necessary from time to time in accordance with recommendations of the standing committee of the Attorneys-General, and that is what occurred on this occasion. Possibly, in the future, there will be further amendments to the Act of 1962 as its weaknesses or difficulties become apparent to the people mainly concerned. While they are considered by a standing committee of the calibre of that of the Attorneys-General assisted by the Parliamentary Draftsmen, I am sure the amendments will be acceptable to all concerned.

Primarily, the amendments in this Bill are an effort to give increased protection to the members of the public who lend money to or

deposit money with companies. These sections are set out in clause 6 of the Bill, covering new sections 74 to 74i. I do not propose to go through them in detail. They are worthy amendments which we shall support. It has been announced that the provisions have already been enacted in Victoria, New South Wales and Queensland. If we are to continue with the policy adopted in 1962, it will be necessary for all States to pass amending legislation to ensure uniformity throughout Australia. We believe that uniformity is necessary in legislation of this nature; we will support it. We hope and trust that the amendments will give to the public the benefits that the Attorneys-General have set out to produce. I support the Bill.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

HONEY MARKETING ACT REVIVAL AND 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 purpose is to revive the Honey Marketing Act which expired in June of this year and, with certain amendments, to extend the operation of the Act for a further period of five years. The amendments relate to the election of producer members of the South Australian Honey Board, the manner of making payments to producers, and a scheme for decontrolling honey when necessary in the interests of the honey industry and various machinery matters.

Clause 1 contains formal provisions relating to the revival of the principal Act which is deemed to have continued and to be in force. Clause 3 repeals and re-enacts section 4 of the principal Act so as to provide for the four producer members of the South Australian Honey Board to be elected by producers. New section 4a (inserted by clause 4) makes provision for the elections. Under subsection (1) of the new section the State is divided into four electoral districts which will be defined by the Governor by proclamation. Subsection (2) is a machinery provision. By virtue of subsections (3), (4) and (5) the Minister will prepare a roll of electors for each electoral district, and each producer who is over the age of 15 years (a producer being a person who has 10 or more hives registered in his name) will be entitled to vote at an election for the district in which he resides, one producer member being elected for each of the four districts. The reason for the minimum age of 15 years is to endeavour to prevent a producer obtaining plural votes by registering hives in the names of his children. Each election will be conducted by the Electoral Department (subsection (6)) but the expense of the election will be borne by the board (subsection (7)). By virtue of subsection (8) the first elections will be held as soon as practicable after a poll has been held pursuant to the petition for discontinuance of the principal Act presented in June of this year.

Clause 5 inserts new subsections (3a), (3b) and (3c) in section 7 of the principal Act. New subsection (3a) provides for the present producer members to continue in office until a day to be fixed by the Governor. Thereupon, by virtue of new subsections (3b) and (3c), the first elected members will enter into office and retire on June 30, 1967 (in the case of two of them, to be decided by drawing lots) or on June 30, 1969 (in the case of the other two).

Clause 6 repeals subsection (3) of section 15 of the principal Act and replaces it with new subsections (3) and (4). New subsection (3) makes provision for the accounts of the board to be audited by the Auditor-General or by some other person appointed by the Minister and confers on the Auditor-General for this purpose the powers which he has under the Audit Act. New subsection (4) provides that the board shall prepare an annual report of its proceedings, including a financial statement, and present the same to the Minister. The report must be laid before Parliament by the Minister.

Clauses 7 and 8 amend sections 26 and 27 by deleting the references to "appraisement value" therein. Both the board and the industry feel that the making of an appraisement value for honey delivered to the board is misleading and serves no useful purpose. Paragraph (*a*) of clause 9 makes a correction of a drafting nature to section 29 of the principal Act. Paragraph (*b*) of clause 9 inserts a new subsection in that section to enable the board to determine accounting periods for particular types of honey produced during periods determined by the board. This will expedite payments to producers and allow the board to compete with buyers from other States on more favourable terms.

Clause 10 inserts new sections 29a, 29b and 29c in the principal Act. New section 29a provides for a scheme of decontrolling honey. It is proposed that this scheme will be brought into operation when necessary in the interests of the honey industry; for example, when,

owing to the activities of speculators from other States who are able to offer a firm price, honey is sent outside the State and none, or very little, is received in the agents' floors. The new section provides that upon the recommendation of the board the Minister may decontrol honey by notice in the *Government Gazette*, the period of decontrol being specified in the notice. During any such period the board's agents will be permitted to buy honey from producers, the agents acting on their own account and not as agents of the board (subsection 3). Subsection (4) provides for a levy on such sales so that the board may be kept in funds. Subsection (5) is a machinery provision.

As from mid-November last year until the principal Act expired last June, the board purported to decontrol honey, acting in pursuance of section 23 of the principal Act, which confers power to exempt from the requirement to market with the board any specified sales of honey or all sales complying with specified conditions. The scheme of decontrol was the same as is provided for in new section 29a. There is some doubt, however, whether section 23 confers sufficient authority for this purpose, and the new section is included in the Bill to make express provision and put the matter beyond doubt. The effect of the new section is that during a period of decontrol a producer will still be required to market his honey with one of the board's agents unless, of course, he sells it to a buyer from another State. However, the agents will not have a monopoly of the local market because during a period of decontrol the board's pools will remain open. In other words, a producer in delivering honey to an agent may elect whether the honey is to be regarded as delivered to the board pursuant to the general marketing scheme provided by the principal Act or whether, if the agent agrees, he sells it direct to the agent, who would be acting on his own account.

Although the principal Act requires the board to make payments direct to producers, the practice is for the agents to pay the producers out of their own funds and then obtain reimbursement from the board. In one case, however, it was necessary to advance funds to an agent. New section 29b legalizes this practice. Under subsection (3) of the new section, the advances will be held as trust moneys, but an agent will have the right to deduct therefrom the price of any goods sold to a producer.

New section 29c, a standard provision, exonerates board members from personal liability for any acts of the board. Clause 11 allows the Minister to deal with the petition for discontinuance of the principal Act presented to him in June of this year, some few weeks before the expiration of the principal Act, according to the tenor of the principal Act. The effect of the clause is that the petition may be regarded as having been presented when the Bill becomes law and the poll pursuant to the petition must be held within three months after that date.

Clause 12 inserts new section 36b into the principal Act to provide that if the principal Act is discontinued the Board shall dispose of its assets in accordance with directions of the Minister. Clause 13 amends section 37 of the principal Act by extending the operation of the principal Act and consequently the life of the board for a further period of five years dating from July 1 of this year. By virtue of clause 1, as I have explained, the principal Act is deemed to have continued in force and thus the board is deemed to have had a continued existence.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 2. Page 724.)

The Hon. S. C. BEVAN (Central No. 1): As pointed out by the Minister in introducing the Bill, it is designed to make several improvements to the principal Act. I support some of its provisions but I have reservations about others. I think some of its clauses improve the principal Act. When this Bill was being framed, various organizations concerned with traffic problems were consulted, and they suggested or recommended to the Minister that certain sections of the principal Act be amended. The State Traffic Committee has had considerable experience in relation to traffic matters and amendments to the Act, but that committee is not consulted enough about traffic problems. On this occasion it was by-passed, and advice was sought from other authorities.

The Hon. C. R. Story: What is the personnel of the committee?

The Hon. S. C. BEVAN: It consists of representatives of various motoring interests, and the honourable member's colleague, Mr. Millhouse, is chairman. I do not know whether there was any reason why an opinion was not obtained from that committee, but I think it could be taken into the Government's confidence more than it has been. I shall comment on some clauses so that between now and the Committee stages of the Bill the Minister will be able to consider my objections and see

whether some clauses can be amended. Clause 3 revises the definition of "owner". The present definition of "owner" is:

"Owner" includes a hirer under a hire-purchase agreement or the assignee of such a hirer.

The proposed definition is:

"Owner" includes a person who takes a motor vehicle on hire (whether pursuant to a hire-purchase agreement or otherwise).

Believing there must be some confusion in this matter, I again read the Minister's second reading explanation. Apparently it differs from the definition quoted, for he said:

Clause 3 revises the definition of "owner" so as to extend its meaning to include the "lessee" of a motor vehicle. At present the definition extends only to the hirer under a hire-purchase agreement. The amendment is designed to cover the growing practice of "leasing" motor vehicles from finance companies.

If that is the intention, why not insert it in the Bill? If my motor car were to break down, necessitating repair work, and I hired a vehicle, maybe for one or two days or even longer, I would be involved in several obligations. Regarding the amendment in clause 5, the Minister said:

This amendment is sought in view of the many requirements imposed on an owner of a vehicle.

There would be third party insurance, other insurance and registration, but if I hired a motor vehicle I would take it for granted that the vehicle was roadworthy and that it had been insured and registered. I suggest that immediately I hired the vehicle I became the owner, according to the Act. The registration could have expired, but I would not have inspected the disc, because I would have considered everything to be in order. If I were to take that vehicle on to the road I might soon be told by somebody in authority that the registration had expired.

The Hon. N. L. Jude: Don't you think you should see whether the vehicle is registered?

The Hon. S. C. BEVAN: Not necessarily, especially if I were hiring the vehicle for only a short period. I would have gone to a reputable firm and I would have taken it for granted that everything was in order. Under the circumstances I do not think the Minister would do otherwise.

The Hon. N. L. Jude: Would you take it for granted that there was petrol in the tank?

The Hon. S. C. BEVAN: Yes. I would switch on the engine and then I would know if there were petrol in the tank. There is a difference between what the Bill says, what the Act says, and what could happen concerning a hired vehicle. I would not be told what was the intention of the Act but I think it should be written into the legislation. Clause 4 deals with the erection of traffic notices. At present a council has the right to take certain action, but it cannot do so without approval. The Highways Department is the authority to do the work, but the provision in the Act should allow a council to do it. I have in mind a country council area where it becomes necessary to erect a traffic notice. Under the Bill the council concerned must request approval for its erection. The request would be examined by the Highways Department and if it thought the notice was necessary approval would be given, but this could take time, and under certain circumstances it may be more desirable for the council to erect the notice. I do not know if there is any particular reason for omitting the words "or a council". I think they should be included in order to prevent delays in the erection of traffic signs.

Clause 6 amends section 39 (3), which places certain obligations on tram drivers. They must do certain things, but there is no obligation on them to stop at traffic lights. In the metropolitan area we have now only the Adelaide-Glenelg tram service. On that line there are various traffic lights at intersections, with some in the city area and others at the South Road crossing, the Marion Road crossing and the Brighton Road intersection. Tram drivers have obeyed those traffic lights and I am sure that they would not go against them, but the Act does not say that they must obey them. A hazardous position exists at the Victoria Square terminus. Passengers are unloaded on the offside of the tram. If they got off on the correct side, they could be run over by motor traffic there, and because of that they are forced to alight on the offside. The intersection is a busy one, especially at peak periods. The Glenelg tram makes a left turn from King William Street into Grote Street and then another left turn into the square, where it stops in front of Moores at the terminus. When it departs it again makes a left turn into Gouger Street and then a right turn into King William Street, where there are traffic lights. Undoubtedly the driver of the tram must obey these lights, but imagine the situation with the trams turning as they do in this area! I have always argued that returning to an old practice is a retrograde step, but in this instance the system is such that it might be better to go back to having a loopline in King William Street. This would

mean the terminus would be in that street and the loopline would enable the tram to commence its journey to Glenelg there. At present traffic cannot travel on the outside of the tram and becomes held up there. Observation at a peak period will make this clear. Clause 7 should have the attention of the Minister. Section 43 (3) of the principal Act deals with the reporting of accidents, and states:

(*b*) if requested so to do by any person having reasonable grounds for such request, state his name and address and the registered number (if any) of his vehicle;

The amendment goes further than that and adds:

and any other information necessary to identify it.

I do not oppose this amendment but there are anomalies in section 43 (3) that have created confusion. Subsection (3) makes it compulsory to report all accidents, but subsection (5) provides a defence after a charge has been made. Paragraph (*a*) makes it compulsory for a vehicle to stop forthwith, and paragraph (*b*) states that the driver must give all the necessary information required, while paragraph (*c*) says that he must report any accident. It states:

As soon as reasonably practicable, and in any case within 24 hours after the occurrence of the accident, report the accident to a member of the Police Force or at a police station.

There is a penalty laid down in relation to that. Subsection (5) of section 43 states:

It shall be a defence to a charge of an offence against paragraph (*c*) of subsection (3) of this section to prove that the only damage or injury resulting from the accident was damage or injury to property and that a fair estimate of the cost of making good such damage or injury was not more than twenty-five pounds.

That is a defence, but we are led to believe that it is not necessary or compulsory to report an accident at all if the damage does not exceed £25 to personal property, yet subsection (3) states that an accident must be reported within 24 hours or as soon as practicable. The general public have been informed that it is not necessary to report such an accident, and that is borne out by the remarks of the Minister when he introduced the Bill in 1961. He said:

At present trivial accidents need not be reported, but in many cases it is difficult to decide whether an accident is trivial or not. Moreover, under the present law, even allowing for the exemption of trivial accidents, a lot of very small accidents to property must be reported. This makes much work for police and the public, from which no commensurate benefit is derived.

The Minister said that statistics of road accidents were greatly increased because of these trivial accidents being reported. He went on to say:

Although accidents under £25 will thus not be reportable to the police, any persons concerned in such accidents will be required, irrespective of the amount, to stop and give their names and addresses to the other parties concerned.

It will not be necessary to report an accident where damage is estimated at less than £25. I realize that it is a very small sum and that only a small scratch is needed today to cause that amount of damage. The Minister also said:

It is difficult to decide whether an accident is trivial or not . . . This makes much work for the police and the public, from which no commensurate benefit is derived.

He stated that a driver does not have to report any accident where damage to personal property is less than £25. The Bill states that it is necessary to report every accident.

The Hon. N. L. Jude: It is governed by subsection (5).

The Hon. S. C. BEVAN: Subsection (5) provides a person with a defence, but that defence can come into operation only after some action has been taken against the person responsible.

Members of the Royal Automobile Association have gone to the association about this and have been told that it is not necessary to report an accident in which the value involved is not more than £25. Sometimes a person says to the policeman, "I want to report an accident". He is then asked, "Where and how did it happen?" The question then arises of the extent of the damage. The person concerned may say, "£20 will cover the whole lot." He is then told that he need not report the accident when the damage done is estimated at less than £25. But, in the meantime, he may have involved himself in some other breach of the law. Let us state plainly in the Bill that it is not necessary to report such an accident.

Clause 10 deals with the speed limit approaching a pedestrian crossing, and it amends section 49 of the principal Act by inserting a new paragraph (*d*). The words that concern me are "within 100ft. of a crossing". There is a speed limit of 15 miles an hour when approaching and within 100ft. of a crossing. Here again a misinterpretation of the word "within" can arise. Does it include driving away from the crossing? Once pedestrian traffic is clear of the crossing, does the driver still have to maintain a speed limit of 15 miles an hour for another 100ft. on the other

side of the crossing, or does it mean within 100ft. of the crossing on the approach side? The word "within" could include driving on both sides of the crossing. After a driver has passed over the crossing, does it apply if he is still within 100ft. of it? I think the intention is that, if a driver is within 100ft. on the approach side and not on the other side of the crossing, the speed limit of 15 miles an hour applies; but that is not stated specifically in the Bill. As the wording is now, it could mean that a motorist increasing his speed to 25 miles an hour on leaving the crossing but still within 100ft. of it could have action taken against him. The wording of the Bill should be clarified on that point.

Clause 17 inserts a new subsection 94a in the Act. This prohibits any portion of the body or a limb from protruding from a moving vehicle. This has for some time been a controversial matter. This provision could have a far-reaching effect. Since this amending legislation has been before us I have taken note of the action of drivers, especially in the city area. On one occasion I counted 10 drivers of cars passing over an intersection, seven of them with their arm on the door. Under this Bill that will be a breach of the Act, rendering one liable to prosecution. I know it is not a good habit but I find myself doing the same thing when I am driving: I have my arm on the door. Drivers of commercial vehicles are no exception. Some commercial vehicles have trays protruding beyond the cabins. In many cases the bodywork of a prime mover is wider than the cabin. The driver's arm may not be protruding beyond the width of the vehicle but he may have his arm on the door and, under this legislation, he would be liable to prosecution because some part of his body was protruding out of the cabin. If it is necessary for this amendment to be written into the parent Act, I think that before it is done we should have a properly conducted campaign for the purpose of educating the general public against the practice of drivers putting their arm on the door. I have no sympathy with the roof-clutcher.

The Hon. C. R. Story: There are the dolly-danglers, too.

The Hon. S. C. BEVAN: Yes. This provision could act harshly. From observations outside this building I know that seven out of 10 drivers have their arms extended through the window. If the Act is amended a period should be allowed in which they could be educated against the practice.

I oppose the clause relating to the installation of television receivers in motor cars. I cannot see any reason why television sets should be permitted in motor vehicles, and I think it should be an offence to have them there. Some people may talk about present-day trends and say television will not be installed in the front seats of motor vehicles, but, even though they were in the back seats, some motorists could get over the problem by installing a mirror so that they could watch the television.

I shall vote against the clause relating to electronic devices. Since the Bill was introduced, the Minister has placed an amendment on members' files. I know that electronic devices have been used in other parts of the world to detect breaches. If the clause becomes part of the Act, in future when an electronic device has been used an offender will need to be a scientist to defend a charge. Faults can occur, and have occurred, in electronic analysers. The original enactment relating to these devices stipulated that they had to be checked within 14 days of the offence, and a document had to be produced by the prosecutor from the Commissioner of Police or a specified police officer certifying that tests had been conducted and the device was correct. That document was *prima facie* evidence of the correctness of the analyser at the time of the offence. The Minister has placed an amendment on members' files, the wording of which is much worse than the original provision. He intends to move for the insertion of paragraph (*ba*) in clause 27 as follows:

> A document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by a superintendent or an inspector of police, and purporting to certify that any electronic traffic speed analyser specified therein had been tested on a day mentioned therein and was shown by the test to be accurate to the extent indicated in the document, shall be *prima facie* evidence of the facts certified and that the electronic traffic speed analyser was accurate to that extent on the day on which it was so tested.

Under this paragraph, the device could have been tested six months before the offence. I know that is not the intention and that I may be exaggerating, but this paragraph does not contain any restriciton on the period. If the Government means the day before or the day after the offence, it should say so. If this provision is inserted in the Act, it should be compulsory for the analyser to be tested on the day of, the day before, and the day after, the offence. I see no difficulty about that. The manufacturer's specifications provide for readings to be taken just by pressing a button,

and the reading given can be two miles an hour more or less than the actual speed. For instance, if the speed is 40 miles an hour, the reading may be 38 or 42 miles an hour. It is easy to check this. When the machine is set up at the beginning of a day, it would be simple for a police vehicle with a tested speedometer to be driven past the instrument at a given speed. It could be checked again after an alleged offence. I think that this should be done and that it should be written into the Act.

There are various complications in this matter, but I shall leave them until the Committee stages. The matter has been referred to the Royal Automobile Association, of which I have been a member for 20 years. I have a grave fear about the continued reliability of electronic devices. As an example, we all know that television sets can be working perfectly one minute and yet be unsatisfactory the next. I have seen the opinion of the R.A.A. solicitor on this matter, but I shall not quote it now. However, I hope that between now and the Committee stages my remarks will be considered. I suggest that the various clauses to which I have referred do not improve the Act: they could have the reverse effect. I look with suspicion at the reference to the speed analyser, and at this stage I oppose its acceptance. I support the second reading.

The Hon. C. R. STORY (Midland): I, too, support the second reading. As pointed out by the Minister, the Bill brings up to date the parent Act. The legislation was redrafted in 1961 by Sir Edgar Bean, and at the time all members were pleased that he had been asked to undertake the work. Consequently, it came as a shock to me today to hear criticism of his work and the reference to the appalling drafting in the Act. I think we should regard ourselves as fortunate in having had the services of Sir Edgar. Most of the other States would like to have had him as their draftsman. I was surprised, therefore, to hear the criticism, and also to hear the same authority say how far we are behind Victoria in many of these matters. That authority said that he had observed the flow of traffic in Victoria for about a week. Probably that accounts for the type of criticism we had. It does not seem that the authority made a thorough study of the subject. However, it is necessary for us to review legislation periodically and bring it up to date.

I have a query regarding clause 3, because I find it difficult to follow the new definition of "owner". I can see a few complications arising if we accept it. What the Government seeks to do will undoubtedly catch up with wrongdoers, but it may embarrass other sections of the community. I shall pursue the matter further in Committee, but before we reach that stage I hope the Minister will obtain more information about it. The explanation of clause 7 is not sufficient. The Act clearly states what an owner must do when an accident occurs. Section 43 (3) states:

> If owing to the presence of a vehicle on a road an accident occurs the driver of every vehicle concerned in the accident shall—
>
> (*a*) stop his vehicle forthwith;
>
> (*b*) if requested so to do by any person having reasonable grounds for such request state his name and address and the registered number (if any) of his vehicle;

Then a report must be made to the police within a certain period. I find it difficult to understand why we must go further than that. Perhaps the only valid reason for going further is the position in Victoria, but in that State they look like having State income taxation and I hope we shall not follow that move.

The Hon. N. L. Jude: All vehicles do not have a registered number.

The Hon. C. R. STORY: If the engine number is to be given, why not say so?

The Hon. N. L. Jude: The Act refers to the registered number.

The Hon. C. R. STORY: Yes, and I do not mind that, but clause 7 goes further and refers to any other information considered necessary. We should set out what we really want. Some people get curious and irritating when an accident occurs, as I discovered recently. Clause 10 will improve the present position because flashing signs exist at places other than near schools. Usually we are not critical of what the police do, but I think many accidents could be obviated if we had more patrols on our roads. When I travel on the Main North Road between Enfield and the city I am appalled at the number of motor vehicles that pass me in excess of the 35-mile an hour limit. It seems to me that many vehicles cut across others when travelling at high speed, and it is this practice that causes many accidents. We seem to be putting more and more rules in the book without policing very well the rules already there. It is useless to have them unless someone enforces them strictly. We have strong penalties provided but I think there should be more policing to see that the rules are carried out. If all motor vehicles travelled at 35 miles an hour in the metropolitan area there would not

be so many fatalities. When we read of a vehicle turning over two or three times after hitting another it is evident that it was travelling beyond the speed limit. Clause 10 will improve the Act.

In the metropolitan area we have lanes on some roadways and they are a great help, but sometimes it is impossible to put a "stop" line on a carriageway. Clause 15 will improve the present position. As to clause 17, I am not sure how far we should go with some of these things. A person driving in country areas on hot days with the windows down is tempted to roll up his sleeves and let the breeze cool his arm. Are we going too far with this provision? In the metropolitan area perhaps it would be all right. I know that it is confusing when people hang on to the roof of a vehicle, but this clause seems to be stretching the law too far. I think the provision should be restricted to built-up areas where signs are given frequently. Patrol cars are now paying much more attention to country areas where there are wide open country roads; more attention than is being given in the city.

The Hon. N. L. Jude: It is in the country where most serious accidents occur.

The Hon. C. R. STORY: I realize that, and that the patrols are necessary, but we are under fairly close scrutiny in the country areas. In clause 19 the word "sign" is removed and the word "device" substituted. I presume that "sign" is covered by the word "device", but if that is not so, perhaps it may not involve a penalty to knock down a sign. If that is to be included in the word "device" then it will be covered. I question that provision.

I will deal with other matters in Committee after I have examined the Bill further. I am not entirely satisfied about the use of mechanical aids to catch offenders, nor with the matter of the certificates, which Mr. Bevan mentioned. No doubt the Minister will reply on those points. All honourable members will realize that this is an important Bill and one that needs much study in conjunction with the present Act to ensure that it will operate fairly and effectively. I support the second reading.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

In Committee.

(Continued from August 26. Page 592.)

Clause 3 passed.

New clause 3a—"Amendment of principal Act, section 11a."

The Hon. Sir ARTHUR RYMILL: I move to insert the following new clause:

3a. Subsection (1) of section 11a of the principal Act is repealed and the following subsection is inserted in lieu thereof:—

(1) If any person who is not a legal practitioner or whose name has been struck off the roll of legal practitioners and not restored thereto—

(*a*) pretends to be or takes or uses any name title or description implying that he is, or advertises himself to be, a barrister, solicitor, attorney or proctor or a person qualified or recognized by law as qualified to act as a barrister, solicitor, attorney or proctor; or

(*b*) permits or suffers his name to be used in any such way by any other person,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

The new clause could have been worded in a different way merely by adding certain words to the existing section of the 1948 amendment to the Act, but the Parliamentary Draftsman thought it preferable to do it in this manner by deleting subsection (1) of section 11a and inserting this clause in lieu of that. Apart from those matters the clause is the same as the provision in the present Act. In private conversation one or two members have told me they were worried about the use of the term "attorney". I point out that that is a term used in the Legal Practitioners Act and in the Act a legal practitioner is defined as:

A person duly admitted and enrolled as a barrister, solicitor, attorney, or proctor of the Supreme Court.

That term is used throughout the Act. It means an attorney at law as described by the Act. Those words are already in the corresponding sections of the Act. This is not a very far reaching amendment but it strengthens or stiffens the Act in a way that can give further protection to the legal practitioner without interfering with any other established businesses of a similar nature.

The Hon. C. D. ROWE (Attorney-General): I have looked at this matter and am prepared to accept the amendment as now moved by Sir Arthur Rymill. I did receive a letter from the Law Society, written to me on July 21 of this year, bringing to my notice a difficulty experienced in connection with prosecuting somebody who held himself out as a solicitor, and suggesting that the Act be amended. The letter quoted the provisions of section 92 of the Victorian Act. That section was looked at by our Parliamentary Draftsman and we have suggested the amendment that has now been

made. I think this will improve the position and will be some protection to the public. It may well be that later we shall have to look again at this amendment to see whether it needs further tightening up. However, for the time being it improves the position and I am prepared to accept it.

New clause inserted.

Clause 4 and title passed.

Bill reported with an amendment; Committee's report adopted.

LOCAL COURTS ACT AMENDMENT BILL.

In Committee.

(Continued from August 25. Page 554.)

Clause 8—''Amendment of Workmen's Liens Act.''

The CHAIRMAN: When the Committee reported progress on August 25 it was considering clause 8, which the Hon. Mr. Kneebone desired to amend. Subsequently, the honourable member placed on members' files certain amendments that he proposed to move. However, after consultation with the Attorney-General and myself, Mr. Kneebone decided to bring in a new Bill dealing with the amendments, and gave notice earlier this afternoon accordingly. I suggest to the Attorney-General that, after clauses 8 and 9 and the long title have been dealt with, he move for reconsideration of clause 1 in order that the short title may be amended to make it conform to the contents of the Bill. I notice an error in the marginal note of clause 8 and, with the concurrence of the Committee, I shall strike out the word ''Act'' first occurring.

Clause passed.

Clause 9 and title passed.

Clause 1—''Short titles''—reconsidered.

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

In subclause (1) after ''the'' to insert ''Statutes Amendment''.

That will mean that the subclause will read:

(1) This Act may be cited as the ''Statutes Amendment (Local Courts'' . . .

Later I shall move a further amendment to this subclause.

Amendment carried.

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

In subclause (1) to strike out ''Act Amendment'' and insert ''and Workmen's Liens)''.

Amendment carried.

The Hon. C. D. ROWE: I move to insert the following new subclause:

(2a) The Workmen's Liens Act, 1893-1936, as amended by this Act may be cited as the Workmen's Liens Act, 1893-1964.

That makes it clear what the Act is dealing with.

Amendment carried; clause as amended passed.

Bill reported with amendments; Committee's report adopted.

ABORIGINAL AND HISTORICAL OBJECTS PRESERVATION BILL.

Adjourned debate on second reading.

(Continued from September 2. Page 734.)

The Hon. C. R. STORY (Midland): I support the second reading. Nobody could be keener than I on preserving historical objects of any kind. I am very keen on historical objects and have been pleased to be a member of the National Trust for several years. I am also keen on natural history. So, nobody can say I oppose in any way the principles set out in this legislation. However, I am worried about one or two parts of it. The Bill clearly defines an ''authorized person'' as follows:

''Authorized person'', in relation to the exercise of a power or the performance of a function under this Act, means a person appointed by the Minister for that purpose.

I think all the definitions are clear. Prescribed objects are described in clause 3, which states that an article manufactured by an Aboriginal or person of Aboriginal blood according to Aboriginal methods is a prescribed object. It seems to me that various people on mission stations engaged in making boomerangs, woomeras, and so on will be taken into this dragnet or will have to get a permit of exemption from the Minister, and I do not see why this should be necessary. The Bill has been drafted by people interested particularly in preserving the ancient culture of Aborigines, but I do not think enough thought has been given to the effects of this Bill on the present generation. I should like to query this point with the Minister, as I think this clause should be re-worded so as to exclude people engaged commercially in making souvenirs. Clause 5 relates to the acquisition of prescribed objects; subclause (1) provides:

The Minister or an authorized person may, for the purpose of preserving a prescribed object, purchase or otherwise acquire the object on behalf of the Queen.

I take it that if very fine rock carvings were found on private property they could be purchased or, if someone were prepared to donate them, they could be otherwise acquired. I agree with this provision. Clause 9 provides:

A person shall not wilfully or negligently deface, damage, uncover, expose, excavate or otherwise interfere with—

(*a*) a cave or other place in which ancient remains, human or otherwise, are situated; or

(*b*) a place which is or has been at any time used by Aborigines as a ceremonial, burial or initiation ground,

except with the written permission of an authorized person.

These things carry a severe penalty. My great complaint about this legislation is that no provision has been made to protect landholders who have these objects on their properties. If a person has a productive area of land and in working it discovers a skull or some bones, he can be in serious trouble if he does not let anybody know but continues to work the ground, for he is then wilfully and negligently doing these things to a place that may have been a ceremonial, burial or initiation ground. I do not think that is the intention of the Bill, but the example illustrates how some people could be placed in a difficult position.

A person is obliged under this legislation to give to an authorized officer the information he seeks. If a police officer is acting as an authorized officer, a person is obliged to give him all the information he requires. If someone says that he considers certain ground to be an ancient ceremonial ground and that it should be preserved for posterity, some of the most fertile country in this State could be pegged and there would not be any access by the owner to it. Nowhere is it stated that the ground must be acquired; all that is provided is that, if the land is within the scope of the legislation, certain things must be done. The Minister in charge of this Bill will need to assure me on this point, and probably to amend the clause, before I shall support the provision. No provision is made to protect people who suddenly make a discovery on their properties. Under the Trespassing of Land Act proclaimed areas are the metropolitan area (up to a distance of 50 miles from the G.P.O.), the strip of land along the coast between Port Augusta and Port Pirie, and the Marne District Council area. If there is much trouble in instituting court proceedings it will be a further burden on landholders generally.

Under pastoral leases people can wander on properties, so long as they remain on defined tracks. We should act to ensure that people inspecting a discovery get the permission of the owner or the lessee of the property. It is not good enough to allow people to wander over it, for it would not be long before some person with an eye to business thought about setting up a teashop in the vicinity. Also, there would be many tourist buses in the vicinity. I do not know how people can be kept off a property unless provision for it is made in the legislation. I shall do my best to have an amendment accepted ensuring protection for landholders, who now have few privileges left to them. People can wander on their properties and cause damage. I want action to be taken in this matter before I shall support the clause, but generally the objects of the Bill are laudable. We should do something to protect people who report discoveries. I support the second reading.

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

STATUTES AMENDMENT (DOG FENCE AND VERMIN) BILL.

Adjourned debate on second reading.

(Continued from September 2. Page 735.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill, which was fully explained by the Minister and supported by the Hon. Mr. Bevan and the Hon. Mr. Wilson. It has been introduced to provide a solution to the problem that exists when dissension occurs between owners of land following the re-siting of a fence. It is not necessary for me to go into further detail. I express to the Minister my appreciation of his introducing the Bill and allowing members additional time to consider its provisions. The Dog Fence Act has caused much dissension over the years amongst the people concerned with its operation. This has been proved by the number of times the legislation has been amended. In recent years it has been considered by Parliament almost annually. We have had the opportunity to investigate the Bill, which will result in easier and better administration. We are grateful for being given the extra time to ascertain whether the Bill is acceptable to the people concerned.

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

APIARIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 2. Page 725.)

The Hon. A. F. KNEEBONE (Central No. 1): The principal Act is primarily concerned with the prevention and elimination of certain diseases affecting bees. It is true that the Act provides for the issuing of regulations, among

other things, to control the grading, packing, marking, branding or labelling of packages or containers containing honey and the prohibition of any sale thereof unless the prescribed conditions are fulfilled. However, the main purpose of the Act is to control disease in the beekeeping industry. The Act gives wide powers to the inspectors who may be appointed under its provisions. The Bill increases those powers in regard to the destruction of bees, frames, combs or hives. Provision is not made either in the Act or in this Bill for compensation to be paid to the owner whose equipment or bees are destroyed. In fact, section 16 (2) of the Act expressly states that no person shall be entitled to receive compensation in consequence of any measures taken for the eradication of any diseases or the destruction of any bees or any article or in respect of any damage that may result to him therefrom, either directly or indirectly, unless the same was occasioned wilfully and without necessity.

The Act provides that every beekeeper must register each and every hive of bees owned by him, and that an annual registration fee of twopence a hive be paid in respect of those hives. This Bill amends the Act in regard to the amount of the registration fee. The amendment will provide that the amount of the fee will be fixed by regulation. This amendment is accomplished by clauses 4 and 9 of the Bill. There are also penalties provided in the Act for failure to observe certain provisions of the Act. Section 15 provides that these fees and other moneys received under the Act shall be paid into general revenue. The prevention of disease in the honey industry is just as important to those in the industry as is the prevention of disease in other sections of rural industry. People engaged in the pig and cattle sections of rural industry have had legislation passed providing for the payment of compensation to the owners of pigs or cattle destroyed because they were diseased or were thought to have been diseased. The Acts I refer to are the Swine Compensation Act and the Cattle Compensation Act. In both these cases a levy is placed on the sale of animals in the particular industry and this is paid into a fund from which the compensation I referred to is paid. Not only are the beekeeper's bees destroyed, but in certain cases his honey, hives and appliances are destroyed, yet there is no provision for compensation payments. I am surprised that the beekeepers have not accomplished something of a similar nature in regard to their industry to that in the other two cases I have referred to, even if it may have meant some small additional cost to themselves.

I now turn to the Bill itself. Clauses 1 and 2 call for no comment as they merely concern the short titles and incorporation. Clause 3 widens the definition of "apiary" to include any place where bees or hives are kept by any person, and where in the opinion of an inspector such place is infested with disease. It includes the bees, hives, honey, beeswax and appliances. I agree that the widening of the definition is needed to apply to a place where disease is found or suspected, or to cover some article which has been in contact with disease and has been moved despite the prohibition of such movement by clause 7 of the Bill.

Clause 4 (*a*) alters the date on or before which a beekeeper shall pay the prescribed fee and register all his hives. It also provides that those hives which have been registered prior to the passing and proclamation of this Bill shall continue to be registered to June 30, 1965. This is the new date on or before which registration is to be compulsory. This appears to be a necessary provision as otherwise certain hives would cease to be registered after January 15, 1965, and the beekeeper would not be required to re-register them until June 30, 1965. This would cause great confusion and difficulty to inspectors in their efforts to administer the Act.

Clause 6 (*a*) amends section 8 at paragraphs (*c*) and (*d*) by striking out the words "as may be prescribed" and inserting in lieu thereof in each case the words "as the inspector considers necessary". Section 8 (*d*) gives the inspector considerable power. Apparently the inspector can destroy a beekeeper's bees, hives, frames, combs, appliances, etc., without prior notice if he believes them to be so affected by disease as to necessitate his doing so. I have a great deal of faith in the officers of the Department of Agriculture, but with such absolute power in the hands of the inspector a mistake could be made. No doubt in normal circumstances the procedures laid down in section 7, which are those of notification to the beekeeper to take effective action himself to eradicate disease, would be taken before an inspector took the action he is empowered to take under section 8 (*d*). However, nothing in section 8 provides that this shall be done. I would like to see that the action provided for in section 7 was mandatory as a first procedure. If notice is given there is always the opportunity to test whether the hive is in fact diseased. Once the hive, bees and appliances are destroyed the beekeeper has no redress and no opportunity to prove the inspector wrong.

Clause 7 amends section 9, which is the section that lays down penalties for breaches of the Act. The amendments widen the scope of this section. In this clause there seems to be a slight drafting error. I draw attention to the use of the word "passage" when referring to a single word. In subclauses (*d*) and (*e*) the single words "honey", "beeswax", and "therein" are individually referred to as the "passage". To me this does not seem to be a correct way of referring to a single word. In all other clauses of the Bill single words are referred to as "the word" and, in fact, groups of words are referred to as "the words". For the sake of consistency we could have gone on calling them words.

Clause 8 amends section 13a in a manner which effectively clarifies the requirement for the beekeeper to brand certain of his hives. It also wisely provides that the beekeeper shall supply his bees with adequate water. This will protect the water of other people in the locality, an important consideration in a State such as South Australia where the supply of an adequate amount of clean water for all purposes has always been a problem. With these observations regarding this Bill I support the second reading.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

ADJOURNMENT.

At 5.15 p.m. the Council adjourned until Wednesday, September 16, at 2.15 p.m.