LEGISLATIVE COUNCIL.

Wednesday, September 16, 1964.

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

QUESTIONS.

LARGS NORTH SEWERAGE.

The Hon. A. F. KNEEBONE: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. A. F. KNEEBONE: Recently, a number of occupiers of premises in the Largs North area have spoken to me about the laying of sewer mains in several streets in that district. In addition, I have received a letter from the Secretary of the Port Adelaide Local Board of Health in relation to this matter. Resulting from a high water table condition in this area, there is in existence a defective drainage condition and there is difficulty in disposing of effluent from septic tanks and sullage water. This is in a highly developed area.

A petition signed by 89 occupiers of premises in the streets affected was presented to the Local Board of Health. As a result, inspections were made by the staff of the board which has stated that it is considered that no improvement can be expected because of the high water table in this area. This is a small pocket surrounded by newly sewered areas. Will the Minister representing the Minister of Works in this Chamber urgently consider the laying of sewer mains in Katoomba Terrace, Galway Terrace, Strathfield Terrace, Nikola Road, Critten Avenue, and Gelven Terrace, Largs North?

The Hon. N. L. JUDE: The honourable member will appreciate that I personally am not acquainted with this matter but I will consult my colleague on it and give the honourable member a report.

CATTLE AND SWINE COMPENSATION.

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

Leave granted.

The Hon. L. R. HART: During a recent debate in this Chamber on amendments to the Cattle Compensation Act and the Swine Compensation Act a question was asked why the compensation payable in the case of cattle being destroyed through being found to be infected with disease was three-quarters of the market value while the compensation payable in the case of swine destroyed was seven-eighths of the market value. Can the Minister representing the Minister of Agriculture inform the Council why there is this difference between the amounts paid in compensation for animals destroyed?

The Hon. Sir LYELL McEWIN: I may not have the immediate answer to the honourable member's question, but I had a great deal to do with the origin of compensation, which first started in this Council with swine and was later extended to cover cattle. I imagine that, like insurance policies, it depends to some extent on the capacity to pay. It does not necessarily follow that seven-eighths of a pig represents three-quarters or seven-eighths of a cow. I shall refer the question to the Minister of Agriculture, who administers this legislation, and see if I can get the required information.

DUFFIELD LAND.

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. M. B. DAWKINS: A few years ago the South Australian Housing Trust commenced building operations in a very low-lying area adjacent to the town of Gawler. This area is now known as Duffield, and it is practically a suburb of Gawler. In this area some drainage problems have appeared, and their correction will necessitate considerable expense. It appears that the Housing Trust has to some degree lost interest in building houses in this area, and it is somewhat doubtful whether, for the number of houses there, the expense of the drains is warranted. It seems as though local government is to be left to carry the baby. Considering that the trust commenced operations in this area, it probably would be wise for it to build enough houses to warrant the construction of the drains needed there. Will the Chief Secretary obtain information on whether the Housing Trust intends to continue building in that area?

The Hon. Sir LYELL McEWIN: I do not know whether there is an inference in the honourable member's question that the Housing Trust has switched something on to local government; usually, it is at the request of local government bodies that these plans are put into operation. I will ascertain from the Premier whether the trust intends to build more houses there.

WORKMEN'S LIENS ACT AMENDMENT BILL.

The Hon. A. F. KNEEBONE (Central No. 1) obtained leave and introduced a Bill for an Act to amend the Workmen's Liens Act, 1893-1936, and for other purposes. Read a first time.

The Hon. A. F. KNEEBONE: I move:

That this Bill be now read a second time.

It makes two amendments to the Workmen's Liens Act. The Local Courts Act Amendment Bill, which was recently before this Chamber, contained, in addition to amendments to the Local Courts Act, an amendment to the Workmen's Liens Act. That amendment brought section 28 of the Act up to date in regard to present-day money values.

The purpose of this Bill is to bring two other sections of the Act up to date also in regard to money values. They are sections 4 and 7. In both of them a workman's lien for wages due is limited to four weeks' wages, or wages for work occupying not more than four weeks, and not exceeding the sum of £12. These sections have not been amended since the Act was passed in 1893.

Clause 4 amends section 4 (3) of the principal Act by striking out the words "the sum of twelve" therein and inserting in lieu thereof the words "in either case the sum of one hundred". Clause 5 amends section 7 (4) in exactly the same way.

The sections amended by this Bill have not been frequently availed of by workmen in recent years, probably because of the existing restriction of the lien. By increasing the maximum sum of the lien there will be available to certain workmen a course of action to safeguard at least a proportion of wages which may be owing to them. I commend the Bill to members and seek their support.

The Hon. C. D. ROWE (Attorney-General): The normal procedure would be for me to secure the adjournment of this debate, but as this is a private member's measure, and in order to expedite its passage to another place, I think I should speak now. The facts are well-known to members because it was sought to attend to the matter by way of an amendment to a Bill previously before the Council. However, there were difficulties and it was decided that it would be proper to introduce another Bill to deal with the matter. It is obvious what we are trying to do. The money values in the original Act of 1893 provided virtually that £12 would be the total amount to be claimed, in respect of work covering four weeks. Obviously today that amount is unrealistic, and it seems that the one mentioned in the Bill is much nearer the mark. Under the circumstances I can see no objection to the measure and support the second reading.

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

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL.

The Hon. N. L. JUDE (Minister of Local Government) obtained leave to introduce a Bill for an Act to amend the Enfield General Cemetery Act, 1944-1960.

BUILDING ACT AMENDMENT BILL.

The Hon. N. L. JUDE (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Building Act, 1923-1953. Read a first time.

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

That this Bill be now read a second time.

Its purpose is to make several amendments of an administrative nature to revise and strengthen the provisions of the principal Act. The amendments have been recommended by the Building Act Advisory Committee.

Section 3 of the principal Act provides that the Governor may apply the principal Act, or certain specified provisions thereof, to the area of a district council, but there is no power to restrict the application of the Act to particular kinds of buildings or to exclude particular kinds of buildings from the control of the council. In country areas into which urban development is spreading, there is often a need to apply the principal Act to regulate development, but there is probably no need for control of farm buildings such as hay sheds, implement sheds and the like. Clause 3 therefore amends section 3 to provide that, when the Governor makes a proclamation applying the principal Act to any local government area or part thereof, the proclamation or any subsequent proclamation may provide that the principal Act is to apply only to such kinds of buildings as are specified therein or is not to apply to such kinds of buildings as are so specified.

Clause 4 inserts new sections 9b and 9c in the principal Act. New section 9b provides for the issue of a "stop work" notice if a building is being unlawfully erected, that is, without the council's approval or otherwise than in accordance with plans, drawings or specifications so approved (subsection (1)). Subsection (2) provides for a penalty of £100 per day for non-compliance with the notice. The new section corresponds with section 8 of the Building Operations Act.

New section 9c provides that, if a building is being unlawfully erected in the manner which I have mentioned, the council may require the submission of a complete set of plans and working drawings. Subsection (2) provides for a penalty of £50 per day if the plans and drawings are not submitted within three days. Subsection (3) is a procedural provision. Clause

5 amends section 12 of the principal Act, dealing with the unlawful construction of stables, by adding four new subsections thereto. Under new subsection (2) a surveyor may by notice require an owner of a stable to demolish it if the stable is less than 25ft. from a dwelling-house or is not constructed of brick, or other like material. New subsection (3) provides for a penalty of £50 for non-compliance with the notice. New subsection (4) incorporates certain provisions of section 85 so as to enable the council in appropriate circumstances to undertake the demolition and recover the cost thereof from the owner. The Municipal Association has been advised that existing section 12 applies only to buildings that are stables properly so-called, that is, buildings with appropriate fittings for horses or cattle. It is clearly desirable that the scope of the section should extend to buildings that are intended to be used as stables and new subsection (5) makes appropriate provision.

Clause 6 (*a*) amends section 19 dealing with the use of buildings and their conversion to dwelling houses. The amendment makes the owner (as well as the occupier) responsible if an out-building is used illegally as a dwelling. Clause 6 (*b*) inserts new subsections (1a) and (1b) in section 19. New subsection (1a) empowers the council to impose conditions on the granting of an approval under the section and under new subsection (1b) any breach of any such condition will be an offence. Clause 7 amends section 56 of the principal Act dealing with a council's power in respect of ruinous or neglected structures. The section, though not entirely clear, enables the council to require the owner to carry out certain specified repairs or to take down the structure. It is considered that this requirement is too stringent and that the choice of taking down the structure (usually the more economical alternative) should rest with the owner. The amendments made by this clause, though somewhat lengthy, merely give an owner of a ruinous or neglected structure the option of taking it down when he receives notice of the repairs considered necessary by the surveyor. The amendments contained in this clause are designed to clarify and strengthen the provisions of section 56.

Clause 8 amends section 82 which confers power on councils to make by-laws. The clause inserts a new paragraph in subsection (1) of that section to extend the zoning power of councils (which under the principal Act is confined to the construction of buildings) to the use of buildings. The new paragraph provides for by-laws prohibiting the use of buildings within defined localities except for specified purposes or prohibiting their use for any specified purpose. Such by-laws, however, may not prevent the use of a building for the purpose for which it was used at the time the by-law comes into operation. Clause 9 inserts a new paragraph into section 83 (1) of the principal Act so as to enable regulations to be made requiring the provision of off-street parking facilities in respect of new buildings. It is now provided by regulations made under the principal Act that, when flats are built, suitable parking space must be provided on the sites. This is the only existing provision of its kind and there is no obligation on a person building a commercial building such as an office, hotel, factory or the like, to make any provision for off-street parking. Parking areas are frequently provided in connection with factories and in the case of some hotels and shops, but for other business premises it is, in general, the exception to find that any such provision is made.

The Building Act Advisory Committee is of the opinion that, sooner or later, the parking problem will be such that provision should be made requiring owners of such buildings to make some provision for parking on their land. In building codes in various parts of the world provision of this kind is now common. The amendment will enable regulations governing the subject to be made.

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

Read a third time and passed.

STATUTES AMENDMENT (LOCAL COURTS AND WORKMEN'S LIENS) BILL.

Read a third time and passed.

STATUTES AMENDMENT (DOG FENCE AND VERMIN) BILL.

Read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

Adjourned debate on second reading.

(Continued from September 15. Page 771.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): I support the second reading. In my opinion the Bill contains certain things that seem to be desirable and one or two things that I regret I have difficulty in agreeing to.

One in particular I think will be a retrogressive step if passed. I do not propose to deal with all aspects of the Bill but I will comment on certain clauses, the first being clause 13, which states:

A driver shall not make a U-turn at an intersection or junction at which traffic lights are operating.

Although on occasions I have successfully achieved this manoeuvre I do agree that it could be potentially dangerous, especially in the hands of an inexperienced driver. I think it is a practice that is unnecessary and therefore I agree with the clause banning this particular turn.

Clause 14 inserts a new provision that a driver shall not diverge to the right, as the clause puts it, without giving the right turn signal, which also signifies intention to turn to the right. I have advocated this amendment for some years and I think it is a necessary safety measure. I am surprised that it has taken as long as this to have it inserted in the Act. Paragraph (*c*) of that clause states:

A signal given by a device complying with the regulations and indicating that the brakes of a vehicle are being applied before it stops or while it is slowing down shall be deemed to be given for a sufficient time to give reasonable warning to drivers approaching the vehicle from behind.

I have two queries about this clause. The first is that in heavy traffic it is sometimes difficult to see this particular type of signal. My second and major objection is that this signal will not operate until a driver actually applies the brakes and such a signal in many circumstances, if not given before that time, can be far too late in my opinion and in my experience. In other words, if a vehicle stops at all suddenly a signal should be given long before the stop light operates. My present intention is to vote against this clause. However, I should like to hear the Minister speak on this matter in reply, and I shall then make a final decision when it reaches the Committee stages. When I said that I thought a portion of the Bill was retrogressive, I was referring to clause 15 (*a*), amending section 78 of the principal Act. The section at present provides that, where there is a stop sign at a junction or intersection the vehicle, if there is a stop line, shall stop before it gets over the stop line or before any part of it crosses the stop line; and, where there is no stop line, the vehicle must stop before any portion of it passes the stop sign itself.

The National Traffic Code, I am given to understand, provides the same with regard to a stop line but it provides that, if there is no stop line, the vehicle shall stop before any part of it enters the nearer side of the carriageway. That is what paragraph (*b*) of this subclause sets out to do—to bring in the carriageway stop instead of the stop line stop, but an entirely new word is introduced in both paragraph (*a*) and paragraph (*b*)—the word "immediately". If there is a stop line or a stop sign the vehicle must stop immediately before it reaches the stop line or immediately before it reaches the nearer boundary of the carriageway. This is something entirely new and is completely revolutionary in respect of our Road Traffic Act, because the word "immediately", to my knowledge, has never previously been included and an interpretation made by the courts has been quite different from this.

The interpretation that I know of in the traffic courts (because I was engaged in a case myself many years ago and I have consulted a solicitor who recently was engaged in such a case) is that under the existing law the vehicle must stop, where there is a stop sign, at a reasonable distance before reaching the stop line or the stop sign—and, of course, if this amendment is carried, the carriageway. A recent decision has been given that a driver must stop in a position where he can see, so I am led to believe, some portion of the road that he proposes to enter, which is a similar interpretation. Under the existing law if there is a stop sign and a line of vehicles has stopped, it means that at least two or three vehicles can get across the intersection together without the second and third, as an example, having to stop again at the stop sign. Of course, they have to stop somewhere but under the present interpretation as long as they stop a reasonable distance before the stop sign they have not to stop again.

In these days of heavy traffic I regard that as being entirely unnecessary. If we pass this clause in its present form and insert the word "immediately", it means that vehicles will each have to stop as they get to the exact position prescribed by this amending clause. In other words, if there are 10 vehicles all stopped for a stop sign, the first one moves off and the other nine have solemnly to move forward; the front one of them stops again and they all stop again. So that 10 vehicles have to stop 10 times. It is perfectly clear what this provision means. Applying it in another reference, if there is a heavily trafficked street where there is a stop sign and there is a steady, or more or less steady, stream

of traffic on the road that some vehicles are trying to cross, it means that when there is a gap in the traffic one vehicle crosses, and by the time the next one stops only one vehicle can get across before the gap in the traffic disappears, which will make it nearly impossible for the vehicles to get across the stop sign. This is completely retrogressive and is the exact opposite of what we ought to be doing today—encouraging a faster flow of traffic rather than slowing it up.

The Hon. Sir Lyell McEwin: You mean that the whole lot ought to be able to move?

The Hon. Sir ARTHUR RYMILL: Let us assume that three vehicles are stopped at a stop sign and there is a stream of traffic coming along the road that they want to cross. At present under the interpretation of the law when a gap occurs in the traffic those three can go across without any of them stopping again. They all stopped before they reached the stop sign.

The Hon. N. L. Jude: Assuming, of course, that they have the right of way?

The Hon. Sir ARTHUR RYMILL: Yes. The second two vehicles do not stop again before they reach the stop sign. The three of them can probably get through a gap whereas, if the first one goes across and the second vehicle has again to stop when he moves his car's length forward, by that time in these heavily trafficked circumstances the gap will have disappeared and he will have to wait for the next gap, as will the vehicles behind him. So I am proposing to submit an amendment to delete the word "immediately" in paragraphs (*a*) and (*b*), which, I understand, will bring the position into line with the National Traffic Code in any event.

I am not at all averse to the amendment providing for one to stop before one reaches the nearer boundary of the carriageway. Indeed, I support that because I think it has everything to commend it because stop signs are sometimes placed a little further back from an intersection, of necessity, because of some obstruction in the way of trees, perhaps, so that the positioning of the stop sign as a stopping place is not always the best, whereas the nearer boundary of the carriageway is the logical place to stop.

I support subclause (*b*) of clause 15, which provides that, where there is a lane especially provided for left-turning vehicles at a stop sign, intersection or junction, a vehicle can turn left if it can do so with safety. That is the type of amendment we all like to see: it is one that will facilitate the flow of traffic.

The Hon. S. C. Bevan: Do you want them to plough through the pedestrians?

The Hon. Sir ARTHUR RYMILL: In reply to that interjection, let me say that subsection (1) of section 78 relating to making an actual stop does not apply to the driver of a vehicle who is proposing to turn left where there is a special left-turning lane. It does not relieve him, as the honourable member interjecting implies, from any other of his responsibilities under the Road Traffic Act.

Moving on to clause 17, in common with other honourable members, although I agree with the intended effect of this clause, I am not happy about its verbiage because I am afraid that it can cover many actions done unwittingly and commonly and even done with the greatest intention of complying with such a provision as this. The object of the clause obviously is to try to keep people's limbs safe from vehicles passing either in the same direction or in the opposite direction. We read of many accidents where people have had an arm or leg taken off through having it projecting from the side of a vehicle. Unfortunately, however, the verbiage of this new subsection would, I think, cover certain quite innocent actions—actions which were not in themselves offensive in any way—and I find it difficult to conceive how it came to be worded in this way to cover such cases as the Minister had in mind while still permitting the freedom of movement of the vehicle. If I am wrong about that and if it goes through, or if it goes through in an amended form—and I should be happy to consider any amended form—I still will not like new section 94a (2) (*b*) to be limited to a driver who is reversing his vehicle from the provisions relating to permitting a portion of the body to protrude through a window. This is quite a sensible exemption because in many cases, especially with commercial vehicles, it is prudent for a driver to put his head outside, especially when he is reversing.

The Hon. Sir Frank Perry: In a commercial vehicle the cabin is often set well back from the edge of the vehicle.

The Hon. Sir ARTHUR RYMILL: That is so. I know that some commercial drivers are taught to drive on their rear vision mirrors, but I think having the head out of the side of the vehicle is a safer practice. There is another practice which is common and which I think should be exempted, and if the balance of the new subsection goes through I propose to submit an amendment

adding the words "or turning" after the word "reversing" in new section 94a (2) (*b*). The reason for adding those words is that when the driver of a commercial vehicle is approaching a right-angled intersection he often gets halfway across and is then turned at an angle of about 135 degrees instead of 90 degrees, but he has to stop because other vehicles are not giving way to him from the left. I know they are obliged by law to give way, but it is an everyday occurrence and a common practice, particularly on a heavy trafficked street such as West Terrace, for them not to do so. In that case the driver of a commercial vehicle—and I see drivers do this every time I travel along that road—slides across the seat and puts his head out the left-hand side of the vehicle to see when the road is clear so that he can go on. That is a practice that makes for safety, and I therefore think it should be exempted in just the same way as a driver should be permitted to put his head out when reversing his vehicle.

The other clause on which I wish to comment is clause 27; the Minister has an amendment to this on honourable members' files. The Hon. Mr. Bevan had much to say about this clause, and I think there was a good deal of substance in what he said. I should like to give another example to illustrate the point he was making. I agree that the clause as originally submitted would not be satisfactory. I think the intention of the clause is satisfactory, but the verbiage may be open to some doubt. The clause refers to the testing of electronic traffic speed analysers on a day mentioned in a document, and the document is to be *prima facie* evidence of the facts certified in relation to that particular day. That is all right so far as it goes, but it does not make the day the day of the actual offence.

If the clause said "on the day of the alleged offence" I would certainly support it, but it does not say that. Supposing a man were charged with an offence of speeding on the thirteenth day of the month and the prosecution submitted a document showing that the electronic traffic speed analyser (lovely modern verbiage!) had been examined and found to be correct on the twelfth and fourteenth days of the month—that is, the day before and the day after the alleged offence—I imagine the court might be tempted to take it that the analyser was also correct on the day in between. However, that may well not be the case, because I have had the advantage of seeing the documents referred by the Hon. Mr. Bevan from a certain respected body in this town, and apparently the makers of the equipment themselves say that it should be regularly checked on every occasion. I should think that this amendment to the principal Act would be satisfactory provided that it linked the day in question with the day of the offence. If it did that, I think it would be quite sound.

As has been mentioned, this is in essence a Committee Bill, so I do not want to debate every clause. However, I think it is a good drill during the second reading stage to debate some of the clauses one is querying because that gives members an opportunity to give a little thought to the questions raised before actual amendments are submitted in Committee. With the reservations I have mentioned, I support the Bill. I shall support the second reading, and I shall submit one or two amendments as I have mentioned. I conclude by saying that I consider that some portions of the Bill are very good legislation and will be an improvement to the Act as it now exists.

The Hon. R. C. DeGARIS (Southern): As has been mentioned by other speakers, this is largely a Committee Bill. In his second reading speech the Minister said that this Bill would make a number of improvements to the principal Act and that it would clarify and strengthen certain sections of it. I think it does clarify and strengthen certain sections, but I am doubtful whether certain clauses are improvements. I turn first to clause 3, which amends section 5 of the principal Act by striking out the definition of "owner" therein and inserting the following definition:

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

Yesterday the Hon. Mr. Bevan queried this particular amendment. He pointed out that this covered a wider field than was mentioned by the Minister in his second reading explanation. I have checked the principal Act and have found, to my satisfaction at any rate, that this new definition does not cause any difficulty. Mr. Bevan mentioned a person hiring a motor car who may not have a third party insurance policy or the car may not be registered, and he said that this definition might place that person in a difficult position. He was dealing with another Act of Parliament altogether. This matter is already covered in the Motor Vehicles Act, which provides that it shall be an offence for a person to drive an unregistered or uninsured vehicle. The new definition has no relationship to the case cited by Mr. Bevan about hired vehicles.

From the Minister's second reading explanation a further definition of "owner" could be construed, but I do not think it will prejudice anyone under the Act.

Clause 7 amends section 43 and says that certain information must be given to identify a vehicle. Yesterday the Hon. Mr. Story made certain reservations about the matter. However, section 43 is not clear. Mr. Story and Mr. Bevan pointed out that one provision says that there is a duty at present to report an accident, whereas another provision says that it is a defence if the damage does not exceed £25 in value. This confuses many people. I know of accidents being reported, where the damage has been valued at less than £25, and immediately charges have been laid under the Act. I prefer the system operating in Great Britain where, if an accident occurs and there is no injury to the persons concerned, there is no necessity to report the accident if the parties agree to give each other their names. Our practice of reporting accidents reacts against country people, and I have had experience of it. When a small accident occurs in a country town generally action is taken against one of the drivers concerned, but I know of serious accidents in Adelaide where undoubtedly someone has been at fault but no action has been taken. In the country towns there are justices who are prepared to work in the local court and time is available for the cases to be heard; consequently, even with a trivial accident, action is taken. I think it would be better if no report were made when no personal injury was sustained and only trivial damage resulted to the vehicles concerned.

Clauses 16 and 17 have been mentioned by other speakers. A new section is to be inserted in the Act to deal with the protruding of a part of a person's body from a vehicle. Whilst I appreciate the need for the insertion of such a provision, I think the proposal goes too far. Already Mr. Bevan, Mr. Story and Sir Arthur Rymill have commented on this matter. It is well known that some drivers hand on to the roof of the vehicle with one hand, or have an arm protruding from the window, thus creating a hazard. However, many of the actions of people driving vehicles do not create hazards, yet they come under the legislation. Many drivers who drive with an elbow on the door of the vehicle, or have some portion of their body protruding, have never contributed to an accident. I think the answer is not to have more restrictive legislation but to police existing legislation actively. Yesterday, in reply to Mr. Story, who put the view that these things might be all right for the metropolitan area but not for country areas, the Minister said that most of the fatal accidents occurred on country roads. I think they were not caused by the acts I have mentioned but by excessive speed.

The Hon. N. L. Jude: I interjected because Mr. Story mentioned country roads and I said that was where many accidents occurred.

The Hon. R. C. DeGARIS: Yes. Country people are being penalized because of these trivial things being included to cover practices in the city. Unless there is an alteration to the drafting of the provision to exclude many of the things I have mentioned, which I do not think are dangerous, I shall oppose the clause. I agree with the contents of clause 13, which is a worthwhile amendment. However, in many instances the making of a U turn at an intersection is a dangerous practice. In some country towns, where the road is 50ft. wide, but the carriageway only 40ft. or less, I have seen people making a U turn at an intersection at the same time as three or four vehicles have been waiting in the centre of the road to make a right turn. We can easily imagine what happens at an intersection where three or four vehicles are on the extreme left of the roadway wanting to make a U turn and three or four vehicles are in the centre wanting to make a right turn. I suggest that the Minister investigate the possibility of giving councils power to forbid U turns at such intersections. I understand that there is already power for a council to ask the Road Traffic Board for approval to erect traffic signs, and I think an appropriate provision should be included in this Act about U turns. Regarding the electronic traffic speed analyser, wherever possible we must police the laws we already have, and not include additional matters that may become annoying. I cannot see anything wrong with the amendments generally, but agree with Sir Arthur Rymill's suggestion about the necessity to have a certificate available showing that the analyser was accurate on the day of the offence. Wherever possible we should have devices to assist the policing of the Act. There is always a safeguard when the operator can make a personal assessment by observing the speed of the vehicle before the speed was confirmed by the electronic traffic speed analyser. Many mechanical devices are at present used as aids in order to police the Road Traffic Act. Speedometer readings of a motor cycle, for example, are accepted in evidence as are weighbridge certificates, and I cannot see anything wrong in using electronic devices in policing the Act. The

device used in this case should be accompanied by a certificate that it was accurate on the day that it was in use. The use of devices such as this are of assistance to the police in the performance of their duties under the Act. This is a better system than making a number of changes to the Act resulting in its being difficult to police. I support the second reading with the reservations that I have mentioned.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—"Speed limits."

The Hon. S. C. BEVAN: Yesterday I raised a question relating to the increase from 75ft. to 100ft. of the distance regarding the speed limit when approaching a pedestrian crossing at which flashing lights are operating. I said that the interpretation could be misleading and my query relates to the word "within". I understood it applied to the approach to the crossing and not to after the crossing.

The Hon. Sir Arthur Rymill: The driver is not still approaching the crossing after he has passed it.

The Hon. S. C. BEVAN: It uses the words "and within 100ft.", not "within 100ft." of the approach to the crossing, and that is the point I make.

The Hon. Sir ARTHUR RYMILL: I am quite cognizant of the point my honourable friend is trying to make. If there is any doubt about the interpretation it is caused by the comma after the word "approach". If that were taken out it would remove any doubt at all.

The Hon. N. L. JUDE (Minister of Roads): I examined this matter after it was mentioned by the Hon. Mr. Bevan yesterday. I can see nothing wrong with it and I feel that the words "when approaching" govern the whole section. The Parliamentary Draftsman assures me that the meaning is quite clear with the present wording.

Clause passed.

Clauses 11 to 13 passed.

Clause 14—"Signals for right turns, stops and slowing down."

The Hon. Sir ARTHUR RYMILL: I move:

To strike out paragraph (*c*).

I explained my reasons in full during the second reading but I will reiterate the substance of that explanation. The clause says, in effect, that a stop light on a vehicle operated by the brakes shall be deemed to give reasonable warning for a sufficient time before slowing down or stopping. My point is that the stop light does not operate until the brakes are actually applied. That is not necessarily a reasonable time and thus the signal is insufficient. It is difficult to slow down steadily and keep the stop light on for any length of time. In most cases, by the time the brakes are actually applied, it is far too late to give a warning to the person following, especially if there is any degree of haste about the stop. The signal should be given long before the brakes are operated because once they are operated the vehicle behind can see that the front vehicle is stopping anyway, and giving a signal by operating the brakes gives very little more warning than no signal at all. That is the burden of my song, that this should not be put into the legislation as deemed to be giving sufficient warning time when in fact, in all common sense, it is not sufficient time.

The Hon. M. B. DAWKINS: I support the Hon. Sir Arthur Rymill in this. We should not attempt to reduce our hand signals. Not sufficient hand signals are given in South Australia as it is. As Sir Arthur has said, when driving in traffic we can be so close behind another vehicle that it is difficult to see its stop lights. Paragraph (*c*) should be deleted.

The Hon. C. R. STORY: I support this proposed amendment. I like to see hand signals given because in these days of automatic gearing on vehicles the slowing down of a vehicle is effected largely in many cases by simply shifting the gear lever from a high to a lower gear, thus slowing down the vehicle. In that case the brake is not used; it is applied merely for the final slowing down of the vehicle when it rolls up to a stop sign or traffic lights. If we allow people not to give hand signals as a warning that they intend to stop, much trouble will arise.

The Hon. L. R. HART: I oppose the contention that the giving of a hand signal is necessary. It may be all very well on a pleasant day when the car window is down and there is plenty of time in which to give a hand signal, but we well know that in the case of emergency the natural thing is to put one's foot on the brake. When one does that one automatically gives a warning signal through the car's brake lights. This can be done more quickly than by means of a hand signal. If a driver is driving so close behind another vehicle that he cannot see its lights when the brake is applied, then he is driving far too close behind it anyway. We are reaching the stage where we accept mechanical devices. This is a mechanical device satisfactory to an observant driver. There are times when I have been able to apply my brakes and give a signal through

the brake lights far more quickly than by giving a hand signal. Again, on a wet day when it is raining heavily, a driver naturally winds up his window. In that case it is obvious that he cannot wind his window down in time to give a hand signal, but he can give a signal through his brakes. I support the clause as drafted.

The Hon. JESSIE COOPER: I support the Hon. Sir Arthur Rymill in this matter. Any legislation that weakens the necessity for hand signals will produce difficulties. Sloppy hand signals are the order of the day in South Australian driving and anything we can do to encourage the retention of hand signals on all occasions is good.

The Hon. G. J. GILFILLAN: I, too, support Sir Arthur Rymill. Perhaps we are getting on the wrong track when we compare the merits of automatic stop lights and of hand signals. In effect, what we are considering is whether it is more desirable to have stop lights alone or to have the additional protection of a hand signal. I favour the latter, because many occasions arise when the stop light only signals a stop after hard braking has started. It is insufficient warning in many cases whereas by having both the hand signal and the stop light on many occasions the drivers following will have some warning that the brakes are to be applied. A brake warning light certainly gives some warning but mainly it indicates that the person driving the car has his foot on the brake whereas the hand signal indicates a definite intention.

The Hon. Sir FRANK PERRY: I do not know what the Minister's attitude on this will be, but it appears that we are departing from control by mechanical and electrical means, which to my mind assists in the driving of a vehicle. There may be times and places where it is difficult to see the brake light. I agree with the Hon. Mr. Hart that a driver should not drive too close to the vehicle in front of him. The movement of a foot to the brake is much quicker and surer than a hand signal. As regards the light coming on, it can be adjusted to the movement of the levers, so that it does not necessarily come on only when the brake is hard down. I should be sorry to see the assistance given to drivers by this mechanical and electrical means lost. Therefore, I do not agree with the suggested amendment.

The Hon. S. C. BEVAN: I do not see too much objection to the clause. Sudden stops have been mentioned, emergency stops where one jams one's foot down on the brake and the car screeches to a sudden stop. The phraseology is:

> Before it stops and while it is slowing down shall be deemed to be given for a sufficient time to give reasonable warning to drivers approaching the vehicle from behind.

If a vehicle stops dead and the following vehicle hits it from behind, the provisions of this clause would not be complied with because insufficient warning would have been given by the device. If an indicator light comes on to indicate that a driver is slowing down or stopping and the stop light is on and a motorist comes up from behind and hits the vehicle, what is the position? At the moment this is covered by regulation. The only trouble that could arise would be when the stop light failed, unbeknown to the driver. A stop light can fail without the tail light failing because in many vehicles there is a dual filament bulb which acts as a tail light in one filament and a stop light in the other filament. If the light failed, a driver coming up from behind would have no indication of the other driver's intentions. In those circumstances the driver approaching from the rear would be covered by this clause because he had not sufficient time in which to take appropriate action because he had not received any warning. In view of present-day conditions, I do not object to the clause.

The Hon. M. B. DAWKINS: I think the remarks made by the Hon. Mr. Bevan provide another reason why we should continue to use the hand signal. If a stop light fails, which it can do, an accident can occur, and, even if the driver of the following vehicle is in the right, that does not alter the fact that it has occurred. The Hon. Mr. Hart said that we should not drive so close to other vehicles, and that is so, provided that we can regulate what the other driver does. If in heavy traffic a driver left a distance as great as the width of this Chamber between his vehicle and the vehicle in front, another vehicle would quickly move into the gap. I think we should continue to use both the mechanical device and the hand signal.

The Hon. L. R. HART: I think from the tone of the debate that everyone is assuming that we all drive motor cars. However, if there is a semi-trailer covered by a big canopy in front of one, unless a person is driving directly behind that vehicle he cannot see a hand signal given by its driver, whereas he can see a red stop light. I do not think even the hand signal is infallible.

The Hon. N. L. JUDE: I am grateful to honourable members for their careful consideration, but I have no hesitation in supporting the

Hon. Sir Frank Perry's statement that the amendment is a retrograde step. We have already accepted, in section 74 of the principal Act, that a mechanical device can be used as a hand signal. When driving on a cold night a person may forget that the window is closed; if he attempts to put out his hand he may knock it on the glass, and it is then too late to give a signal. We must assume that the modern car is in good order. What chance is there of seeing a hand signal, given on a dark night on a poorly lit street, compared with a stop light? It has been suggested that the stop light gives a signal at the last moment, but that constitutes bad driving. If a driver wishes to turn or diverge, he should judge the distance and slow down accordingly. In a modern car, the brake light comes on with very little pressure. I hope honourable members will accept this clause as it stands; I am sure the weight of evidence is in favour of its provisions, which I think are in operation in every other State.

The Hon. Sir ARTHUR RYMILL: This is not a question of whether electronic or light signals can be used or not. That is already provided for in section 74 (3) (*c*), which states that an appropriate signal for stopping or slowing down is a signal given in a manner prescribed by the regulations or by a device complying with the regulations. Whether this clause is passed or not, that section will not be interfered with. This clause refers entirely to the time when a signal is to be given if it is to constitute a sufficient warning, and whether paragraph (*c*) is passed or not a driver is not precluded from using a hand signal. A driver of a semi-trailer can use his hand or the signal, depending on the regulations. This clause provides that a signal given by a stop light shall be deemed to have been given for a sufficient time to give reasonable warning to drivers approaching the vehicle from behind. Not only should it not be deemed to be sufficient time but it should be deemed to be insufficient time, as the Act provides:

A driver shall not turn his vehicle to the right or stop or slow down his vehicle unless he first gives an appropriate signal.

In other words, he has to give a signal before he starts to turn or slow down. Section 74 (5) provides:

A signal shall not be appropriate within the meaning of this section unless it is given—

(*b*) for a sufficient time to give reasonable warning to such drivers.

Any prudent driver, to comply with the section, must give a signal before he starts the manoeuvre.

The Hon. Sir Frank Perry: But doesn't that apply to the operation or the fixing of the light?

The Hon. Sir ARTHUR RYMILL: It can be fixed in such a way that it gives a warning in a reasonable time, but that is already covered in the section, which provides that an appropriate signal is one given in a manner prescribed by the regulations and by a device complying with the regulations. The Act says that a signal given by a prescribed device, which includes a stop light, is appropriate so long as it is given a reasonable time before. Paragraph (*c*) provides that "reasonable time" shall be deemed to be the moment the brake is applied. I cannot see how that is a reasonable time. The Chief Secretary said that it was better than a hand signal given too late, and I agree to the extent that many hand signals are given too late. That is what I complain about—that the light signal will be given too late, too.

The Hon. N. L. JUDE: In view of the turn the debate has taken, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

In Committee.

The Hon. N. L. JUDE: I add one small point for the consideration of honourable members. Sir Arthur Rymill rightly pointed out that this clause limited the amount of time in which the signal could be given but section 74 (5) states:

A signal shall not be appropriate within the meaning of this section unless it is given (*a*) so as to be clearly visible to drivers approaching the vehicle from behind; and (*b*) for a sufficient time to give reasonable warning to such drivers.

It is admitted that this releases a person from the obilgation of having to do it for 100 yards, to which Sir Arthur Rymill objected. There are many cases of emergency when the car window is up and the only way to give a signal is to apply the brake, which gives the best possible signal.

The Hon. Sir ARTHUR RYMILL: With the greatest respect, I think the Minister has not grasped my objection to the clause. It does not state that one can or cannot use a light as a signal; it states that, if one puts on a light at the same time as one applies one's brakes, that shall be sufficient warning to people that one is about to slow down. In a nutshell, that is what it states. To be consistent the Minister may just as easily put into this Bill a clause stating that, if a driver gives a stop sign by hand at

the same time as he applies his brakes, that is a sufficient signal, given in sufficient time. That is exactly what this clause means, and no-one can controvert that. The Chief Secretary said that hand signals were often given too late.

The Hon. Sir Lyell McEwin: I said that a stop light was better than a late hand signal.

The Hon. Sir ARTHUR RYMILL: I assumed that the Chief Secretary in saying that meant that hand signals were being given too late. If I am wrong there I am sorry.

The Hon. Sir Lyell McEwin: They may not be too late sometimes.

The Hon. Sir ARTHUR RYMILL: If sufficient warning time is given by applying the brakes so that a light comes on as the driver does it, that means that the Legislature states that it is sufficient time for giving a hand signal at the exact moment that the brake is applied. No-one in the world can convince me that that is soon enough. Signals must be given before that. The Minister has said again that it is convenient to have a stop sign by means of a light. I do not disagree with that. What the clause states, purely and simply, is that, if a driver uses a light signal, it is sufficient to use it contemporaneously with applying his brakes; but no-one will convince me that that is a sufficient warning.

The Hon. Sir FRANK PERRY: I do not know how the lights are adjusted to the brakes but I think the light would appear before the brake was actually applied: in other words, when the foot is on the brake it has only to be moved slightly for the light to show. Cars are designed so that that will happen, that the light will show as soon as the brake is applied. Sometimes insufficient warning time is given by either hand or brake light. These facilities are provided in motor vehicles and, if they are used properly, more time will be allowed than by means of a hand signal. In spite of the emphasis laid by Sir Arthur Rymill on the defects of this clause, I am prepared to accept it as it stands.

The Hon. Sir ARTHUR RYMILL: The regulations do already or can prescribe that light signals shall be used. The Act states that, as long as the brakes are applied in time to give reasonable warning, that is a perfectly good compliance with the provisions, and nothing we do here will interfere with that in any way.

The Committee divided on the Hon. Sir Arthur Rymill's amendment:

Ayes (5).—The Hons. Jessie Cooper, M. B. Dawkins, G. J. Gilfillan, Sir Arthur Rymill (teller), and C. R. Story.

Noes (12).—The Hons. S. C. Bevan, R. C. DeGaris, L. R. Hart, N. L. Jude (teller), H. K. Kemp, A. F. Kneebone, Sir Lyell McEwin, Sir Frank Perry, W. W. Robinson, C. D. Rowe, A. J. Shard, and R. R. Wilson.

Majority of 7 for the Noes.

Amendment thus negatived; clause passed.

Clause 15—"Duty at stop signs."

The Hon. Sir ARTHUR RYMILL: I move:

In new section 78 (1) (*a*) to strike out "immediately".

This provision is an alteration to our existing law, and it does not comply with the National Traffic Code. I think I have pointed out adequately in the second reading debate why it will hold up traffic and make for no greater safety.

The Hon. S. C. BEVAN: I do not oppose the amendment, but I am wondering how far we should go. Paragraph (*b*) also contains the word "immediately"; should this be struck out, too? Usually only one lane of traffic is waiting at a stop sign. The Hon. Sir Arthur Rymill said that if there was a gap in approaching traffic it would be possible under the amendment for perhaps three cars instead of only one to proceed. If too many cars proceeded, an accident could occur in the middle of the intersection because too many drivers might enter the intersection without having any right to do so. On whom would the onus be? If a driver is not compelled to stop immediately before the stop sign, where must he stop? There should be some limit to the number of vehicles permitted to enter the intersection.

The Hon. N. L. JUDE: This is an interesting amendment, which sets out to clarify the existing position. I think I know why the Hon. Sir Arthur Rymill has moved it, as he is satisfied also that the present provision has worked in the way it has been policed in this State. To clarify the position, it is suggested that the driver stop immediately before the stop sign, and two honourable members have asked how far back a driver must stop. Much doubt must exist in this matter. If, for example, a single line of 10 vehicles pulls up at the stop sign on Cross Road, surely as soon as one moves the other nine cannot also move immediately, as the last of these vehicles may be 100 yards back from the intersection. Possibly two motor cars might get across, but it would not be right to suggest that 10 would have to stop. I appreciate what Sir Arthur Rymill has in mind, but I am prepared to test the Committee on this matter. The amendment has been introduced in order to clarify the position.

The Hon. Sir ARTHUR RYMILL: I did not suggest that 10 motor vehicles would have to stop. This matter has been the subject of legal interpretation. In the past there has been no difficulty. The legal interpretation is that a driver must stop his vehicle at a reasonable distance from the stop sign. It does not mean 100 yards back. It has been interpreted as being within a distance where the driver can see what is going on. I have been engaged in a number of cases relating to this matter, and I know that the practice has worked very well, but for some reason best known to the Government there is now a desire to amend the law. We hear much about having uniformity of laws, but in this matter, where there is uniformity already, we are trying to get away from it. If the Minister is successful in having the clause accepted he will find it necessary to amend it next session.

The Hon. A. J. SHARD: I do not think the word ''immediately'' is needed. It is a matter of common sense. Sir Arthur Rymill did not say that as many as 10 cars in the line that have stopped could go past the stop sign without stopping again. If there are two vehicles at the stop sign and visibility is good both ways they can follow one another across, but if the clause is passed the second vehicle will have to stop, which would cause a traffic delay. I have been No. 2 or No. 3 in a line at a crossing and have not stopped, yet I have got across safely. We can be too exact in these things, and an over-zealous policeman could be the instigator of many charges in this matter. I support the move to strike out ''immediately''.

The Hon. C. R. STORY: I support the amendment, which does not give a licence for every vehicle to push its way over the crossing. The present provision has worked satisfactorily and I cannot see the need to make every vehicle stop at a crossing.

The Hon. N. L. JUDE: I have consulted the Parliamentary Draftsman and if Sir Arthur will withdraw his amendment I shall move that paragraph (*a*) of this clause be struck out, allowing paragraph (*b*) to remain. In other words Sir Arthur Rymill's amendment is accepted.

The Hon. Sir ARTHUR RYMILL: I cannot understand this, because paragraph (*a*) says that if there is a stop line the vehicle must stop immediately before it reaches that line, whereas paragraph (*b*) says that if there is no stop line the vehicle must stop immediately before it reaches the nearer boundary of the carriageway.

The Hon. N. L. Jude: A provision in the principal Act covers this matter.

The Hon. Sir ARTHUR RYMILL: I am afraid not, but perhaps I have misunderstood which paragraph (*a*) the Minister wants struck out.

The Hon. N. L. Jude: I want to strike out the whole of paragraph (*a*) of clause 15.

The Hon. Sir ARTHUR RYMILL: In view of that, I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. N. L. JUDE moved:

That paragraph (*a*) of clause 15 be struck out.

The Hon. Sir ARTHUR RYMILL: Does this not get back to the same thing? The National Traffic Code mentions a spot immediately before the vehicle reaches the nearer boundary of the carriageway. However, no doubt the Minister is satisfied.

The Hon. Sir FRANK PERRY: I think the reference to the carriageway is important. If we strike out the whole of paragraph (*a*) we do not get what either the Minister or Sir Arthur Rymill wants. There should be a redrafting of the clause, and it would be better if a reference were made to the carriageway.

The Hon. N. L. JUDE: Would it be satisfactory to Sir Arthur Rymill to delete the word ''immediately'' twice occurring?

The Hon. Sir ARTHUR RYMILL: If the Minister will withdraw his amendment I shall be happy to move such an amendment.

The Hon. N. L. JUDE: I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. Sir ARTHUR RYMILL moved:

In new section 78 (1) to strike out ''immediately'' twice occurring.

Amendment carried; clause as amended passed.

Clause 16 passed.

Clause 17—''Portion of body protruding from vehicle.''

The Hon. C. R. STORY: This section deals with portion of a person's body protruding from a vehicle. I see the wisdom in what the Minister said. I also realize that there can be some dangerous practices by certain people in sticking their legs out of vehicles. The clause goes too far, in my opinion, when it is a State-wide and all-embracing law. Yesterday I mentioned the practice of resting an arm on the door of the car. I do not think we should place the complete responsibility on people to keep their elbows inside the car. When coming to built-up areas people wind the window down in preparing to give a

hand signal, and the arm invariably goes up at that time. I would not be able to support this measure as it stands at the moment. I cannot support such a rigid amendment, as many people would be caught by this. Perhaps there should be a period of education, or perhaps the operation of the clause should be confined to certain areas.

The Hon. N. L. Jude: Have you any practical suggestions to offer?

The Hon. C. R. STORY: I would not consider this provision is necessary on country roads, although perhaps there could be great danger in the metropolitan area. Perhaps the Minister would consider confining it to the metropolitan area. I do not think it should apply in the bush where you often need to get some breeze.

The Hon. N. L. JUDE: As I indicated, this is a clause in the National Road Traffic Code which we are attempting to adopt wherever possible throughout Australia. It has been brought to my notice by the Police Department and the Road Traffic Board that a considerable number of serious accidents do occur to people who have their arms protruding from cars, and in some cases children lean out of the windows. One point has been made about an educational period. That has been the attitude of the police when matters of this nature are being introduced. There is usually a period when the matters are publicized for a fortnight; this occurred in the matter of giving right-of-way. The most practical suggestion, if members are not prepared to accept this clause—and I hope that they do—is to say that this clause should be brought in by proclamation, and then there would be an educational period. The National Safety Council would undoubtedly support this approach.

The Hon. S. C. BEVAN: I appreciate that the authorities would agree to an educational period prior to any action being taken as far as this clause is concerned. I point out that this measure could act harshly. The cabin of some commercial vehicles is not as wide as the bodywork. The driver may rest his elbow on the window and it will protrude from there. In doing so he will be breaking the law if this clause is passed, but I submit that no hazard would be created by that driver or anybody else in such circumstances. I appreciate that accidents have been caused through arms protruding from car windows. In this State three cases have occurred of people having their arms torn off by semi-trailers coming from the opposite direction.

If this legislation dealt with the right-hand side of a vehicle there would be some reason for it but I cannot see that much hazard is involved in someone putting an arm out of a car window on the left-hand side, as one often does on a hot day. Sometimes a child in the back of a car winds down a window and puts its arm out. That is a breach of the law under this clause and the driver of that vehicle would be liable because the child had a portion of its body protruding from the car. This clause specifically mentions "driving or travelling", so it includes any person in a car. If the Minister would report progress so that we could look again at this clause to see whether or not it was possible to reach some compromise, I think many honourable members would agree to that course.

The Hon. C. R. STORY: I welcome the suggestion that the Committee report progress. Something along the lines that this amendment is trying to achieve is necessary. We should look at it again to see whether we cannot arrive at a compromise. As at present drafted, it goes too far.

The Hon. N. L. JUDE: I am glad members feel that something should be done in this matter. I shall be happy to ask that the Committee report progress but, before so doing, I move:

That clause 17 be reconsidered after clause 28.

Motion carried; consideration of clause 17 deferred.

Clause 18 passed.

Clause 19—"Damage to roads and works."

The Hon. C. R. STORY: I raised a point on this clause yesterday. Perhaps I have not read it correctly. By striking out "sign" and inserting "device" are we including "sign" in the term "device"?

The Hon. N. L. JUDE: The answer is that in the regulations under the Road Traffic Act the word "device" is used throughout.

The Hon. Sir ARTHUR RYMILL: It would be better if the words "traffic control device" were inserted instead of "device". The section being amended would then read:

> (2) A person who damages a road, bridge or culvert, or a fence, post, barrier, lamp, traffic control device or traffic counter . . .

Under the Road Traffic Act "traffic control device" is a defined term, but "traffic device" is not. The Act states:

> "traffic control device" means—
>
> (*a*) any traffic lights, signal, stop sign, give way sign, sign indicating a speed limit, barrier line, line or mark indicating a course for turning vehicles, pedestrian crossing, safety island, safety zone, traffic island, roundabout or dividing strip.

It is an all-embracing phrase but this amendment, if adopted, would produce the term "traffic device", which is not a defined phrase. The defined phrase is "traffic control device".

The Hon. N. L. JUDE: I thank Sir Arthur Rymill for drawing attention to that point but the Parliamentary Draftsman points out that section 106 (4) states:

In this section "traffic device" includes any traffic control device . . .

That is the explanation.

Clause passed.

Clauses 20 to 26 passed.

Clause 27—"Evidence."

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

To strike out paragraph (*a*) and insert the following paragraph:

(*a*) by inserting after paragraph (*b*) thereof the following paragraph:—

(*ba*) 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 tested; and

The Government considers that the amendment improves the drafting of this measure, and I ask honourable members to accept it.

The Hon. S. C. BEVAN: Yesterday I said I considered that the amendment would not meet my requirements, and nothing has transpired since to alter my opinion. If the amendment is carried, the certificate produced by the prosecution that on a given day the device was tested and found to be correct will be *prima facie* evidence of its correctness. Nothing is said about the necessity for a magistrate to insist that the test must have been taken on the day before, the day after, or the day of, an alleged offence, or whether it should have been taken a couple of days before. It has been suggested that under this amendment the only *prima facie* evidence that would be accepted by a magistrate would be the certificate that the device had been tested and found to be correct on the day of the alleged offence. If that is the intention, it should be written into the legislation. I think the device should be tested on the day of and immediately after the alleged offence.

The Hon. Sir Frank Perry: How long does it take to test it?

The Hon. S. C. BEVAN: The machine has a device that permits a reading to be taken merely by the pressing of a button. If we put into the legislation what I believe is intended, no hardship will be created. Some time ago, in the Norman Case, two scienitsts gave evidence—one for the prosecution and one for the defendant. In his judgment, the magistrate accepted on scientific evidence that an electronic machine can be inaccurate one moment yet be accurate the next. The motorist is entitled to some consideration and justice, and I think this machine should be tested on the day of an alleged offence. The test could be made simply by driving a police vehicle with a checked speedometer past the device. I understand that this was done before the machine was used. The machine would probably not be in operation for many hours a day, so I cannot see any difficulty in checking it in the way I have suggested. It was suggested originally that it should be tested within 14 days of an alleged offence, but that suggestion was not proceeded with, and this amendment has been moved instead. A motorist would not be able to contest a charge unless he was a scientist or was prepared for heavy costs. I suggest the clause should be deferred for further consideration, or I shall have no alternative but to vote against it.

The Hon. N. L. JUDE: On this matter I have obtained the following report:

The effect of the clause as originally drafted was that a certificate from the Commissioner of Police, a Superintendent or an Inspector of Police that a specified electronic traffic speed analyser (or radar speed equipment) had been tested on a specified date and shown to be accurate would be *prima facie* evidence of the accuracy of the instrument for a period of 14 days following the test.

Although I am satisfied that tests for accuracy are carried out on this type of equipment by responsible police officers daily and often more frequently, and the equipment itself has built-in safeguards to ensure not only its accuracy but also the reliability of the tests, I feel that the certificate that a particular instrument had been tested and found accurate on a particular day should not be *prima facie* evidence of its accuracy for as long a period as 14 days but should only be treated as *prima facie* evidence of its accuracy on the day on which it was tested.

The amendment accordingly provides that such a certificate that a specified electronic traffic speed analyser had been tested on a specified date and shown to be accurate shall be *prima facie* evidence of the accuracy of the instrument on the day on which it was so tested.

I believe that is what Mr. Bevan wants. Regarding the built-in safeguards, I refer members to the photographs on the notice board in the Chamber. The report continues:

For the information of members I would like to add that Police Department motor vehicles are tested with an electronic speedometer calibration instrument and that every electronic traffic analyser has an in-built calibrator so that the operator can test the efficiency of the unit at 40 miles an hour and 70 miles an hour before it is used to register speeds of motor vehicles passing through its beam. Any deterioration in the efficiency of the battery or other adverse influence is immediately detected by this in-built calibrator. Personnel using these radar units will follow the following procedure:

1. Immediately the unit is set up at a location, and at every change of location, the check with the in-built calibrator is carried out. The unit is also checked at odd intervals during its operation at any particular location.

It would only be a matter of a second or two, and there would be time for a check to be made if it were suspected that a vehicle was passing through at high speed. The report continues:

2. After the unit has been tested with its calibrator, the police vehicle used by the personnel is then driven through the radar beam and the accuracy of its speedometer, which is known through tests by means of stop watches or the electric speedometer calibration instrument, is checked against the speed recorded by the radar unit.
3. A record is made at the time the tested speedometer is checked against the radar speed and it is proposed to include in every traffic breach report a notation that the radar unit has been tested at the location by the in-built calibrator.

I ask that the amendment be agreed to.

The Hon. S. C. BEVAN: The Minister's explanation bears out what I have attempted to put before members. I am aware of the way in which the test is conducted, but am concerned about the phraseology in the provision. It refers to the machine being correct on the day on which it was tested. I understand that the intention is to have the machine continually tested and that the only *prima facie* evidence accepted would be a certificate that it had been tested and found correct on the day of the alleged offence. If that is the intention, why not insert it? I have read the comments by the magistrate in the Norman Case. It was admitted by a scientist, and accepted by the magistrate, that the electronic device could go wrong at any time. I have the magistrate's comments, but I shall not read them. He pointed out that the machine could go wrong and automatically adjust itself a few minutes later.

The Hon. C. R. Story: What words do you want inserted?

The Hon. S. C. BEVAN: I have no suggestion to make in that regard, because I do not think it would be accepted. I want it indicated that the machine was tested on the day of and immediately after the alleged offence. I do not like an electronic device because it has been proved to me that it is not at all times foolproof, but that is only a personal opinion. I do not think the clause meets the Minister's requirements. I ask that he report progress so that we can have a further look at the matter. I do not think the clause, as it stands, means anything.

The Hon. N. L. JUDE: I am prepared to extend a courtesy to the honourable member in this matter, but suggest that as he has made a strong plea for something to be inserted in the clause he come along tomorrow with an amendment.

The Hon. A. J. Shard: We want you to write in what you say it means.

The Hon. Sir ARTHUR RYMILL: The Minister has apparently indicated that he is going to move that progress be reported. I would like him to consider whether this clause should provide for the method of testing the machine to be included in the certificate. The clause stipulates that the certificate shall state that it has been tested. We are entering a scientific realm that I know very little about, but I do know there are several methods by which the machine can be tested and some may be more accurate than others. For instance, if the machine were tested against a police car with a speedometer that had been tested that would be fairly conclusive, but if tested against its own calibrator that might not be satisfactory as it could be out of calibration as well as the article being calibrated. I hope I am not out of date in this matter, but I share to some degree the concern expressed whether this machine can accurately determine the speed of a vehicle.

It is one thing to have a speedometer and be able to test it with a mechanical device, but it is quite another thing to have a scientific machine that the ordinary man in the street does not understand at all, and to have that machine testify against that man. It would be impossible for him to prove the machine wrong. That is why I fear even this *prima facie* evidence, because *prima facie* means that if you cannot controvert the evidence it will stand against you. In such a case I

feel the scales would be weighted against the ordinary man in the street in having an electronic device that he does not understand put up against him with the assumption that it is right without his knowing anything about it.

The Hon. A. J. Shard: I think they have stopped them in New South Wales.

The Hon. SIR ARTHUR RYMILL: I suppose we are all a bit suspicious of these mechanical devices. I think the Minister should consider including in the certificate the method of testing the device.

The Hon. Sir FRANK PERRY: I am in favour of taking advantage of scientific developments but I think honourable members are not satisfied with this machine and doubt whether it will work satisfactorily. It must be remembered that this machine is not the only one in Australia or in the world; similar machines must have been used many times. They have been used by the police, who could give the Minister a good idea of their accuracy. It is only necessary to ask the police whether the machine is accurate under all conditions. The maker says it is not. The police can say how they have found the machine in operation. I feel that if the machine has to be checked after every test the certificate will not be needed from the Commissioner or the Inspector; there would be a certificate from the operator of the machine on whether or not the machine was accurate. He would be the testing authority.

The Hon. A. J. SHARD: I have never been completely satisfied with the radar machine, and I have seen it operating. I have been perturbed because in his judgment the magistrate stated that results could vary and even be wrong. I understand that New South Wales has stopped using the machine.

The Hon. N. L. Jude: That was an earlier type of machine.

The Hon. A. J. SHARD: There must have been sound reasons for stating that the machines were not as accurate as originally thought. If people are to be convicted with this machine it must be accurate. I understand that 70 or 80 motorists were caught in one test and that it was not checked during that process. The Hon. Sir Arthur Rymill mentioned that the check within the machine may be at fault, and that is possible. I would not like to be caught by a machine in which people had little faith. The clause should not be inserted in the Act at all this year if there is the slightest possibility of one innocent person being convicted because of the machine. I do not think one person in a hundred would agree to the use of this machine. I understand that persons qualified to handle this machine are few in number. If that is so, then the certificate supplied would not come from the Commissioner of Police or a Superintendent of Police but from a limited number of qualified persons.

In theory, the certificate would come from the Commissioner or the Superintendent, but in fact it would come from those people. It is known that certain people performing certain duties become carried away with those duties, and, in their minds, nothing can go wrong with the machines that they operate, but no matter how sincere they are there can be a doubt. I am not convinced that this is a perfect machine. Justice must not only be done—it must be seen to be done. In this case it does not appear to be done, and unless further satisfactory evidence is produced I shall vote against this clause.

Progress reported; Committee to sit again.

ABORIGINAL AND HISTORICAL OBJECTS PRESERVATION BILL.

Adjourned debate on second reading.

(Continued from September 15. Page 773.)

The Hon. G. J. GILFILLAN (Northern): I support the principle outlined in the Bill for the purpose of preserving aboriginal and historical objects. South Australia was founded about 130 years ago, and many things of historical interest are becoming lost to future generations. The Bill proposes that they be preserved. Many people are sincerely dedicated to the preservation of objects of historical interest. Although I support the Bill's intention, I believe it has been based on ordinances that apply in the Northern Territory, but circumstances there are different from what they are in South Australia. The Northern Territory is a vast empty land, whereas many parts of South Australia are closely settled and contain earlier aboriginal camping grounds and cemeteries. This applies even in the metropolitan area.

We have a wide variety of land outside the metropolitan area. For instance, we have widespread pastoral country held under a tenure different from the tenure associated with inside areas where the population is more densely settled. In consequence, we have a wide range of land ownership. Clause 5 refers to the purchase and sale of prescribed objects. When the clause is considered in Committee I shall query the position if a landholder had on his property some prescribed objects, such as rock carvings or paintings in a cave, or a rock formation, and wanted to sell it. Clause 9

gives me much concern, because of the use of the words "or otherwise interfere with". I agree with the Hon. Mr. Story, because I think there should be more protection for landholders, for the reason mentioned earlier. The clause says:

A person shall not wilfully or negligently deface, damage, uncover, expose or 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.

We should examine this clause carefully, because there is a severe penalty for any infringement. An authorized person, under this Bill, would have much authority. I cannot support the clause as it stands. It should be amended to safeguard landholders.

The Hon. R. R. WILSON secured the adjournment of the debate.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

In Committee.

(Continued from September 2. Page 732.)

Clause 4—"Packages to be marked in metric and avoirdupois."

The Hon. C. D. ROWE (Attorney-General): The Hon. Mr. Kemp, in a previous Committee, queried the requirement to place the avoirdupois weight on goods that already had the metric weight indicated. He thought it would be an unnecessary interference with commercial activity if that were the requirement. I have discussed the matter with my officers and, in consequence, I draw attention to new section 18a (2), which reads:

The Governor may by regulation exempt from the operation of this section, subject to such conditions as may be prescribed, any goods or goods included in a prescribed class of goods.

I understand the appropriate authorities intend to use that provision to ensure that the matter raised by the Hon. Mr. Kemp will not be invoked, so there will be no difficulty.

Clause passed.

Remaining clauses (5 to 8) and title passed.

Bill reported without amendment; Committee's report adopted.

APIARIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 15. Page 775.)

The Hon. M. B. DAWKINS (Midland): The purpose of the Bill is to improve the system of control of diseases of bees and it also seeks to make amendments to the administration. Clause 3 amends section 3 of the principal Act wherein the definition of an apiary is widened considerably from the restrictive definition obtaining now, which refers only to places where bees are kept. The definition will now include bees, hives, honey, beeswax and appliances, and the appliances are clearly defined in the latter part of the clause.

Clause 4 amends section 5 of the principal Act so that registration fees may be prescribed by regulation and it is also intended to replace the present rate of 2d. per hive with a scale of rates in accordance with the number of hives owned by the individuals concerned. I believe that this is a good move as it will minimize disease in hives and bring about a more satisfactory type of registration. Bees are often transported over large distances, much farther than in earlier days, and it is easier for disease to be spread unwittingly in the different districts than in previous times. This makes the amending Bill all the more necessary. The powers which are given to an inspector under clause 6, which amends section 8 of the principal Act, have been criticized and described as too sweeping, but from inquiries I have made from people with experience in this industry I believe that the powers now provided are necessary and I support this clause.

Clause 8 provides for the branding of one hive in every 10 and I understand that the Agriculture Department considers this an adequate identification, as do the people connected with the industry. I also support the provision that requires a beekeeper to keep his bees supplied with adequate water. Although I have not kept bees I have had them on my property over a considerable period and I have had them there in hives and not just moving about. I know that it is necessary to give bees adequate water supplies so that the ordinary supplies are not polluted, and also to prevent the interference with water for stock that occurs if bees are not given their own supply. The Bill has been adequately dealt with by the Minister and I support the second reading.

The Hon. L. R. HART (Midland): I support the Bill. I believe that any legislation designed for the purpose of preventing and eradicating disease is a good one. In the main Australia is comparatively free from many of the diseases ravaging the world today, and we would be failing in our duty if we did not strive to keep it that way. Diseases in bees and apiaries tend to spread easily because many

apiarists migrate with their hives. They follow the flow of nectar, which is usually in a well-defined pattern determined by seasonal conditions and the flowering habits of certain trees and plants. Many gums for which Australia is noted flower only every other year, and beekeepers move to these areas every second year. It is the natural habit of bees to multiply in great numbers, and when a hive becomes overcrowded a new queen bee is raised in the colony by the bees themselves enlarging one of the cells and hatching the worker bees. This can be achieved as all worker bees are undeveloped females.

When a queen bee is hatched portion of the colony swarm away to a new home, possibly in a hollow tree or some other suitable place, and the process is again repeated when overcrowding occurs. It can be clearly seen that once a hive becomes infected with disease the spread of that disease through the natural habits of the bees is very rapid. Many beekeepers keep their hives pure to the particular strain or breed of bees they favour by importing queen bees from another area that is a declared sanctuary for that particular breed of bee. Here again there is the ever-present danger of introducing disease. Although all worker bees are undeveloped females, the male bee, known as the drone, is fully developed. This bee lives a rather short and dull life; he does not work around the hive—not an unusual trait for one of his sex—but a peculiar feature of the drone is that he is hatched from an unfertilized egg. In effect, he has a mother but no father. Some other species have been said to have a similar parental background, but are not referred to as drones, but are known by some other name.

We had before this Council recently amendments dealing with diseases of certain animals for which a fund was established to compensate the owners in the event of the animals being destroyed if they became infected with disease. Although this scheme is working satisfactorily in the case of swine and cattle, I do not think a similar scheme would be desirable to compensate owners of hives and bees when they have to be destroyed. The fact that an apiarist could obtain compensation in the event of his hives being destroyed would tend to make him less vigilant in keeping his hives free from disease.

Of the amendments I feel that clause 4 which changes the date by which registration must be made from January 15 to June 30 is a wise one. January is a busy month for most beekeepers as it is their harvest period, and it is a time when it is not always convenient for them to attend to the administrative side of their business. Clause 8, which requires a beekeeper to provide his bees with water, is a necessary provision. Not only do bees sometimes pollute water on neighbouring properties but they can become very annoying to both stock and humans. I support the Bill.

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

SOUTH AUSTRALIAN GAS COMPANY'S ACT AMENDMENT BILL.

Bill recommitted.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act, section 11."

The Hon. Sir LYELL McEWIN (Chief Secretary): The report of the Select Committee is on honourable members' files but I should like to give the Committee some information that has been obtained, which may affect its decision. As I explained in my second reading speech, the purpose of this Bill is to enable transfers of shares, bonds, mortgages and stock in the South Australian Gas Company to be made in the modern manner instead of by deed. The Select Committee appointed to inquire into the Bill has recommended its passage with three small drafting amendments and in amplification of its report I shall shortly state how the Bill achieves its object.

The Gas Company was incorporated by special Act in 1861. That Act, by section 11, incorporated by reference many sections of the old Companies Clauses Ordinance of 1847. Although that Ordinance has long since been repealed, the sections incorporated by reference still form part of the charter of the Gas Company. Those sections deal with many matters, including the right to transfer shares, mortgages, bonds and interest on mortgages and bonds and the mode and procedure of transfer. In particular, adopted sections 14 and 15 relate to the transfer of shares, and adopted sections 46 and 49 relate to the transfer of mortgages, bonds and interest thereon. These adopted sections specifically provide that transfers must be made by deed, a normal procedure in earlier days. More recent Acts and practice have simplified the procedure on the transfer of stocks and marketable securities which is now effected by the use of a simple form. Because the Gas Company was incorporated by Statute, transfers of shares, etc., in the company cannot be made otherwise than by deed since this

specific requirement is contained in the provisions of the original Ordinance of 1847, which is part of the company's statutory charter.

The present Bill, by clause 3, inserts at the end of the relevant subparagraphs of section 11 of the 1861 Act—that is, the original incorporating Act—a proviso that any requirement that transfers shall be by deed shall not apply. The amending Bill will enable transfers of stocks, shares, bonds, mortgages and interest thereon to be transferred in the same way as stocks and shares in other companies, thus bringing dealings in Gas Company stocks into line with dealings in stocks of other companies.

In brief, the Bill brings the handling of stock in the Gas Company on to the same basis obtaining in the case of the Electricity Trust or any other such body. Consequently, I shall move some amendments recommended by the Select Committee. First, I move:

In paragraph (*a*) after "in" first occurring to insert "the".

Amendment carried.

The Hon. Sir LYELL McEWIN moved:

In paragraph (*a*) after "that" last occurring to insert "the".

Amendment carried.

The Hon. Sir LYELL McEWIN moved:

In paragraph (*b*) to strike out "the" fourth occurring and insert "any" in lieu thereof.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments; Committee's report adopted.

SUPPLY BILL (No. 2).

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

PUBLIC FINANCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 2. Page 730.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this short and simple Bill, the object of which is to increase the extent of the Governor's Appropriation Fund from £400,000 to £600,000 and to increase the amount that may be appropriated for new lines from £100,000 to £200,000. It is a simple Bill that may save the Government from bringing down an Appropriation Bill at various times. It has been the general practice in the last year or two to bring up to date various Statutes in respect of money values.

The Hon. C. R. STORY (Midland): I support the Bill. The principal Act has not been amended since 1949 and this Bill brings it up to date in respect of money values. We realize that since 1949 there has been a vast change in money values. Nothing very rash is involved in this Bill. After all, £600,000 is not very much these days to which to increase the amount of the Governor's Appropriation Fund, and I cannot see any objection to the measure. I support the second reading.

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

ADJOURNMENT.

At 5.37 p.m. the Council adjourned until Thursday, September 17, at 2.15 p.m.