LEGISLATIVE COUNCIL

Thursday, October 7, 1965.

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

QUESTIONS

YACKA BRIDGE.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. A. GEDDES: The Highways Department recently erected a 15 m.p.h. speed limit sign on the approaches to the bridge over the River Broughton near the township of Yacka. Can the Minister of Roads say whether this sign has been erected because of structural faults in the bridge and, if so, whether plans are in hand to repair or replace it?

The Hon. S. C. BEVAN: I shall obtain a report for the honourable member as soon as possible.

CAVAN CROSSING.

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

Leave granted.

The Hon. M. B. DAWKINS: As honourable members may know, the situation adjacent to the Cavan railway crossing has been improved in recent months by the provision of another road some chains north of the crossing by which vehicles can turn right. However, the crossing itself is still too narrow to permit vehicles travelling north to pass to the left of vehicles that are turning right immediately on crossing the railway. Sometimes vehicles can still be caught on the crossing. I am aware that anything that may be done will be of a temporary nature, as a very considerable reconstruction will be made in due course. I consider that something ought to be done until the dual highway is provided. Will the Minister of Transport consider the temporary widening of the railway guard rails on the crossing itself or, alternatively, the provision of a "no turn right" sign immediately north of the crossing (although I do not think that this alternative would meet the case completely)? I think it would be better to widen the crossing to obviate people getting caught on the line when immediately behind those who are turning right at the crossing itself and not proceeding to the new "turn right" road.

The Hon. A. F. KNEEBONE: I shall obtain a report on this matter and if it is necessary to discuss the matter with my colleague, the Minister of Roads, I shall do that and bring back a report.

ELECTRICITY.

The Hon. R. A. GEDDES: I have been told that the single wire earth return electricity transmission lines in the Booleroo Centre area are causing corrosion to water pipe fittings and possible pollution of water. Will the Minister of Labour and Industry say whether this report is correct and whether there is any action that can be taken to prevent this corrosion?

The Hon. A. F. KNEEBONE: This matter is in the hands of my colleague, the Minister of Works. I will convey the honourable member's question to my colleague and get a reply in due course.

MOUNT GAMBIER INFANTS SCHOOL.

The PRESIDENT laid on the table the final report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Mount Gambier Infants School.

JURIES ACT AMENDMENT BILL.

Read a third time and passed.

PORT PIRIE RACECOURSE LAND REVESTMENT BILL.

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

NOXIOUS TRADES ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

VETERINARY SURGEONS ACT AMENDMENT BILL.

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

HIDE, SKIN AND WOOL DEALERS ACT AMENDMENT BILL.

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

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 6. Page 1946.)

The Hon. C. D. ROWE (Midland): I am pleased to be able to support this Bill. The second reading explanation given by the Chief Secretary is self-explanatory; consequently, I think it is unnecessary for me to do more than indicate my support of the Bill. There are, however, two or three points I should like to mention. Apparently, in striking out the word "convict" from the Act (with which I think we all agree) and inserting the word "prisoner" we are, in effect, extending the range of people who come within the scope of that definition. Apparently, the old term "convict" was limited to people convicted of a felony, but the term "prisoner" is defined as:

a person undergoing imprisonment pursuant to an order of the court but does not include a person remanded for trial or for sentence.

That seems to be logical. The other amendment to which I refer is contained in clause 6 (*b*), which amends section 331 of the principal Act to clarify the position with regard to the earnings of prisoners by excluding those earnings from the curatorship provisions provided by Part X of the Act. I take it the idea is that there should be fairly considerable discretion with regard to what can be done with a prisoner's earnings, as opposed to the property he possesses, before he is placed in prison.

I agree with that suggestion and with the proposed amendment included in clause 8, which inserts new section 338a in the principal Act to enable the curator to make payments out of a prisoner's property for his support when released on probation or on licence. I entirely agree with that suggestion. Perhaps the most difficult time that a prisoner and his dependants (his wife and family) have is the period when he is trying to rehabilitate himself in the community among his colleagues and friends. This will enable him to have some money in his pocket. During such a period, that is desirable. It is perhaps unfortunate that we have not progressed so far in our community thinking on this matter as we should have, and that once a man has served his sentence and has paid his debt to the community we treat him with some degree of shame, whereas we should try to help him along the path to living a normal happy life again. Insofar as this Bill will enable that to be done, I support it.

I mention only one other thing. I feel that the Government is making a mistake in regard to the order of introduction of its legislation. It is true to say that the matters that we have had to deal with this session have been relatively minor. I would rather see the time table altered and legislation of real import and substance, which will occupy a considerable amount of time by this Chamber, introduced earlier in the session. I presume that we still have to consider legislation with regard to the co-ordination of transport and with regard to the State Bank. I understand, too, that legislation will be brought down affecting the Savings Bank, the Workmen's Compensation Act, the Industrial Code and various constitutional matters. I think the Government would be well advised to give this Council sufficient opportunity to consider these matters and introduce the important legislation as early as possible in the session. I agree that minor matters need attention, but it is the major matters that are important, not only from the point of view of members here but from the point of view of the community. I hope that these matters will not be left until the end of the session when there will be neither time nor opportunity to give them the consideration that they deserve. However, I support the Bill wholeheartedly.

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

ROAD TRAFFIC ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 6. Page 1957.)

The Hon. R. C. DeGARIS (Southern): As has been mentioned by other speakers, this is largely a Committee Bill and its 33 clauses, which are all unrelated, are amendments to the Road Traffic Act. I think that the Act was consolidated in 1961 and there have been no large amendments made since that time. Clause 3 of the Bill makes certain alterations to section 5 of the principal Act, changing the definition of "traffic control device" slightly and it includes a new definition of a footpath; I can see no objection to this clause. Clause 4 amends section 21 and concerns that portion dealing with a road used by children in going to or coming from school. In the second reading speech the Minister mentioned this matter and the problem in regard to school crossings where a school is some distance from the actual crossing used by the children.

I have had some experience in this matter, although not in regard to the exact amendment to the Act. In my own district—and I wish to draw this to the attention of the Minister—a three-chain road has the constructed road on one side of it, and along the side of that road is an avenue of trees. A school is on the far side of the three-chain road and the gate leading to the school cannot be seen from the road. I know that prosecutions have been launched against certain people for exceeding the speed limit of 15 miles an hour past the school when school children are coming out of that school. In this instance, it would be impossible for a motorist to see the gate of the school and impossible for him to know that children were leaving the school, even though he would be only two or three chains away from the school.

Although we have this amendment, it does not overcome the problem that I am putting forward, and I draw the attention of the Minister to this matter. I happened to be the Justice on the bench on two or three of these occasions mentioned and, although it was necessary for me to find the defendant "guilty" of the offence, no penalty was imposed on any occasion. I consider that some provision should be made to cover the case where a school is two or three chains away from the path of the actual traffic. I agree with the amendment, but should like the Minister to look at the difficulties to which I have drawn attention.

Clause 7 deals with the declaration of a street as a one-way street. Unfortunately, I did not have an opportunity to listen to the speech made yesterday by the Hon. Sir Arthur Rymill. However, this particular amendment inserts the following new section in the principal Act:

31a. (1) No carriageway shall be declared a one-way carriageway unless the Board has consented to such carriageway being declared a one-way carriageway.

(2) A council may, with the consent of the Board, declare a carriageway to be a one-way carriageway and may erect or place on or near such carriageway such signs as are considered necessary for that purpose.

That means that a local government authority cannot declare a street to be a one-way street unless the board approves. I fully appreciate the intention of the amendment as it could happen that the declaration of a carriageway as a one-way carriageway would not be in the best interests of safety or of the movement of traffic. I think Sir Arthur Rymill probably had a valid point when he said that there was no appeal from the decision of the board. Clause 8 amends section 32 of the principal Act and permits the board to fix a speed limit for any zone at any time and provides that that speed limit shall be indicated by signs erected in accordance with the section. I do not know the present position regarding temporary speed zones.

The Hon. S. C. Bevan: They are governed by regulations.

The Hon. R. C. DeGARIS: That may be so, but we often find, when driving on the highways, speed zones limiting speed to 15 miles an hour for one day. Am I right in saying that there is no way of enforcing those temporary speed limits at present?

The Hon. S. C. Bevan: Temporary speed limits are covered by the Act.

The Hon. R. C. DeGARIS: Then I cannot see the reason for this amendment.

The Hon. S. C. Bevan: That is only a minor reason for the amendment.

The Hon. R. C. DeGARIS: I agree that there should be some power to enable temporary speed zones to be set up for specific purposes. The only question I am raising is that we see temporary speed zones on the road at present and, if they are already provided for, is there a necessity for this amendment? It may be that the amendment provides that an area may be a temporary speed zone for a specific period and that, if the speed is to be limited for a longer period, a regulation made in the normal course is still the law of the land.

Clause 9 of the Bill amends section 40 of the Act and grants in respect of Emergency Fire Service vehicles the same exemptions as are applied to ambulances and vehicles operated by the Fire Brigades Board. Regarding clause 10, I attempted to telephone certain people who have some knowledge of the matter in order to obtain some advice but, unfortunately, I could not raise them. However, I agree with the views put forward yesterday by Sir Arthur Rymill. Under section 43 of the principal Act, there is nothing that compels a person to stay at the scene of an accident. It may be desirable to require a person to do so but the amendment proposed says in subclause (*b*) that, if a person has been injured in an accident, it is the duty of any other person involved to render immediately such assistance as is reasonably necessary and practicable, and that provision could have rather serious results. Except for stemming bleeding, a person should often do nothing until trained help arrives.

I remember reading a rather intriguing story about a person who was always having dreams of being in an accident and of not being able to speak and there was always

another person in the dream calling, "Shift him, move him." The person concerned was eventually involved in an accident and the person who had been calling out in the dream was present and, when the injured person was moved, serious consequences ensued. This amendment says that a person must try to assist, and serious consequences could result in this regard. In any accident, the usual reaction is to move the injured person.

The Hon. R. A. Geddes: Wouldn't the story of the Good Samaritan apply in this case?

The Hon. R. C. DeGARIS: That depends on what the Good Samaritan is trying to do. Any person should try to stem bleeding but I have seen accidents and the first impulse has been to move the person. However, if honourable members check with medical advice, they will find that this is the wrong action to take. This amendment provides that a person involved in an accident must immediately render such assistance as is reasonably necessary and practicable to the injured person. That places an onus on a person involved in an accident who may not have been injured.

The Hon. Sir Arthur Rymill: I did not know yesterday that this clause was at variance with the provision in the National Code. The National Code probably states what you are suggesting.

The Hon. R. C. DeGARIS: Regarding the provision that a person should stay at the scene of the accident?

The Hon. Sir Arthur Rymill: And he is not obliged to do anything.

The Hon. R. C. DeGARIS: Even though a person involved in an accident may not be injured, his emotional state may not fit him to render assistance that is reasonably necessary and practicable. I believe the Minister should have a second look at the wording of this clause. I go along with him in that I think a person involved in an accident as a result of which someone is injured should remain at the scene, but insisting that he render what he considers reasonable and necessary assistance is, I think, placing an onus on him that may have serious consequences. Clause 11 inserts new section 45a in the principal Act, and I think it is a reasonable provision. It provides:

Notwithstanding any other provision of this Act, a driver shall not enter upon or attempt to cross any intersection or junction if the intersection, or junction, or the carriageway which he desires to enter, is blocked by other vehicles. Penalty: Fifty pounds.

The penalty seems rather severe. It occurs to me (and I think most people who know me recognize me as a careful driver) that others may have been caught, as I have, in circumstances in the City of Adelaide following a dense flow of traffic and becoming stranded in the middle of an intersection.

The Hon. S. C. Bevan: You can see that every day in King William Street.

The Hon. R. C. DeGARIS: I agree with the Minister that certain people move into an intersection when they can see they have no chance to get across and thereby block the intersection, but in many cases this is not due to lack of care and attention. One can be travelling bumper to bumper in a stream of traffic when someone down the line suddenly stops and, as a result, one finds oneself suddenly trapped in an intersection without being at fault. By and large, most drivers in South Australia are extremely courteous in these circumstances. Often I have seen a gap left, particularly at a junction. The penalty of £50 for this offence appears to be rather heavy.

The Hon. S. C. Bevan: It is only in accordance with other penalties in the Act.

The Hon. R. C. DeGARIS: I agree, but I should like to have a talk with someone on penalties right through the Act. Although £50 is provided for this offence, only £50 is provided for illegally using a motor vehicle, which seems to be right out of balance. I think clause 13 is all right. The Hon. Sir Arthur Rymill spoke about clause 14, which amends section 63. This section at present reads:

The driver of a vehicle approaching an intersection or junction shall give right of way to any other vehicle approaching the intersection or junction from the right.

That is fairly clear. As amended by clause 14, the section will read:

The driver of a vehicle approaching or in an intersection or junction shall give right of way to any other vehicle approaching the intersection or junction from the right.

Sir Arthur Rymill pointed out that the amendment would mean that a vehicle actually in the intersection must give way to a vehicle approaching the intersection, yet that vehicle approaching could be 200 yards away. If the driver of a vehicle in the intersection does not give way, he breaks the law under this new provision. I think Sir Arthur thought that the section should read:

The driver of a vehicle approaching an intersection or junction shall give right of way to any other vehicle approaching the intersection or junction and the driver of a vehicle in an

intersection shall give right of way to another vehicle approaching in the intersection from the right.

The Hon. Sir Arthur Rymill: That is not quite what I meant. I suggested that the "or in" might be put in after both "approaches". However, I think even then it could be defective.

The Hon. R. C. DeGARIS: I thank the honourable member for his great assistance, but I doubt whether his contention is right in any case. Section 63 (2) provides that it shall be a defence to a charge for an offence against subsection (1) to prove that the defendant was not aware and could not by the exercise of reasonable care have become aware of the approach of the other vehicle.

The Hon. Sir Arthur Rymill: But the courts have decided that that does not mean anything.

The Hon. R. C. DeGARIS: I do not know which courts the honourable member is referring to, but in my experience as a justice of the peace I have thrown out cases based on subsection (1) on the ground that subsection (3) has covered the matter.

The Hon. Sir Arthur Rymill: Then you probably gave a common-sense decision, but I do not know how you would get on in an appeal.

The Hon. R. C. DeGARIS: The decision was appealed against, but as it was a day late it was not heard.

The Hon. Sir Arthur Rymill: Well, your integrity is unassailed!

The Hon. R. C. DeGARIS: Thank you. The person in question was driving a heavily-laden truck and came to a corner at which he stopped. His vision around the corner was extremely limited. After stopping and seeing nothing, he then proceeded into the intersection. He got into the centre of the intersection when he was struck by a vehicle on the right. As he had a full load and was in bottom gear, I suppose his speed at the time of impact would have been only three or four miles an hour. Action was taken against him for not giving way to the man on the right. I could not see how he could have exercised more caution than he did; I think the onus was on the other person. However, the charge was laid the other way; the truck driver was charged with not giving way to the right. I think he had no possibility of avoiding an accident.

The Hon. Sir Arthur Rymill: Until yesterday I would have said that you spoke with a "jury-man's" knowledge; now I see that it is a "jury person's" knowledge.

The Hon. R. C. DeGARIS: Clause 15 provides that a motorist must not permit flashing lights to remain on after he has completed a turn, and the penalty provided is £50. Automatic signalling devices often do not cancel automatically if the turn is of less than 45 degrees. I know it is disconcerting but, there again, we get a lot of disconcerting hand signals that are not automatic.

I now move to what is probably a more important clause. Clause 21 needs close attention. Sir Norman Jude and Sir Arthur Rymill have pointed out a possible defect here. The clause deals with a person walking on a one-way carriageway. The amendment is justified for a road on which 35 miles an hour is an allowable speed, but I doubt whether it is justified for small side roads where the possible speed is low, being not much higher than 10 miles an hour, especially in small access streets in Adelaide. We could also examine the position regarding Rundle Street, which is tipped as a one-way street for a period. On a busy day close to Christmas, when people are walking in both directions in that street, this amendment could reach the stage of being ridiculous. Coming to clause 25, I wish not to talk about it but only to draw the Minister's attention to a matter in the principal Act. If the Minister will look at section 141 he will see the wording under subsection (4) (*b*) (ii) "exceeds 8ft. 9in. where there is a mirror or device projecting from each side of the vehicle". Modern semi-trailers and big trucks use a large mirror on each side of the cabin which, I think the Minister will agree, is a help to safety. I have been told of road transporters being prosecuted because of the width between the two mirrors being slightly more than 8ft. 9in. To overcome this, they have reduced the size of the mirror on the near-side of the cabin to reduce the width to 8ft. 9in. I do not know whether it would be practicable to think of this along other lines and enlarge the allowable width from mirror to mirror on a truck to enable it to have two large mirrors, which are of considerable assistance to the safety of the vehicle.

I come now to clause 27, which amends section 146 of the principal Act, in relation to wheel loadings on vehicles in South Australia. At this point, I ask leave to have incorporated in *Hansard* without my reading it a schedule of limitations of weights on trucks in all States of Australia.

Leave granted.

AMENDED SCHEDULE.

ALL-STATES GUIDE TO LIMITATIONS OF WEIGHTS AND DIMENSIONS.

Prepared by the National Association of Australian State Road Authorities, and issued in September, 1964.

A—WEIGHT LIMITATIONS.

Item.	N.S.W.	Vic.	Qld.	S.A	W.A.	Tas.	Northern Territory.	Adopted by Australian Transport Advisory Council.
Max. tyre pressure (lb. per sq. in.)..	100	100	100	100	100	No express provision	100	100
Max. gross tyre load	No express provision	2¼ tons (= 5,040 lb.)	2¼ tons (= 5,040 lb.)	No express provision	,000 lb. (= 2·23 tons)	5,000 lb. (= 2·23 tons)	5,000 lb. (= 2·23 tons)	5,000 lb. (= 2·23 tons)
Max. gross axle load, two tyres only	4½ tons (= 10,080 lb.) but 5½ tons (= 12,320 lb.) with tyre inflation pressure not exceeding 75 lb. per sq. in.	No express provision	4½ tons (= 10·080 lb.)	8 tons (= 17,920 lb.)	10,000 lb. (= 4·46 tons)	No express provision	No express provision	No express provision
Max. gross axle load, single axle, with four or more tyres	8 tons (= 17,920 lb.)	8 tons (= 17,920 lb.)	8 tons (= 17,920 lb.)	8 tons (= 17,920 lb.)	18,000 lb. (= 8·03 tons)	18,000 lb. (= 8·03 tons)	18,000 lb. (= 8·03 tons)	18,000 lb. (= 8·03 tons)
Max. gross load on dual axles, each with four or more tyres	13 tons (= 29,120 lb.)	13 tons (29,120 lb.)	13 tons (29,120 lb.)	16 tons (35,840 lb.)	29,000 lb. (= 12·95 tons)	13 tons (= 29,120 lb.)	13 tons (= 29,120 lb.)	12·95 tons (= 29,000 lb.

The Hon. R. C. DeGARIS: I point out that the States vary a little in their approach to front axle loading. In Victoria, Tasmania, Northern Territory and Western Australia this question is approached on a tyre loading basis: there is a specific weight on each tyre. In New South Wales and South Australia at present it is axle loading. I will deal with the maximum gross tyre loading. There is no provision in New South Wales for a maximum gross tyre load but there is a provision for a maximum gross axle load, two tyres only, and that is 4½ tons or 10,080 lb. (80 lb. more than provided for by this amendment), but it is 5½ tons on the front axle with the tyre inflation pressure not exceeding 75 lb. per sq. inch. The Victorian Act is difficult to follow because there are various bits and pieces from the Local Government Act, the Commercial Vehicles Act and the Country Roads Board Act. If it came to a matter of an opinion, I would say that the front axle loading allowable in Victoria was 5 tons under the Country Roads Board Act, but under the Local Government Act it is laid down as 4½cwt. per inch of bearing type surface. It becomes difficult to work it out. According to the schedule, which I have taken from the *South Australian Road Transport* magazine, the tyre limit in Victoria is given as 2¼ tons per tyre. There is no provision for a maximum gross axle loading of two tyres.

In Queensland it is 2¼ tons per tyre, and 4½ tons on a gross axle loading of two tyres. In South Australia we have no express provision so far for tyre loading, but in this amendment we are, for the first time, introducing tyre loading. At present we have an axle loading, for two tyres, of 8 tons.

The Hon. Sir Norman Jude: Don't you think we would be better off sticking to axle loading rather than changing to tyre loading?

The Hon. R. C. DeGARIS: I do not know. I have not given much thought to the matter along these lines, whether it would be better to stick to axle loading than to turn to tyre loading. The Australian Transport Advisory Council has, I believe, recommended tyre loading as opposed to axle loading.

The Hon. S. C. Bevan: And that is what the Australian Road Vehicles Association recommends.

The Hon. R. C. DeGARIS: I think it has also been recommended by the Australian Transport Advisory Council. In Western Australia, it is 5,000 lb. on tyre loading and 10,000 lb. on axle loading. In Tasmania, it is 5,000 lb. on tyre loading, and there is no provision for axle loading. In the Northern Territory, it is 5,000 lb. on tyre loading, and there is no provision for axle loading. I believe that the 8-ton load limit on a front axle is not in the best interests of the safety of the vehicle. We know vehicles are being built today capable of carrying heavy loads on the front axle. I think the special provision in New South Wales, where there is a 5½-ton limit where the tyre inflation pressure does not exceed 75 lb. per square inch, is a reasonable amendment at this stage. I have checked on this with most of the transport operators in the Lower South-East, and they are not greatly worried about this amendment, because some of them are trading in Victoria as well, where they have to fall in with the Victorian provisions. It will cause some difficulty in the wheat-carting areas of the mallee and on Eyre Peninsula and to the sand and gravel contractors in Adelaide. I daresay that this matter will be covered competently by later speakers. My final point is that a radical change from 8 tons on an axle loading down to below 4½ tons should require that some time be given, or that the public be given notification, before there is a change of such magnitude. Many truck operators have trucks that carry 6 tons or slightly more on the front axle, but to bring the limit straight down to 4½ tons on the front axle would have serious implications.

The Hon. L. R. Hart: Will this not be 9 tons on the front axle if there is 4½ tons on each tyre?

The Hon. R. C. DeGARIS: No, it will be 5,000 lb. on each tyre. I am not denying that at the moment many forward-controlled trucks with 8 tons on their front wheels are probably not in the interests of safety, but to drop the limit from 8 tons to less than 4½ tons could provide some difficulties for truck operators in South Australia. I am certain that this will cause an increase in costs in many of our industries if the loads of trucks especially built for the purpose are suddenly reduced. There must be an increase eventually in the cost of gravel and other materials required in industry.

The Hon. S. C. Bevan: It would not affect those trucks; it does not affect the load behind the front wheels.

The Hon. R. C. DeGARIS: Most of the people involved in this alteration will be the metropolitan sand and gravel carters, wheat farmers in the Murray areas and north of Adelaide, and wheat farmers on Eyre Peninsula. Those operators will be especially concerned.

The Hon. C. R. Story: Don't forget the grapegrowers!

The Hon. R. C. DeGARIS: The grapegrowers are so well-represented in this Chamber that I am certain they will be adequately looked after.

The Hon. Sir Norman Jude: I understand that the Municipal Tramways Trust will be in trouble, too.

The Hon. R. C. DeGARIS: Yes, and I refer to the position of the M.T.T. buses operating in the metropolitan area. I do not know what the front axle weight is on an M.T.T. bus, but I think it is more than 4½ tons. I would like the Minister to have a look at this question of 4½ tons load limit. As I said, I am not denying that 8 tons on a front axle is too much for safety, but many trucks operate today with 4½ tons load, or slightly more, on the front axle, and if it is necessary in the interests of safety to materially drop the limit from 8 tons it should be brought down to where those trucks could still operate with the knowledge that in, say, two or three years' time a further change would operate regarding front axle loads. I support the second reading.

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

REFERENDUM (STATE LOTTERIES) BILL.

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendment to the Bill.

The Hon. A. J. SHARD (Chief Secretary) moved:

That a message be sent to the House of Assembly granting a conference as requested by that House and that the time and place for holding the same be the conference room of the Legislative Council at the hour of 3.30 o'clock this day, and that the Hons. D. H. L. Banfield, S. C. Bevan, Sir Lyell McEwin, C. R. Story, and A. J. Shard be the managers on the part of this House.

The Hon. S. C. BEVAN: I second the motion.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I am somewhat surprised at the haste with which the Chief Secretary suggests this Council should deal with the message from the Assembly requesting a conference. I am sure that the Council is fully prepared to meet in conference, but I point out that the last message between this Chamber and another place occurred last Thursday. It was three days in the other place before a request was received in this Chamber for a conference, which the Chief Secretary has moved be held this Thursday afternoon. There have been opportunities, and we would have been pleased to meet the convenience of the other place. I think that the general practice amongst members is that country members go home on Thursday evening, while other members consider themselves free to accept appointments that they do not accept on other Parliamentary sitting days.

I know that Ministers have appointments late this afternoon, and I also have one. It is most inconvenient for a conference to be held at 3.30 o'clock this afternoon, at some 20 minutes notice! Nobody can estimate the time that will be taken up at such a conference. I do not know the shortest time of any conference, but I know some have gone on for a long time. Some have continued late into the night. Usually, conferences are held at the end of the session when it is expected that matters must be dealt with quickly, but not in an earlier part of the session. There is no apparent need for haste, and in any case the other place has taken three days to consider the matter.

Standing Orders of another place provide that the House shall rise by 6 o'clock on Thursday afternoon, and I understand there is no intention to depart from that today. After a conference it usually takes half an hour, at least, for papers and reports to be prepared for presentation to each place. In those circumstances the time could be about two hours. Some honourable members here have not experienced the holding of a conference, and do not know what is involved. Standing Order No. 260 says:

It shall be the duty of the managers for the Council—

(*a*) when the conference is requested by the Council—to read to the managers for the House of Assembly any resolution adopted by the Council, and to deliver to them the same, together with the Bill (whenever amendments to a Bill are the subject of the conference);

(*b*) when the conference is requested by the House of Assembly—to hear and receive from the managers for that House the like matter which they may have to communicate;

and thereupon the managers for the Council shall be at liberty to confer freely by word of mouth with the managers for the House of Assembly.

And then there is a reference to the duty of managers, as follows:

Where a Bill is concerned:

In the case of (*a*), except where otherwise ordered, it shall then be the endeavour of the

managers for the Council to obtain a withdrawal of the point in dispute between the Houses, and failing this, a modification of the same by way of further amendment;

And in the case of (*b*) it shall be competent to the majority of the managers for the Council to agree to recommend to their House such solution of the question as shall seem to such majority, after conference, most likely to secure the final agreement of the two Houses;

These are the matters to be dealt with at the conference. The limiting of the time is unusual. I do not suggest that it would not be possible to adjourn the conference but if a conclusion was not reached in the time available an adjournment would be necessary until Parliament met next Tuesday. Why not hold the conference next Tuesday, so that there will be no restriction on the managers in putting their respective cases? That will enable them to give proper consideration to the matter. Sometimes a compromise is reached, but sometimes a compromise is not possible.

Although this is a fairly simple question, it is not so simple that it is only a matter of saying "Yes" or "No" as soon as the managers enter the conference room. I appeal to the Chief Secretary to reconsider the time for holding the conference. I suggest next Tuesday. In view of the time now needed to deal with the matter quickly, I move:

To strike out "this day" and insert "Tuesday next".

The Hon. Sir ARTHUR RYMILL: On a point of order, Mr. President, I should like your ruling on whether, if this amendment is carried, the debate on the motion can proceed.

The PRESIDENT: A far as the time is concerned, that will be decided, and then the appointment of the managers will be decided.

The Hon. Sir LYELL McEWIN: Mr. President, may we have that clearly? I spoke only to a part of the motion. That was in relation to the time, and had nothing to do with the appointment of managers.

The PRESIDENT: That was what I replied to.

The Hon. A. J. SHARD: I want to give an assurance because I do not want to see numbers used against us on this matter. The other place has requested a conference to be held at 3.30 p.m. today. We now have 10 minutes to go, and then there will be two hours to 5.30 p.m. I give an assurance that we shall not be delayed today. I give an assurance that we shall not keep members from their appointments. I have appointments and shall keep them. I have been assured that I shall be able to keep them. I appeal to the Council to allow this conference to begin at the time I suggested. I think it would be bad publicity for this Chamber if it said it would not agree.

The Hon. Sir ARTHUR RYMILL (Central No. 2): Speaking purely to the amendment, I take it that the undertaking that has been given by the Chief Secretary means that he, as one of the managers at the conference, will see that the conference is adjourned if time proves to be inadequate, as I imagine it will. I should like an assurance about that before I decide how to vote.

The Hon. A. J. SHARD: The Premier gave me an assurance that another place would not sit after 5.30 p.m. today. That is the only assurance I can give.

The Hon. A. F. KNEEBONE (Minister of Transport): I consider it important that the conference meets today. I, too, have had an assurance, because I have appointments tonight, from the Premier that Parliament will not sit late today and that I will be able to keep an appointment at 6.30 p.m.

The PRESIDENT: I will put the amendment that the day for holding the conference be Tuesday next. The question is "That the words proposed to be struck out—

The Hon. F. J. POTTER: Mr. President—

The PRESIDENT: I cannot have any more debate.

The Hon. F. J. POTTER: On a point of order, Mr. President, would you be good enough to read the whole motion again before putting the amendment?

The PRESIDENT: The Chief Secretary has moved:

That a message be sent to the House of Assembly granting a conference as requested by that House and that the time and place for holding the same be the conference room of the Legislative Council at the hour of 3.30 o'clock this day.

to which Sir Lyell McEwin has moved the following amendment:

To strike out "this day" and insert "on Tuesday next".

The Hon. Sir NORMAN JUDE: Mr. President—

The PRESIDENT: We cannot have any more debate.

The Hon. Sir NORMAN JUDE: Mr. President, one point has been raised. Are we certain that this is dissociated from the part of the motion regarding managers? You did not read that out.

The PRESIDENT: Necessarily, I must take the motion in two parts. The question is "That the words proposed to be struck out stand".

The Ayes have it.

The Hon. Sir LYELL McEWIN: Divide.

The Council divided on the question:

Ayes (7).—The Hons. D. H. L. Banfield, S. C. Bevan, Sir Norman Jude, A. F. Kneebone, Sir Arthur Rymill, A. J. Shard (teller), and C. R. Story.

Noes (11).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, and C. D. Rowe.

Majority of 4 for the Noes.

Question thus negatived.

The PRESIDENT: The question now is "That the motion be agreed to".

The Hon. Sir ARTHUR RYMILL: Is it necessary under Standing Order 253 for a member to require the managers to be selected by ballot at this stage, before the motion is put?

The PRESIDENT: In actual practice I have only dealt with half of the motion at this stage. If the honourable member wishes to demand a ballot, it can be proceeded with after I have put the question.

The Hon. Sir ARTHUR RYMILL moved:

That the managers be appointed by ballot.

The PRESIDENT: Ring the bells.

While the division bells were ringing:

The PRESIDENT: The Clerk has pointed out to me that I have not put the full purport of the amendment; I have put only that the words proposed to be struck out stand. The Hon. Sir Lyell McEwin has moved an amendment that the conference be held at 3.30 p.m. next Tuesday. The question is "That the words proposed to be inserted be so inserted". The Ayes have it.

The Hon. A. J. SHARD: Divide.

The Council divided on the question "That the words 'Tuesday next' be inserted":

Ayes (13).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill and C. R. Story.

Noes (5).—The Hons. D. H. L. Banfield, S. C. Bevan, Sir Norman Jude, A. F. Kneebone, A. J. Shard (teller).

Majority of 8 for the Ayes.

Question thus carried.

The PRESIDENT: As a ballot has been demanded, we will now proceed with a ballot. Ring the bells.

A ballot having been held, the Hons. S. C. Bevan, R. C. DeGaris, Sir Lyell McEwin, A. J. Shard, and C. R. Story were declared elected.

The PRESIDENT: The motion, as amended, is:

That a message be sent to the House of Assembly granting a conference as requested by that House and that the time and place for holding the same be the conference room of the Legislative Council at the hour of 3.30 o'clock on Tuesday next, and that the Hons. S. C. Bevan, R. C. DeGaris, Sir Lyell McEwin, A. J. Shard, and C. R. Story be the managers on the part of this House.

The question is that the motion, as amended, be agreed to. Those in favour say "Aye"; those against say "No". The Ayes have it.

The Hon. A. J. SHARD: Divide.

The Council divided on the motion, as amended:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Motion, as amended, thus carried.

ADJOURNMENT.

The Hon. A. J. SHARD (Chief Secretary) moved:

That the Council do now adjourn.

The PRESIDENT: Those in favour say "Aye", those against "No".

The Hon. D. H. L. Banfield: No.

The PRESIDENT: The "Ayes" have it.

The Hon. A. J. SHARD: I think an honourable member called for a division.

The PRESIDENT: It needs more than one voice for the Noes for a division to be held. The Council stands adjourned until Tuesday next at 2.15 p.m.

At 3.52 p.m. the Council adjourned until Tuesday, October 12, at 2.15 p.m.