LEGISLATIVE COUNCIL

Wednesday, October 27, 1965.

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

QUESTIONS

BURRA COPPER.

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

Leave granted.

The Hon. R. A. GEDDES: When I was speaking to residents of Burra last weekend regarding the latest copper strike or discovery, some concern was expressed that the company to which a lease to mine the copper ore is granted may not start immediately on the job, but may hold back in the hope of obtaining a better price. Will the Minister of Mines watch for this problem and will he give an assurance that the company to which the lease is granted will start work on mining the copper ore as soon as practicable?

The Hon. S. C. BEVAN: If the known quantity of ore at Burra is mined, shall I say, by a company (as it is hoped it will be), the terms of the lease issued to the successful company will cover the point that the honourable member has raised. I say quite frankly that a condition of the lease will be that it be worked and that the company will not merely hold the lease without performing work for some specific reason. It will be a condition that the company works the mine to the best of its ability, and not just holds a lease over it.

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

Leave granted.

The Hon. R. A. GEDDES: I understand that some low-grade copper ore is being mined or extracted near Paratoo, in the north of this State. Because of this and the copper find announced at Burra, will the Minister seriously consider having the smelting of these various low-grade copper ores done at the old uranium treatment plant at Port Pirie?

The Hon. S. C. BEVAN: It is expected that all copper ore at Burra will be mined by the open-cut method, and the present intention is that it will be treated at Burra. The information I have regarding Paratoo is that such a minute quantity of low-grade ore comes from there that no smelting is warranted at this stage.

WATER SUPPLY.

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

Leave granted.

The Hon. L. R. HART: The answer given yesterday to a question asked by my colleague the Hon. Mr. Dawkins regarding the present storage of water in the reservoirs in the Williamstown area was probably considered satisfactory, although not necessarily reassuring. I have heard a rumour that water pressures in certain areas may be reduced and that there is a possibility that water restrictions will apply from November 1. Will the Minister of Labour and Industry, representing the Minister of Works, say whether water restrictions will apply as from November 1; whether they will apply only in the metropolitan area; and, if they will, what will constitute the metropolitan area?

The Hon. A. F. KNEEBONE: I am not aware of any statement made about water restrictions, but to make sure of the matter I shall convey the question to my colleague, the Minister of Works, and bring back a reply as soon as possible.

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

Leave granted.

The Hon. M. B. DAWKINS: In view of the present water supply situation and the answer the Minister gave yesterday to my question about the water storage in the Williamstown area, which, even if it is satisfactory, is certainly anything but reassuring, I wonder whether the Engineering and Water Supply Department has made any further inquiries about additional reservoir sites. Previously the possibility of having water storages on the North Para and Light Rivers and in other places north of Adelaide has been raised. Because of the shortage of water supplies and the considerable development in these areas, will the Minister of Labour and Industry ascertain from his colleague whether the department has been investigating the possibility of having further water storages, particularly in these areas, and, if it has not, will it do so in the light of present conditions?

The Hon. A. F. KNEEBONE: I shall be pleased to convey the question to my colleague, the Minister of Works, and get a reply for the honourable member.

MURRAY RIVER BRIDGE.

The Hon. C. R. STORY: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. C. R. STORY: My question deals with the proposed Kingston bridge. Can the Minister of Roads indicate to what stage the investigations and plans for this bridge have progressed? Does he anticipate that a reference will be made to the Public Works Committee before next Christmas?

The Hon. S. C. BEVAN: There has been much talk about a second bridge over the River Murray being at Kingston. Apparently, it is assumed that Kingston will be the appropriate place to put that bridge, but this is by no means definite. The new bridge will not necessarily be at Kingston; it could be at Overland Corner or at other places on the river. These are matters to be investigated. However, it is expected that we shall be sufficiently advanced in our investigations into a second bridge over the River Murray for the project to be referred in January, 1966, to the Public Works Committee for investigation. That committee will investigate the matter of a second bridge and in due course make recommendations, including a recommendation for the most appropriate site. After that, naturally, the type of bridge and other such matters will be determined and the department will get on with the job.

MOONTA FORESHORE.

The Hon. C. D. ROWE: I understand that the Minister of Labour and Industry has a reply to a question I asked on October 19 about repairs to the foreshore at Moonta.

The Hon. A. F. KNEEBONE: Yes. My colleague the Minister of Marine advises that the honourable member is not correct when he says that the Minister of Marine made an inspection when he was recently in the district and promised sympathetic consideration. The Minister visited the district on July 8, but the requests on that occasion referred to Wallaroo and Port Hughes, both of which places the Minister visited. The honourable member's question regarding damage to the retaining wall and portion of the foreshore at Moonta just north of the jetty has been referred to the General Manager of the Harbors Board for report. The Minister has arranged for the matter to be expedited.

UPPER MURRAY HOUSING.

The Hon. C. R. STORY: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. C. R. STORY: Just before the last election it was announced that some 20 Housing Trust houses would be built in each of the main towns in the Upper Murray area. Can the Minister representing the Minister of Housing ascertain how many of those houses are actually completed and occupied, and how many are in course of construction at the present moment?

The Hon. A. J. SHARD: I will refer the question to my colleague, the Minister of Housing, and seek a report and let the honourable member have it at the earliest convenience.

MARKETING OF EGGS ACT AMENDMENT BILL.

Second reading.

The Hon. S. C. BEVAN (Minister of Local Government): I move:

That this Bill be now read a second time.

It makes three important amendments to the Marketing of Eggs Act relating to the filling of casual vacancies on the Egg Board, the voting qualification at elections for producer members of the board, and the nomination by a company of a candidate for election to the board. The Bill has been prepared after consultation with the Chairman of the board.

Clause 3, by paragraph (*a*), inserts a definition of "hen" into the principal Act to accord with recent Commonwealth legislation imposing levies on certain producers. As the Egg Board will use the returns required for the Commonwealth levies in the compilation of the electoral rolls, it is desirable that the definitions in our Act should conform as far as possible with those in Commonwealth legislation. Paragraph (*b*) of this clause makes a consequential amendment to the definition of "producer". Clause 4, by paragraph (*b*), adds a new subsection to section 4 of the principal Act so as to enable the Governor to appoint a person to fill a casual vacancy on the board. Under the principal Act an election would be necessary, which unfortunately is a very expensive process. Paragraph (*a*) makes a consequential amendment.

Clause 5 of the Bill makes several amendments to section 4a of the principal Act dealing with the election of producer members of the board. New subsection (5) provides that producers who on the relevant day were keeping 250 or more hens will be entitled to vote at any such election. At present, under section 4a the qualification is delivery of 3,000 dozen eggs to the board in a financial year. In new subsection (1) inserted by paragraph (*a*) of clause 5 the relevant day is defined as the last day in the period between June 30 and September

30 last preceding an election on which a levy was payable by the producer pursuant to the Commonwealth Acts.

New subsection (6), which corresponds with existing subsection (6), provides for a producer who keeps his hens in more than one electoral district. Under new subsection (6a) the number of hens kept by a producer will be determined conclusively by the amount of levy he is required to pay. This will enable the board to compile the electoral rolls directly from the returns which are required by the Commonwealth Acts and which are furnished to the board. Clause 5 (*d*) makes a consequential amendment.

The next amendment, proposed by the Australian Primary Producers' Union, is contained in clause 6, which inserts in the principal Act new section 4b relating to companies which are producers. The new section enables such a company to nominate by notice in writing a person to vote on its behalf at elections for producer members and also enables such a person to be elected as a member of the board at any such election. New subsection (3) provides for the revocation of any such nomination and new subsection (4) provides that a company nominee who is himself a producer may vote both in his own behalf and as such nominee. Clause 5 (*b*) makes a consequential amendment.

Clause 7 makes a consequential amendment to section 8 of the principal Act by providing that a company nominee who is elected to the board shall, upon the withdrawal of his nomination, vacate his office, unless he was qualified to be elected as a producer in his own right. Clause 8 makes two amendments of section 34 of the principal Act consequential on the enactment of new section 4b. I commend the Bill to the consideration of honourable members.

The Hon. L. R. HART secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (MINISTERS).

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

Its object is to increase the number of Ministers of the Crown from eight to nine and clause 3 of the Bill so provides. By paragraph (*b*) the consequential provision is made increasing the maximum number of Ministers in the House of Assembly from five to six. No provision is made for payment of the additional Minister, this having been already made by the Constitution Act Amendment Act of 1963. Paragraph (*c*) provides that the portfolios of Agriculture and Lands cannot be held by the same Minister simultaneously.

Honourable members will be aware of the increase in Governmental activities during recent years and the consequent increase in the duties and responsibilities of Ministers. It is, however, to the policy of the Government that Ministers should be directly responsible to Parliament for the administration of departments that I particularly refer. It is the policy of the present Government that administration by statutory boards is wrong in principle, as being contrary to the well-established doctrine of responsible Government—that is, the doctrine that Ministers of the Crown responsible directly to Parliament should manage affairs of State.

The Government has already introduced legislative amendments designed to remove administration from statutory boards of one sort or another and to place the responsibility for policy decisions in the hands of the appropriate Ministers. This, of course, entails greater burdens upon the Ministers available. The present number of eight is too small to cope with the amount of work involved. It is also desirable to provide that one Minister does not have the duties of both the Lands and Agriculture portfolios.

It is not possible, in view of the new work undertaken by other Ministers in the present Cabinet not undertaken by Ministers in the previous administration, to provide relief among existing Ministers. The policy of the Government is the provision of a larger Ministry in an enlarged House; the lastmentioned matter is already provided for in a Bill now before Parliament. I submit the Bill for the consideration of honourable members.

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

PRIVATE PARKING AREAS BILL.

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

As the short title shows, the purpose of this legislation is "to provide for the control of land used by the public with the consent of the owners thereof as private access roads, parking areas or pedestrian walkways to shops and other premises". This legislation has become necessary since corporate bodies, such as the Housing Trust, are providing on land

owned by these bodies at Elizabeth and elsewhere facilities such as access roads to shops and parking areas for the use and convenience of customers.

In many cases the shops are built facing walkways from which vehicles must obviously be excluded. On occasions these facilities are abused, mainly by young hooligans. For example, motor cars have been driven down the walkways, the parking areas have been used as speedways, cars have been parked contrary to directions and young children ride their bicycles along the walkways. There is no law under which these acts can be controlled except to sue for trespass, which is clearly not a suitable remedy in the circumstances.

Another legal difficulty is that, by giving the public access to these places, the public, after a period of years, has a right of access and in a particular case land may become a public highway. This is undesirable from the point of view of the owner, as it could impede future development of a shopping site. This creation of public rights by usage could be prevented by blocking access periodically but this presents practical difficulties. It is considered by the Government that the time has now come to legislate so as to control the use by the public of such access roads and parking areas, while at the same time preserving the rights of the owners of the land. The Bill is an attempt to achieve the foregoing objectives, and is commended to honourable members for their consideration.

Clause 3 enables owners of shops or other premises to create access roads, parking areas and pedestrian walkways by displaying notices on the land indicating that the land is a private access road, parking area or pedestrian walkway, as the case may be. The public in this way would have notice of the character of the land. The owner may on such notice lay down conditions under which the access road, parking area or pedestrian walkway may be used. On breach of the conditions the owner, his employee or agent or a member of the Police Force may require the person in breach to comply with the condition. Failure to comply with the request is an offence punishable with a maximum penalty of £10.

By clause 4, driving a vehicle on a private pedestrian walkway without the consent of the owner is an offence carrying a maximum penalty of £10 (subclause (1)) and leaving a bicycle on pedestrian walkway at a place other than a place set aside for the purpose is an offence punishable with a maximum penalty of 10s. (subclause (2)). By clause 5, the use of a parking area without the consent of the owner for a purpose other than parking a vehicle is an offence punishable with a penalty of £10. By clause 6 any person who leaves any vehicle on any private access road, parking area or pedestrian walkway and fails to remove it on being requested by the owner or his employee or agent or by a member of the police force is guilty of an offence punishable with a maximum fine of £5.

By clause 7, roller-skating on a private access road, parking area or pedestrian walkway without the consent of the owner, his employee or agent is an offence punishable by a maximum fine of £10. Clause 8 provides an exemption for ambulances, fire brigades and police vehicles from the provisions of this Act. By clause 9, it is laid down that the use of an access road parking area or pedestrian walkway by the public does not create public rights over such road, parking area or walkway, or create a highway, street or road under this or under any other law. Clause 10 provides for evidential provisions as to proof of private access roads, parking areas or pedestrian walkways.

The Hon. Sir NORMAN JUDE secured the adjournment of the debate.

ELECTRICITY (COUNTRY AREAS) SUBSIDY ACT AMENDMENT BILL.

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

The Electricity (Country Areas) Subsidy Act, 1962, provides that during the five years ending June 30, 1967, there shall be paid to the Electricity Trust a total of £600,000. Of the first £500,000 so payable, the trust is at present required to credit £300,000 to its own revenues plus any additional sum as directed by the Treasurer in respect of country undertakings taken over by the trust. The balance remains available for payment to private country electricity suppliers in such amounts as the Treasurer determines. A further £100,000 is provided for payment to the trust for the purposes of the Act.

Following the passing of that Act, the trust reduced its own tariffs to its country consumers from July 1, 1962, so that they would not be more than 10 per cent above the trust's metropolitan tariffs. This reduction affected 45,000 consumers, and the cost to the trust's revenue was estimated at £160,000 per annum. In the first year (1962-63) the Government

met £100,000 of this cost, and the balance was absorbed by the trust. In the succeeding years it was agreed that the Government subsidy would be reduced by £20,000 each year so that after the fifth year (that is, in 1967-68 and thereafter) the full cost of the tariff reductions would be borne by the trust. Over this period of five years the total subsidy paid by the Government would have amounted to £300,000, the amount mentioned specifically in the 1962 Act.

At the same time an analysis was made of the amount required to reduce tariffs of private country electricity authorities to within 10 per cent of the trust's metropolitan tariffs. This analysis disclosed that the cost of such reductions would be about £134,000 per annum or a total cost over the five-year period of £670,000. The amount available under the Act for this period was limited to £300,000, and a scheme was adopted whereby this available amount was allocated among the various undertakings over the five-year period. The reductions in charges so applied varied from 10 per cent to 25 per cent as between undertakings and had the effect of reducing electricity accounts rendered by the private country undertakings on average by about one-sixth.

Late in 1964 the trust advised that as a result of increased economies in its operation it was in a position not only to assume full responsibility for the reduction of its tariffs effected in 1962 but also to provide single meter tariffs at metropolitan rates for all its consumers in country areas. The newly-reduced rates applied from January 1, 1965, and affected some 80,000 consumers who were then connected to the trust's country electricity system.

At the end of 1964 the amount undrawn of the £300,000 specifically provided in the Act for payment to the trust's revenues was £90,000, and it is now proposed that this amount be used to supplement amounts otherwise available under the Act to make further reductions to consumers supplied by private country electricity authorities. Moreover, the subsidies made for the benefit of such consumers were doubled as from January 1, 1965, and amounted on average to about one-third reduction in charges.

The necessity for this amending Bill is twofold. First, the Crown Solicitor has advised that section 3 of the 1962 Act is mandatory in requiring £300,000 to be paid to the revenues of the trust. The fact that this sum is not required by the trust does not alter the direction of Parliament contained in the said section 3 that it shall be so paid. Clause 3 of the Bill now before this Council accordingly gives authority so that any part of the £300,000 that has not been credited by the trust to its revenues may be used by the trust for payment to country electricity suppliers in such amounts and on such conditions as the Treasurer shall determine. Secondly, the 1962 Act provides only for the five-year period to June 30, 1967. It does not provide for appropriation or for continuance of the scheme for any period beyond that date. Clause 4 accordingly provides that, out of the moneys paid to it and any further moneys which may be provided by Parliament for the purpose, the trust shall in any period subsequent to the five years covered by the 1962 Act pay to country electricity undertakings such amounts and on such conditions as the Treasurer may direct. The Government proposes that any additional amounts required during the period up to June, 1967, and in subsequent years will be submitted to Parliament in the Estimates and Appropriation Acts.

The situation now is that some 80,000 country consumers connected to the Electricity Trust system have available a single meter tariff equivalent to metropolitan rates. Consumers drawing their electricity supply from private undertakings, numbering some 6,500, pay tariffs which since January 1, 1965, are one-third less on average than the tariffs operating before the scheme was introduced.

Whilst the situation with the trust's consumers is now highly satisfactory, the Government is not fully satisfied with the situation of country consumers supplied by private undertakings. It is true that their electricity bills have been greatly reduced by the operation of this Act but it is also true that they pay in many instances considerably more for their electricity than do the trust's own country consumers. The Government does not consider that this state of affairs should continue indefinitely, and its objective is to budget adequate finance next financial year for subsidies to enable all consumers to pay for their electricity on the basis of tariffs not more than 10 per cent above the trust's metropolitan tariffs. The aggregate annual cost to the Government on such a basis is likely to be about £170,000 a year, as compared with the present cost, with double the original subsidies of about £130,000. Of course, as consumers' charges are reduced they tend to use more, so these subsidy costs will probably increase.

I have a list of the places in which country electricity undertakings apart from the trust are at present receiving subsidies, and I ask leave for this list to be inserted in *Hansard* without my reading it.

The PRESIDENT: The question is "That leave be granted for this list to be inserted in *Hansard* without its being read." I have not seen the list.

The Hon. A. J. SHARD: It is a list of country towns where the electricity supply is under the control of private undertakings.

Leave granted.

LIST OF PLACES IN WHICH COUNTRY ELECTRICITY UNDERTAKINGS RECEIVE SUBSIDY.

Arno Bay
Beachport
Ceduna
Cleve
Commonwealth Railways:
  Cook
  Marree
  Oodnadatta
  Tarcoola
Cowell
Elliston
Frances
Hawker
Kimba
Kingscote
Kingston
Lock
Lucindale
Naracoorte
Penola
Peterborough
Robe
Streaky Bay
Wudinna
Yunta:
  Ding
  Breeding

The Hon. Sir NORMAN JUDE secured the adjournment of the debate.

LAND TAX ACT AMENDMENT BILL.

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

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

Its principal object is to effect a revision in land tax rates. The Bill is an essential part of the 1965-66 Budget and makes one of several revenue adjustments designed to reduce the gap between revenue and proposed expenditures to manageable proportions. During 1964-65 the State collected land tax amounting to £2,485,000, or about £2 7s. 6d. per head. The collections of land tax in that year in the five other States averaged about £2 17s. per head. This means that the average yield elsewhere in Australia was 20 per cent above that in this State.

Clause 3 sets out the new rates which will become effective immediately. An examination of the rates actually levied indicates that the substantial difference in this State is in rates applied to land valued in excess of £5,000 unimproved value. Below that level there seems no case, on a comparative basis, for raising our rates. The adjustments proposed would raise an additional £425,000, or about 17 per cent, and thus would largely, though not completely, make up the difference in yield below the other States last year. It should give this State barely £2 15s. per head in land tax compared with £2 17s. for the other five States together last year. The increased rates are proposed only in respect of land above £5,000 in taxable value. At that value the present tax of £15 12s. 6d. will remain. For a taxable value of £10,000, the new tax will be £46 17s. 6d. instead of the present £36 9s. 2d. At a taxable value of £20,000 it will be £156 5s. instead of £119 15s. 10d. At £50,000 it will increase from £557 5s. 10d. to £718 15s., and at £100,000 it will increase from £1,828 2s. 6d. to £2,281 5s. Above £100,000 the rate for each additional one pound of value will be 9d. instead of 7½d. as at present.

It was announced with the Budget that, following the recommendation in the Town Planner's report, the Government would appropriate this year from general revenue £125,000 as a half-share with local government authorities for the acquisition of land for public parks and open spaces. To the extent that the whole of this may not be spent currently the residue will be carried over for subsequent spending. The Government has had before it tentative proposals to divert some specific proportion of land tax for these purposes. This is done in Western Australia and in a number of oversea countries. This will require mature consideration in connection with other town planning considerations, but for the time being the Government would propose to make annual appropriations from revenue for the purposes of parks and open spaces rather than make a specific diversion of land tax receipts.

Clause 4 deals with an administrative matter. As all honourable members know, it is anticipated that decimal currency will come into operation in February next. Section 20 of the Land Tax Act requires the Commissioner to make his quinquennial assessment in Australian pounds. It so happens that this is an assessment year and the Commissioner is now

working on his assessments. Honourable members know that the equivalent of the dollar will be 10s. To avoid a considerable amount of duplication and to enable the necessary machinery provision to be made, the Commissioner is in fact stating his values in 10s. amounts so that after conversion day the same figures can be used, each unit becoming one dollar. In view of the express provision in section 20, it is desirable to give the Commissioner express authority to proceed, and clause 4 accordingly so provides. I commend the Bill to honourable members for their consideration.

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

COMPANIES ACT AMENDMENT BILL.

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

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It amends the Second Schedule to the Companies Act, 1962-1964. The amendments are three-fold and are contained in clause 3 as follows:

The amendment to item 3 thereof would remove a doubt as to whether all companies should pay on an increase of share capital the fees specified in the schedule. It has been contended that the phrase "that the amount payable on a first registration" means that a company that has increased its share capital has to pay a fee based on the scale of fees in force when it was first registered as a company. It was never the intention that these words should be given this interpretation. The true meaning and intention of the words "the amount payable on a first registration" is that the fees payable by a company on an increase of share capital would be the fees based upon the scale of fees in force at the time of the lodging of notice of the increase in share capital.

That this is the proper interpretation of these words is borne out by the words that follow, namely "by reference to its capital as increased and the amount which would have been payable by reference to its capital immediately before the increase . . ." This implies a notional as distinct from an actual calculation. The confusion arises, it is felt, by the use of the word "first" in the expression "on a first registration". A company is registered only once, so there is no question of a second or subsequent registration. If the true meaning of these words were as contended, the odd situation could arise that different companies registered at different times with the same share capital would, on a similar increase of share capital, pay a different scale of fees according to the scale of fees in force at the time each company was registered. This is clearly not the intention. It is to remove any doubt as to the proper interpretation to be given to these words that the present amendment is proposed. The amendment is in line with the practice of all companies registries in Australia since the introduction of the uniform legislation.

The amendment to item 12 thereof provides that the fee in respect of a licence of the Minister to dispense with the word "limited" in the name of a charitable or non-profit making company would be payable on the application for, rather than the granting of, such licence. It is the intention of the Government that the fee would be payable whether the licence is granted or not. This proposal was agreed to by the Standing Committee of Attorneys-General in Brisbane in April, 1965.

The amendment to item 39 thereof provides that the fee for lodging an annual return of a company would be increased from £2 to £3. The reason for this increase is to obtain funds for the purpose of investigation of the affairs of companies. I commend the Bill to honourable members for their consideration.

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

INHERITANCE (FAMILY PROVISION) BILL.

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

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It repeals and re-enacts the Testator's Family Maintenance Act so as to extend its scope to provide that where a person dies, with or without leaving a will, and his widow or other members of his family are left without adequate provision for their maintenance, education or advancement in life, they may claim against his estate. At present the Act applies only in the case of a person who dies leaving a will, and the extension to cover cases of intestacy will bring our law into line with that of England, New Zealand and New South Wales. The Bill also enlarges the classes of persons who may make claims. Clause 1 contains the short title and provides for

the Bill to come into operation by proclamation. Clause 2 contains transitional provisions consequential on the repeal of the Testator's Family Maintenance Act. Clause 3 contains definitions of terms used in the Bill. Clause 4 provides that an order under the Bill may apply to the estate of a person who died before the commencement of the Bill but that no such order will affect the lawful distribution of any estate before the commencement of the Bill.

Clause 5 is an important provision which enlarges the classes of persons who may claim against the estate of a deceased person. The clause will enable the following persons, previously debarred, to make a claim: (*a*) a divorced husband (divorced wives may at present claim in Queensland, South Australia and Western Australia in certain circumstances): (*b*) a step-child (provided for at present in Queensland): (*c*) a legitimated child (provided for at present in Queensland): (d) a grandchild, including an adopted child of a child and a child or adopted child of an adopted child (New Zealand has a similar provision): (*e*) a parent (where the deceased was a legitimate child): and (*f*) where the deceased was illegitimate, his mother and a person adjudged by an affiliation order to be his father.

Clause 6 prescribes the jurisdiction and powers of the Supreme Court in relation to a claim under the Bill, and is drafted generally on the lines of section 3 of the present Act. Jurisdiction under the Act is founded on the existence of assets in this State, and clause 6 (1) confers an additional ground of jurisdiction if the deceased died domiciled in this State. Subclause (5) confers powers to refuse to make an order or to adjourn the proceedings if it appears that proceedings in another State or country would be more appropriate. Subclause (6) makes a general provision enabling the court to order both periodic payments and lump sum payments. This cannot be done under the present Act.

Clause 7 increases the time for making an application from six months to 12 months from the date on which probate or letters of administration of the estate of the deceased person are granted, and gives the court power to extend this period. In other respects, this clause corresponds with section 4 of the present Act.

The remaining clauses of the Bill correspond with the provisions of the present Act. Clause 8 makes provision for the matters which the court is required to specify in an order and also confers power to vary or revoke the order. Clause 9 provides that an order will operate as a codicil to the will of the deceased or, if he left no will, as a will executed immediately before his death. Clause 10 enables the court to fix periodic or lump sum payments for certain purposes, and clause 11 enables the court to vary or discharge any order made under clause 10.

Clause 12 invalidates any mortgage or assignment of the provision made by an order. Clause 13 protects administrators from liability after distribution of the estate, and clause 14 prescribes a method of apportioning duty on the estate. Clause 15 is a machinery provision relating to certain estates administered by the Public Trustee, and clause 16 confers power to make Rules of Court.

The Bill has been suggested by and has the full support of Their Honours the Judges of the Supreme Court. It has also been seen and approved by the Legislative Committee of the Law Society.

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

PUBLIC SERVICE ACT AMENDMENT BILL.

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Public Service Act, 1936-1964. Read a first time.

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

That this Bill be now read a second time.

Its purpose is to grant benefits of continuity of service to employees of private hospitals who are engaged by the Group Laundry and Central Linen Service of the Hospitals Department so that, for the purpose of recreation leave, sick leave and long service leave, they may regard their employment as continuous with their employment at their former hospitals. The Group Laundry and Central Linen Service is being established as a matter of Government policy and will result in a number of employees of private hospitals which join the scheme becoming redundant because those hospitals will close their laundries. The Government has decided that employees engaged from approved hospitals should be entitled to benefits of continuity of service in like manner as employees who are engaged from public hospitals. Clause 3 of the Bill inserts a new section 76aa in the principal Act, which by virtue of subsection (1) thereof will apply only to employees engaged from hospitals

approved by the Chief Secretary. It is proposed that only private hospitals which receive maintenance or capital grants will be approved for this purpose. Subsection (2) provides for benefits of continuity of service for the purposes of sections 74 and 75 of the principal Act relating to recreation leave, sick leave and long service leave. This provision is modelled on section 76 of the principal Act relating to employees transferred from the Commonwealth Public Service.

Subsection (3) of the new section provides that, in determining the leave entitlements of a transferred employee, the Public Service Commissioner shall take into account the period of his former employment, the amount of leave taken in that period and any credits of leave accumulated by the employee during that period. By virtue of subsection (4), the new section will be deemed to have come into operation on November 1, 1965, as the employees to whom the Bill applies may be engaged at any time thereafter. I submit the Bill for the consideration of honourable members.

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

COUNTRY FACTORIES ACT AMENDMENT BILL.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Country Factories Act, 1945. Read a first time.

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

That this Bill be now read a second time.

Its object is to bring the provisions of the Country Factories Act into line with those of Part V of the Industrial Code as amended in 1963. While the provisions of the Industrial Code relating to industrial arbitration operate throughout the State, the provisions governing working conditions in factories (Part V) apply only in the metropolitan area; working conditions in factories in country districts (including cities such as Elizabeth, Whyalla, Port Pirie and Mount Gambier) are governed by the Country Factories Act. This Act was first introduced into Parliament in 1945. When introducing the Bill, the then Minister of Industry and Employment said:

Part V of the Industrial Code provides for the regulation of conditions in factories in the metropolitan area. The legislation lays down rules to be followed as regards the ventilation and sanitation of factories and contains a considerable number of provisions requiring moving machinery to be fenced or otherwise guarded so as to minimize the danger of accidents to employees. The purpose of this Bill is to make similar provision for country factories and to secure that, in general, the same conditions will apply in factory areas in the country as apply in the metropolitan area.

At that time there were 272 factories in the nine country districts to which the Act was applied and in those factories approximately 6,500 persons were employed. Now there are 980 factories in country districts to which the Country Factories Act applies, in which a total of almost 22,000 persons are employed. The many amendments that were made to the Industrial Code in 1963 followed lengthy conferences that had taken place between the Secretary for Labour and Industry and representatives of the South Australian Chamber of Manufactures, the Employers Federation of South Australia and the United Trades and Labour Council of South Australia.

After the Industrial Code Amendment Bill had been introduced into Parliament in 1963, the Secretary for Labour and Industry discussed with the secretaries of the three organizations I have just mentioned the desirability of making similar amendments to the Country Factories Act. Again it was agreed that the existing provisions in the Country Factories Act should be brought into line with the Industrial Code. Early in 1964 the secretaries of the South Australian Chamber of Manufactures, the Employers Federation of South Australia and the United Trades and Labour Council of South Australia advised that the present Bill, as now drafted, was satisfactory to them. With one exception, to which I will refer later, the Bill simply brings the statutory requirements concerning matters now dealt with by the Country Factories Act into line with the corresponding provisions of the Industrial Code as amended in 1963, and which apply in all factories in the metropolitan area.

The Government considers that there is a number of provisions in this Act, and in Part V of the Industrial Code relating to working conditions in factories, which should be amended, and that additional matters should be included in this Act in order to give greater legislative protection to employees. It has been decided, however, not to introduce such legislation during this session but to introduce the present Bill as an interim measure. The aim of the Bill is simply to give effect to an agreement made nearly two years ago between the two major organizations of employers in this State and the United Trades and Labour Council of South Australia so that the present unsatisfactory position of having different laws applying in country factories from those which

have applied in metropolitan factories since January 1, 1964, may be remedied.

Broadly, the definition of a factory is a place where one or more persons are employed in the making, altering, repairing, ornamenting, finishing or adapting for sale of any article. The Act does not apply to any place where the owner is the only person engaged; there must be someone employed by the owner or occupier before it is a factory within the meaning of the Act. Clause 2 of the Bill provides that it shall commence on a date to be proclaimed and clause 4 makes alterations to five definitions, four of them being identical with the new definitions adopted last year in the Industrial Code.

The fifth alteration concerns the exclusion of agricultural premises from the definition of a factory and this is the one exception to which I have referred. The present definition expressly excludes any premises occupied by a farmer, pastoralist, viticulturist, dairy farmer, horticulturist, poultry farmer or apiarist if they are used solely for the purpose of the occupier as a farmer, etc. This means that if any work is carried on on a farm which is not for the purpose of the occupier as a farmer and which would otherwise come within the definition of a factory, the farm must be regarded as a factory. Thus, if a person were employed using a power-operated saw-bench for the purpose of cutting firewood for sale, even for a short time, the farm would be a factory within the meaning of the Act.

The amendment made by clause 4 (*c*) of the Bill alters the definition by removing the word "solely" in the exclusion provisions and substituting the word "principally", and is designed to give effect to the original intention. Clause 5 is consequential upon an amendment made in clause 6 of the Bill. The latter clause amends the provisions relating to the registration of a factory. Instead of the present requirement that a factory occupier must register within 21 days after occupying a factory, the application for registration will, by clause 5 (7) be required before he goes into occupation. Before registration, the factory will be inspected and a provisional permit will be issued to a new factory pending registration.

The registration of factories will be renewed annually [subsection (2)], but separate registrations will not be required for factories and shops carried on in the same building, if the shop is registered for the purposes of the Early Closing Act. These amendments are identical with those made to the Industrial Code in 1963. Clauses 7 and 8 of the Bill make consequential amendments. Clauses 9, 10, 11, 12 and 15 are amendments of terminology, corresponding to those made to comparable sections of the Industrial Code.

The effect of clauses 13 and 14 is to repeal the existing requirements concerning the reporting of accidents and to provide new requirements for the keeping of records of accidents for factory occupiers and the sending of notices concerning them, bringing them into line not only with the provisions of the amended Industrial Code but also with those of the Scaffolding Inspection Act. The amendments will remove much of the confusion that has existed in the past because of different provisions under different Acts relating to the same subject matter.

Clauses 16 and 17, which respectively require factory occupiers to keep appliances for the prevention and extinction of fire and to provide sufficient and suitable sanitary conveniences, amend sections 22 and 25 of the Act along lines similar to the amendments made to the Industrial Code. The amended sections will empower the making of regulations in respect of these matters of detail that can more appropriately be prescribed by regulation.

Clauses 18, 19 and 20 make alterations in respect of the powers of inspectors at present contained in sections 26, 30 and 31 and insert a new section so that the powers of inspectors, not only to make inspections but also to issue notices when defects are found, will be identical to those under the amended Industrial Code. Clause 21 provides for an alteration in the penalties in a number of sections to bring them into line with penalties in respect of similar matters under the Industrial Code.

I emphasize that, in accordance with a promise made in the policy speech of the Premier, the Government is giving consideration to various matters associated with safety in industry, including the desirability of making other amendments to the Country Factories Act, including additional provisions. These amendments will not be presented to Parliament in this session, and some of them may not be as straightforward as those contained in this Bill, which contains nothing of a controversial nature. As I have stated earlier, the Bill brings the provisions of the Country Factories Act into line with similar laws passed by this Parliament in 1963 in respect of factories in the metropolitan area; and it has been agreed to by the major employer and union organizations in the State.

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

ROAD TRAFFIC ACT AMENDMENT BILL.

In Committee.

(Continued from October 26. Page 2326.)

Clause 3—"Interpretation."

The Hon. Sir ARTHUR RYMILL: Yesterday I suggested that paragraphs (*a*) and (*b*) were out of order and should be transposed. Will the Minister comment on this?

The Hon. S. C. BEVAN (Minister of Roads): I cannot agree with the honourable member. Paragraph (*a*) is an amendment to an existing definition in the Act, and I suggest that that should be dealt with first. Paragraph (*b*) inserts something new into the principal Act. I suggest that the clause is correct as printed.

The Hon. Sir ARTHUR RYMILL: This sounds more like an excuse than an explanation. I have never seen an amending Act where provisions have not been in the same order as the definitions in the original Act. These two paragraphs are out of order. The Minister has said that insertions to an Act are dealt with after amendments to the Act but, if that is so, there is no consistency in this Bill; otherwise, clause 7 which is new, should come at the end of the Bill. The same applies to clauses 11, 15 and probably others. I have never heard of this principle. If this clause is passed in this order it will be misleading to the public and legal practitioners, who look for things to be in order. I move:

To transpose paragraphs (*a*) and (*b*).

Amendment carried.

The Hon. C. R. STORY: I move:

In paragraph (*b*) after "place" to strike out "intended" and insert "made or formed". As the definition amends section 5, I do not think it is sufficiently clear or gives sufficient protection.

The CHAIRMAN: I think the honourable member should put his amendment in writing so that we will know what it is. Is it to insert "made or constructed"?

The Hon. C. R. STORY: I will change it from "formed" to "constructed". I do not want to be pedantic.

The CHAIRMAN: Far be it from me to suggest that the honourable member should change it.

The Hon. C. R. STORY: Your advice is always welcome, Mr. Chairman.

The Hon. S. C. BEVAN: If this definition were intended only to define "footpath" in relation to a later clause dealing with people walking on a carriageway, I would agree with the honourable member. However, we are going further than that, and there are reasons why the definition should appear. The Act has no definition of "footpath". The definition in paragraph (*b*) follows the national code. Its inclusion in the Act would facilitate the interpretation of the term as used in sections 61 and 82 (1) (c) regarding parking on footpaths.

The Hon. C. R. Story: Of what Act?

The Hon. S. C. BEVAN: The Road Traffic Act, of course. These provisions are embodied in the Act. When we come to these amendments, we shall find that they deal with the offence of parking a vehicle on a footpath; yet we have no definition of a footpath at present. If this amendment is accepted, it will not be an offence unless the footpath is made up. The definition should be left as it is. It is following the code.

The Hon. C. R. Story: Which code?

The Hon. S. C. BEVAN: I have just referred to the code. I hope the honourable member will not continue like this all the afternoon. I thought I made it clear when I said that the same definition was used under the Road Traffic Code. These other clauses come into it. If we are to have an effective Act to prevent people parking on a footpath, let us have an effective definition. This amendment should not be accepted.

The Hon. C. R. STORY: We seem to be obsessed in this State with getting codes, nationalizing and socializing. A footpath is a simple thing. As I see it, the purpose of this Act is to stop people from parking vehicles on made footpaths, thus keeping pedestrians off them. It does not matter at all if a vehicle pulls up where there is no made footpath: that will not obstruct anyone unduly. I will take guidance from the Minister on this, only in a later clause I shall have to try to get an amendment accepted. It will not interfere with what the Minister wants to do (he has still got his complete definition of "footpath") only it will facilitate a later amendment that I shall propose to clause 21, to provide that people, under that clause, shall get some protection under the law. I presume that is what the Minister wants to do. He talks about looking at things broadly and not piecemeal. I ask him to look at this broadly. If he adopts the attitude that when I ask questions I am having a shot at him, it makes it difficult for us to proceed.

The Hon. R. C. DeGARIS: I, too, should like more information on this matter now that statements have been made by the Minister. He mentioned two sections of the Act in which the word "footpath" is used. What worries me about the definition in the Bill is the word "intended". I am pleased that the Minister has drawn the attention of the Committee to the fact that in the principal Act there are other sections where the word "footpath" is used. If we look at sections 61 and 82 of the Act, we shall see that a car may be parked on the side of a road on an area that includes "every footway, lane or other place intended for the use of pedestrians". This could be an area where there was no made or formed footpath at all. Confusion arises when we use the phrase "intended for the use of pedestrians". A driver may have no idea that a piece of ground on which he parks is intended for the use of pedestrians. I support this amendment moved by Mr. Story.

The Hon. F. J. POTTER: I, too, see some merit in this amendment, because considerable difficulties arise from the use of this word "intended". One must ask: intended by whom? I am thinking of the position that a court would perhaps be in if it was making a deliberation upon a certain matter. It is easy for a court (or anybody, for that matter) to ask, "Is this footpath formed, is it made, or is it constructed as a footpath for the use of pedestrians?" This is a simple matter of fact. But, if we have to ask ourselves the question, "Is it intended?" we then say, "intended by whom?" Presumably it would be by the person who made it. The use of this word will involve us in some difficulty. There is, however, merit in using an expression more in line with the phraseology of this amendment, so that we have some specific factual things to look at. If a thing is to be made or constructed, I see no difficulty with those two words. In the absence of any better explanation from the Minister, I am disposed to support the amendment.

The Hon. Sir ARTHUR RYMILL: I had thought that the Minister would be grateful to the Hon. Mr. Story for his suggestion, but the Minister displayed no gratitude. My feelings on this provision are that this would apply to any portion of a street that might be intended for use as a footpath, whether now or at any time hereafter. There are plenty of roads, even in the suburbs, without footpaths but with places left for footpaths. I should not imagine that this provision was intended to cover that. On the contrary, I think it is much more consistent with the two sections of the principal Act that the Minister has referred to, if this were limited to made-up footpaths only, because a motorist would not know where he was if this clause went through as it is. He says to himself, "I want to leave my car at the side of this road. Is it a strip intended for a footpath or not?" Who on earth could tell whether it was or not? Otherwise, he would have to leave his car on a made-up roadway, which might be undesirable. The Minister should give more thought to this amendment. Perhaps he will change his mind and support it.

Amendment carried; clause as amended passed.

Clause 4—"Signs near schools and playgrounds."

The Hon. G. J. GILFILLAN: I am not happy about this clause. Children crossing a road other than a road adjacent to a school, but a road carrying much traffic, should have the maximum protection. I agree that the words "going to or coming from a school" can be confusing to a motorist when the road concerned is not adjacent to a school. He cannot know whether the children are about to enter or have left a school. Of course, most drivers who notice children about to cross a road slow down and proceed with caution when warned by "school" signs.

In his second reading explanation the Minister said that such crossings were covered by "children" signs. In the Road Traffic Act and the regulations there is no definition of "children" signs. Signs in relation to schools and playgrounds are defined clearly. "Children" signs are illustrated in the National Signs Code of Australia, but I understand that in South Australia the signs have no legal standing. In the regulations there are definitions dealing with two signs. They are "pedestrian crossing ahead" for a full-time or continuous pedestrian crossing, and "school crossing ahead" for a part-time pedestrian crossing installed for the protection of children going to or coming from a school. Again we have the words "going to or coming from a school". I would accept the clause if another clause was included in the Bill to give children alternative legal protection to the existing "school" signs. I know of instances where a considerable danger arises to children when going to or coming from school and having to cross a busy road not adjacent to a school. I have one case in mind. It concerns a stream of children who cross a main road near a creek and where the motorist comes to this point from behind a bank. He is unable to see the

children until he is within 10 or 20yds. of them.

Many country conditions are different from those in the city, but the Act applies over the whole State. The Minister said that there is some difficulty in getting convictions because of the wording "going to or coming from a school". I cannot see where this applies under section 21, because it deals only with signs and not the obligations of the motorist. I think we should be amending section 49 (*c*), which sets out the speed that a motorist must abide by when travelling between school signs. Unless we have an alternative provision in the Act to give complete protection to children, I will oppose the clause.

The Hon. Sir NORMAN JUDE: Is there any statutory value in the yellow sign "children" that is used in South Australia? Can prosecutions be launched in regard to that sign? If there is any statutory significance, that is all we need.

The Hon. S. C. BEVAN: The answer is "Yes". This matter has had the serious consideration of our police authorities and recommendations have come from them. In conversation with the honourable member, as late as today, I said that it was hard to get a prosecution under section 21 to "stick". Under it the police have no chance of getting a prosecution if a motorist travels at a speed as high as 40 miles an hour.

The Hon. F. J. Potter: That is only a permissive section. Section 49 is the one under which prosecutions are made.

The Hon. S. C. BEVAN: I am trying to explain the reasons for this amendment and am also referring to the information I have from the police in this State. They have to prove that a motorist is in breach of section 21 of the Act. At a later stage we regulate the speed at which a motorist must travel over the crossing (not more than 15 miles an hour for 100ft. on each side). However, the prosecutor, who is normally a police officer, has to prove that the child was going to or coming from a school.

The Hon. F. J. Potter: No, he doesn't.

The Hon. S. C. BEVAN: I suggest to the honourable member that at the first opportunity he telephone the police and ask what their difficulty is in relation to section 21 of the Road Traffic Act. He will then see whether the provision interferes with prosecutions. Quite frankly, it does. The remarks I shall quote are as follows:

The use of this phrase in the location of school signs leads to confusion. When a school is not evident from the road on which motorists are travelling it is extremely difficult to detect whether children in the vicinity are going to or coming from a school, or are merely using the road for other purposes. The situation could arise where a school could be half a mile from an area where school signs are requested for children crossing in the area. If there were no other schools in the vicinity, it would be quite difficult for motorists to realize that these children are going to the school in question, especially if the time is outside normal school time. Such crossings as described are covered by "children" signs.

They are the signs to which the Hon. Sir Norman Jude refers. The amendment is necessary because the police cannot prove an offence unless they watch the child concerned to see whether he or she is going to or coming from a school. Of course, by the time they have done that, the motorist would have reached his home. If these words are removed, the section will have a different effect. The other suggestion, which deals with the erection of signs, will provide the safety which all honourable members desire.

The Hon. G. J. Gilfillan: What is the obligation on the motorists in regard to the "children" sign?

The Hon. S. C. BEVAN: The same as prescribed in the Act.

The Hon. Sir NORMAN JUDE: The Minister has said that the erection of a "children" sign will enable a prosecution to "stick", as he has put it. If the Minister included in section 21 (2) of the principal Act the word "children" that section would then cover the whole matter and it would not be necessary for special provision to be made in clause 4 of the Bill. It seems to me that honourable members want the "children" signs to have legal significance, and if my suggestion is adopted it will not matter whether the children are going to a school or not.

The Hon. R. C. DeGARIS: As usual, I am completely confused about this particular matter. In his second reading explanation the Minister said:

Clause 4 amends section 21 of the principal Act. The use of the passage in this section "or a portion of a road used by children going to or coming from a school" in the location of school signs leads to confusion, and is deleted.

I point out that section 21 deals with traffic control devices and I cannot see that any penalty can be inflicted under that section. The Minister went on to say:

When the presence of a school is not evident from the road on which motorists are travelling, it is extremely difficult to detect whether children in the vicinity are going to or coming from a school, or are merely using the road for other

purposes. The situation could arise where a school could be a half a mile from an area where school signs were requested for children crossing in the area.

In every case the Minister has referred particularly to school signs. He went on:

If there were no other schools in the vicinity, it would be difficult for motorists to realize that these children were actually going to the school in question, especially if the time were out of school times.

I agree with the Hon. Mr. Gilfillan and the Hon. Mr. Potter that the clause in the Bill does not do what the Minister is trying to do. If any alteration is necessary, section 49 of the principal Act will have to be amended also. Does the Minister agree with my views on the matter?

The Hon. G. J. GILFILLAN: I thank the Minister for his reply to my question but I ask him to examine also section 49 (*c*), which I think is the section that should concern him on the matter of the prosecution of motorists. The words used in section 21, "going to or coming from a school", could be difficult of interpretation. I shall not agree with the deletion of the words "or a portion of a road used by children", because the omission of the words proposed to be struck out by clause 4 will not leave satisfactory protection. I cannot find authority for the statement that the word "children" gives protection. The words "school" and "playground" are defined in section 49 and an obligation is placed on a motorist to keep within a certain speed limit and to exercise due care.

The Hon. R. C. DeGARIS: I should like to know whether the Minister has considered Sir Norman Jude's contention that the inclusion of the word "children" in section 21 (2) may make the position clear.

The Hon. R. A. GEDDES: I agree that it is necessary to have signs to protect children crossing roads and that children should be trained, irrespective of where their school is situated, to use recognized places to cross roads. This applies not only to the city, where there is a great density of traffic, but to the country where, despite the speed limit through towns, many itinerant motorists travel fast.

The Hon. G. J. Gilfillan: There is no warning that the children are there.

The Hon. R. A. GEDDES: That is so. A "school" sign is recognized by the average motorist, who has been trained through the press and in other ways to slow down. However, no honourable member can find what speed is allowed past "children" signs. Unless we have a definition of these signs we are not legislating for the benefit of children taught to cross roads between recognized signs. For safety to be maintained, we should know the speed limit past "children" signs.

The Hon. Sir NORMAN JUDE: I think we should have more light on this subject. Under section 176 (1) the Governor may make regulations prescribing penalties not exceeding £25 for breaches of any regulations. I believe that the "children" sign is covered under the regulations, but we cannot get a bound copy of them. To assist the Minister, I suggest that he report progress and have this clause recommitted.

The Hon. Sir ARTHUR RYMILL: I think it is clear enough from his second reading explanation that the Minister wants to delete these words, which will mean that no longer will signs be allowed to be erected in this position. I do not understand, however, this statement of the Minister in the second reading speech:

Such crossings as described are covered by "children" signs.

He was there referring to the type of crossing deleted by this clause. I should like to know where and how they are legislatively covered by "children" signs. The Hon. Mr. Gilfillan has searched for references to those signs but has been unable to find them, and we have not been referred to any place in the Act or regulations where they are mentioned. The Minister cannot be expected to know all about this legislation, so I suggest that the clause be passed on the understanding that the Bill will be recommitted. This will enable an explanation to be given later.

The Hon. F. J. POTTER: Since the Minister's reply to my interjection I have been in touch with Superintendent Brebner, formerly the Chief Prosecuting Officer responsible for enforcing this legislation, and he confirms what the Minister has been saying—that it is difficult to prove whether or not children are proceeding to or from a school or playground. These words appear in section 49 of the principal Act, and it is under this section that the police prosecute; they do not prosecute under section 21, which merely allows the Commissioner of Highways to erect signs. The police would like these words excised from section 49 (*c*). Strangely enough, Superintendent Brebner said the police would like to see the words remain in section 21. Therefore, I think it is obvious that the Minister is attempting to amend the wrong section if what he wants to achieve is to assist prosecutions.

The Hon. M. B. DAWKINS: I support the contention of the Hon. Mr. Gilfillan in seeking

the retention of these words. As the Hon. Mr. Geddes has said, motorists have become used to "school" signs and if they do not take notice of them they are caught eventually. I would be sorry to see these words deleted. The Minister appears to be amending the wrong section, so it may be advisable for him either to report progress or to recommit the Bill.

The Hon. Sir ARTHUR RYMILL: If the Minister is reluctant to reply, I wish to indicate that I will support this clause, which can be recommitted later. If he does not reply, it will not worry me. We have pointed out what we think are the effects of the clause. If the Government does not care to take advantage of that, assuming we are right, there will have to be an amending Bill next session.

The Hon. S. C. BEVAN: I have been acting on the information given to me. Because of this controversy I ask that this clause be considered later or that it be recommitted; I am easy about it. I should not like to see it defeated now. Therefore, I move:

That the consideration of this clause be deferred until after clause 33.

Motion carried; consideration of clause 4 deferred.

Clauses 5 and 6 passed.

Clause 7—"Board's approval necessary before a carriageway is declared to be a one-way carriageway."

The Hon. S. C. BEVAN: I move:

After new section 31a (2) to insert the following new subsections:

(3) Where the board refuses to consent to a one-way carriageway being declared a one-way carriageway the board shall if requested by the council which sought the consent state its reasons for its decision.

(4) The said council may within twenty-eight days after receipt of the board's reasons apply to the board to review its decision. Upon such a request the board—

(*a*) shall give the council an opportunity of submitting information and arguments; and

(*b*) may obtain further relevant information; and

(*c*) shall reconsider its previous decision; and

(*d*) shall report to the Minister who may affirm or reverse that decision.

(5) Before affirming or reversing a decision of the board under this section, the Minister shall give the board and the council an opportunity of making representations to him thereon.

Some dangerous situations have occurred because of the declaration of one-way carriageways. I appreciated the remarks of honourable members on this clause during second reading and so had this amendment drafted. It provides an appeal to the Minister who, in turn, is answerable to Parliament in these matters. Sir Arthur said he considered there should be an appeal. The Government agreed and, taking into consideration the remarks made by honourable members, prepared this amendment, which follows the form used in the Act for appeals.

The Hon. Sir ARTHUR RYMILL: I thank the Minister for that explanation and also for moving this amendment which, as he said, I did say was necessary. The stand I took in this place when the Road Traffic Board was first appointed was that I did not agree that any board having absolute powers and being responsible to no-one (a non-elected board) should be able to make decisions of this nature without there being any right of appeal. I said then that I would be reasonably happy if there was a right of appeal to the Minister in charge. There is a right of appeal already from other decisions of the board, but that right was limited to the then authorities of the board and did not include a new thing like this; it was restricted to certain named activities of the board. Therefore, it became necessary, if that principle was to be continued in this amending Bill, for such an amendment as this to be moved. In a spirit of sweet reasonableness, the Minister has agreed to do it.

The Hon. Sir NORMAN JUDE: I have no hesitation in supporting this amendment.

Amendment carried; clause as amended passed.

Clause 8—"Speed zones."

The Hon. S. C. BEVAN: I move:

After new section 32 (3) to insert the following new subsections:

(3a) Where the board has fixed a speed limit for any zone under this section any person who is aggrieved by the decision of the board may request the board to give reasons for its decision in fixing such a speed limit in that zone and the board shall comply with any such request.

(3b) The said person may within twenty-eight days after receipt of the board's reasons apply to the board to vary or remove the speed limit in that zone. Upon such a request the board—

(*a*) shall give the person an opportunity of submitting information and arguments; and

(*b*) may obtain further relevant information; and

(*c*) shall reconsider its previous decision; and

(*d*) shall report to the Minister who may affirm vary or reverse that decision.

(3c) Before affirming varying or reversing a decision of the board under this section the

Minister shall give the board and such person an opportunity of making representations to him thereon.

Again, the Government has taken into consideration comments made by honourable members on this clause, that it was too far-reaching because it gave the board too much power and that there should be right of appeal. In the circumstances, I have had this amendment drafted. It is similar to the previous one that has just been accepted by the Committee.

The Hon. Sir NORMAN JUDE: I support the amendment. It has been suggested by some of my colleagues that it would be better to have the matter dealt with by regulation. Frequently speed regulations are of a temporary nature. If regulations were promulgated in December possibly some time would elapse before they were considered by Parliament. Having the matter dealt with in the Act is a much better way.

The Hon. C. R. STORY: When regulations are approved they take effect immediately and if Parliament is not sitting at the time there is a delay before the regulations can be dealt with. If we accept the amendment there will be no need to have regulations because the board will have power to deal with the matter. There is no indication that the board shall have the power for only a certain period. To whom can an appeal be made? If the appeal to the Minister is not upheld, the regulations become more or less permanent. For how long will the board have the power?

The Hon. S. C. BEVAN: The provision has been requested by the board, and it would be possible for the board to alter the position at any time, but when regulations are promulgated they generally remain on the table of the Council for some time before being dealt with by Parliament. In the meantime, an emergency could arise. For some time I was a member of the Subordinate Legislation Committee and I know how regulations are dealt with. According to the board, problems do arise, and that is the reason for the request for power to fix speed limits. In my second reading explanation I said:

Clause 8 amends section 32 of the principal Act. It is considered that, as speed zoning is a continuing project and as it may be desirable to alter limits from time to time, the board should exercise control by the erection of signs rather than by regulation. Instances have arisen where speed zones are justified only during certain periods of the year—*e.g.*, at caravan parks—but at present it is not possible to impose a temporary speed zone. Temporary speed zones are also necessary from time to time in country areas where road or bridge works are in progress. In Victoria the Traffic Commission has the power to fix speed zones without making a regulation, whilst in New South Wales the Minister has similar power. In those States the zones are indicated by appropriate signs.

I thought it would be sufficient if there were an appeal to the Minister. Members considered that the board was getting too much power, and that is the reason for the amendment. There is no suggestion of taking power from Parliament. I have always opposed the making of proclamations, because when regulations are promulgated Parliament has an opportunity to consider them. Surely honourable members have confidence in a Minister, whoever he is, that he will determine appeals in a satisfactory manner, especially as he is answerable to Parliament. He would not do something merely because someone requested it, but would seriously consider all aspects before making a decision. The time factor is the board's difficulty, and that is the reason for the amendment. I consider that the amendment on the file will remove any objection to the clause.

The Hon. Sir LYELL McEWIN: I have too much respect for the Minister to do him a bad turn, but if I desired to do so I would give him his way with this clause. We have been hearing that Ministers are overworked and legislation providing for another Minister was placed before us today. In spite of that, we are increasing the powers of a Minister under this Bill and I think the Minister will be sorry if he has to handle matters on which he becomes the judge. We have also been told that the Government is opposed to conferring power on statutory boards, yet this Bill gives power to such an authority. The Minister will deal with the matter only if an objection is taken to him.

I well remember the former Opposition in this Chamber saying that the Executive had too much power and that control by Parliament was needed. Under this Bill, the Executive will not have the control; the Minister will have it, and we will be getting closer to totalitarianism. At present, the board can make regulations regarding speed zones and Parliament is able to examine these regulations. That is as it should be. As has been suggested by the Hon. Sir Norman Jude, if these zones are required only temporarily, such as during the school holidays or on the road to Oakbank at Easter time, I have no objection. However, I agree with the present provision under which zones are gazetted and people are not placed in the position of one

morning missing a sign which on the previous night did not exist. Surely something can be drafted to meet what Sir Norman and the Minister desire and which would provide for temporary occasions, leaving the present section undisturbed.

The Hon. G. J. GILFILLAN: The Minister's amendment is an attempt to improve an undesirable clause and I do not reflect on him personally, because I consider that he would administer the Act as fairly as he could. However, the present Road Traffic Act provides that any alteration regarding a speed zone has to be made by regulation. The board is not delayed unduly by this requirement, because it may gazette a regulation and immediately place a sign on a road or take one away, as the case may be. Then, the regulation is considered by the Subordinate Legislation Committee and that committee, when dealing with any regulation that has some detail in it, accordingly informs people likely to be interested so that they may be given the opportunity to protest or give evidence for or against the regulation.

This year the committee was considering a regulation relating to speed zones and a member, who represented the district concerned, picked out a pertinent point. The Road Traffic Board was invited to give evidence before the committee and it immediately agreed to amend the regulation, which then went through smoothly and did not interfere with the placement of speed zone signs. I cannot see why it would be difficult to gazette a regulation applying temporary speed zones. If such a speed zone were required past the entrance to a caravan park from, say, November 1 to April 1, there would be no objection to gazetting a regulation in that form.

A sign restricting speed to 15 miles an hour is displayed while roadworks are being carried out, and when the necessity for the speed zone no longer exists the sign is removed, and that arrangement meets the situation admirably. I agree with other honourable members that it is desirable to see that, wherever possible, these matters go through the recognized democratic channel so that everyone is given an opportunity to appeal.

The Hon. R. C. DeGARIS: I support the views of the Hon. Sir Lyell McEwin and the Hon. Mr. Gilfillan. There is no doubt that clause 8, as orginally drafted, removed powers from Parliament. We have heard a lot about this matter during the time I have been in the Council. As a result of suggestions from honourable members the Minister has included an amendment that makes a slight improvement, but the clause still removes some of the powers of Parliament regarding the regulation of speed limits. As the amendment improves the position, I will vote in favour of it, but I will oppose the clause even if it is amended.

The Hon. Sir NORMAN JUDE: Recently the Subordinate Legislation Committee considered a speed limit which had been in operation for about six months in relation to the road bridge at Murray Bridge and to which people from all over the State had been objecting. When the committee suggested that this speed limit be changed, the board immediately agreed to do so. If there had been a right of appeal somebody (probably the Royal Automobile Association) probably would have appealed in February and presumably the board would have given the same decision as it gave later. For that reason, I think the amendment is reasonable.

The Hon. M. B. DAWKINS: The clause as drafted took away powers from Parliament, and even if the amendment is carried some power will be taken away. The board can make a temporary decision. However, it can also make this temporary position into a permanent decision. I would not object if it were only temporary, but I object to the clause as drafted. I will support the amendment because it is slightly better than the clause as drafted. However, I will subsequently oppose the clause.

The Hon. S. C. BEVAN: I wish to move:

That further consideration of this clause be deferred until after consideration of clause 33.

The CHAIRMAN: I think the Minister will have to withdraw his amendment so that the clause can be deferred.

The Hon. S. C. BEVAN: Very well, Sir. I ask leave for the amendment to be withdrawn.

Leave granted; amendment withdrawn.

The Hon. S. C. BEVAN moved:

That further consideration of this clause be deferred until after consideration of clause 33.

Motion carried; consideration of clause 8 deferred.

Clause 9—"Exemption of Fire, Ambulance and Police vehicles."

The Hon. R. A. GEDDES: I think the powers given to the Emergency Fire Services by this clause are too generous. If it is passed, any motor vehicle used by the Fire Brigades Board or by a fire fighting organization registered under the Act will be exempt from the following provisions—speed limits, speeding at stop signs or traffic lights, giving right of way, driving or standing on any side or part of a road, passing other vehicles on any

specified side thereof, the mode of making right turns, stopping in case of accidents, boarding or leaving a vehicle in motion, and carrying persons on the bonnet or roof. The emphasis is on any vehicle of a fire fighting organization registered under the terms of the Bush Fires Act. The clause could mean that any vehicle owned by a fireman, so long as it had fire fighting equipment on it, could be driven in a manner dangerous to the public. Admittedly, speed is essential to get to a fire, but it is necessary to have safety as well. If an accident occurred and negligence or exceeding the speed limit could be proved, the fire brigade could be charged despite the concessions.

The Bush Fires Act clearly states that an unregistered motor vehicle can be driven to a fire and back again, and this vehicle does not have to be insured. Having that type of vehicle on the road and having all these exemptions would be extremely foolhardy. Nearly every community has a truck fitted out as a fire truck that can be recognized as such by the public. I suggest that power be given not to every vehicle used by fire fighting organizations but to vehicles owned by such organizations. Section 31 of the Motor Vehicles Act provides:

> The Registrar shall register without fee—
> (*a*) any motor vehicle owned by the Fire Brigades Board or a voluntary fire brigade or voluntary fire fighting organization registered under any Act;
> (*b*) any motor vehicle owned by a municipal or district council and used solely for the purpose of fire fighting;

If my suggestion is followed, it will mean that the exemptions that the Minister has said are necessary will be provided in relation to trucks owned by fire fighting organizations. Under the Bush Fires Act, the crews of registered fire trucks are insured by the councils; so there will be another safeguard in respect of safety.

To sum it up: first, it will apply to a vehicle that can be recognized as a fire truck. Secondly, it is registered by the Registrar of Motor Vehicles as a fire truck, and he gives it free registration. Thirdly, the crew operating such a fire truck is trained to handle it in all its aspects. The driver knows its capabilities, and the truck and its equipment are one unit. This means that such a truck would then be able to go to a fire, operating under certain exemptions. Such a truck going to a fire may be driven by or be in charge of a fire control officer, and the vehicle may be driven at any speed reasonable in the circumstances. I do not argue that people should not get to fires as quickly as possible, but everyone should not go there at the same speed and in the same direction. Therefore, I move:

To strike out "or by a fire fighting organization registered under the Bush Fires Act, 1960," and insert "or any motor vehicle registered by the Registrar of Motor Vehicles under paragraphs (*a*) or (*b*) of section 31 of the Motor Vehicles Act, 1959-1964".

The Hon. S. C. BEVAN: I cannot accept this amendment. How many emergency fire fighting services have sufficient vehicles to fight a fire—not just an ordinary house fire but a bush fire, which can easily get out of control? Especially in country areas, how many such vehicles are registered with the department for the purposes of fire fighting?

The Hon. Sir Norman Jude: Not 1 per cent.

The Hon. S. C. BEVAN: The purpose of this clause is to enable the E.F.S. to get its fire fighting appliances to a fire as quickly as possible. I remember Black Sunday and what happened on that day. All E.F.S. vehicles were used then, and calls were going out over the radio for volunteers, especially in the hills districts, to help in fighting the huge fires. Hurricane-force winds were blowing and everything in the path of that fire was swept away. Many vehicles hastened to the scene to give aid. There was no exemption on that occasion, but I do not remember one accident being reported on that day, although many people were getting into their cars and rushing to the scene of the fire. This amendment does not do what the honourable member suggests it would. This clause does not refer to farm vehicles. The principle is contained in paragraph (*a*) of section 40 (1) of the principal Act, which states:

> Any motor vehicle used by The Fire Brigades Board or by a fire brigade registered under the Fire Brigades Act, 1936-1958, while it is being driven to any place in answer to a call for the services of a fire brigade or is in use at a fire;

That does not leave it wide open. Then follow exemptions in respect of ambulances, speed limits, stop signs, traffic lights, giving right of way, etc., to enable the equipment to get to the fire as soon as possible to try to control it. If the clause is restricted to those vehicles that the honourable member suggests it should be restricted to, we may as well not have any fire fighting vehicles at all. One vehicle may be registered; others involved may not be owned by the E.F.S. but are used for fire fighting, as the position is today. Although we have sirens fitted to fire appliances and

motorists have to pull in as close to the kerb as possible when they hear a siren, how many accidents or collisions occur on those occasions? I thought when the honourable member raised this point that it was fair psychology that accidents could happen because people would not be bound by speed limits. This will not cause any accidents. If accidents do not occur in the metropolitan area when the fire fighting services are called upon, they will not occur in the country in similar circumstances. How often do we see an ambulance or fire fighting truck involved in an accident? I do not agree that if this clause is carried there will be more accidents. I agree that bush fires should be brought under control as soon as possible. Our aim should be to prevent loss of life and property, and the board is concerned with that. This clause should be carried, but the amendment should be rejected.

The Hon. Sir LYELL McEWIN: I listened very carefully to the Minister's explanation, but we should get more information from him. If I understood him correctly, the provision applies only to the vehicles of fire fighting organizations. If it goes further than that, the explanation by the Minister was not clear. If all motorists on a roadway say they are going to a fire we shall have them ignoring stop signs, not keeping to the left side of the road and so on, with the result that delays will occur in getting to the fire. I think the Minister meant that the provision covered only vehicles belonging to emergency fire fighting organizations. Surely that is what the amendment sets out to do.

The Hon. Sir NORMAN JUDE: I was staggered when the honourable member argued as he did. The vehicles mentioned by him are owned by members of country fire fighting organizations. Not 1 per cent of them would be registered on the no-payment basis, for during the year they would be carting wheat or other goods. I can speak with some knowledge on this matter. The Minister said that some accidents may occur, but speed is the essence of the contract and it is necessary to get to a fire as quickly as possible. A saving of five minutes means a lot. Most country people know when there is a fire in their vicinity and fire fighting units would be allowed to get to the fire as quickly as possible. I hope country members will not go back to their areas and say that they have opposed this proposal.

The Hon. R. A. GEDDES: Regulations under the Act indicate the need for a further provision so that motorists will know that a unit is on its way to a fire. The regulation uses the expression "in conjunction with a visual warning signal". There has been a request for private motorists to have flashing lights on the hood of vehicles so that people will know that the vehicles are going to a fire, but so far the Police Commissioner has resisted giving permission for these lights to be installed on privately-owned vehicles. The Minister said that so far no accidents had been associated with vehicles going to a fire. That is true, because the average farmer going to a fire has not had an exemption and has had to observe the rules of the road. We all know the story of the tortoise and the hare. Let us remember it. There is a common-sense way of driving a heavily laden water truck, which is a difficult vehicle to drive at any time. The Minister referred to sirens making fire fighting vehicles easily recognizable, but it is not obligatory for sirens to be used. No regulations set out what a vehicle must carry when going to a fire. In considering this matter it would be better to move slowly at this stage. If the amendment to the clause is carried, fire fighting units will still be able to go to a fire at the best possible speed within the realms of safety and go over crossings and ignore stop signs.

The Hon. H. K. KEMP: After discussing this matter with my fire fighting colleagues in the Adelaide Hills I appeal on their behalf for no alteration to be made to the clause. Members from other country districts have no conception whatsoever of the difficulties there are in the Adelaide Hill in fighting fires.

The Hon. G. J. Gilfillan: There have been some big fires in the Flinders Ranges where the Geddes live. Houses have been destroyed.

The Hon. H. K. KEMP: Yes, but the danger there is not so great as it is in the Adelaide Hills. Honourable members should remember how many houses were destroyed on Black Sunday? The clause will enable fire fighting units to do legally what they have been doing illegally for many years. Everybody in our district knows immediately when there is a fire, because four sirens are started and make far more noise than is made by an ambulance vehicle. The people know that any fast vehicle is travelling to the fire. I consider that this amendment will render more difficult the task of those concerned in fighting fires.

The Hon. L. R. HART: I cannot follow the reasoning of some honourable members on this amendment. I am prepared to support the clause as it is set out in the Bill. Section 40 of the Road Traffic Act will then read (leaving out unnecessary words):

The following vehicles shall be exempt within the meaning of this section: any vehicle used . . . by a fire fighting organization registered under the Bush Fires Act, 1960.

I do not think that such a provision will permit any person to jump into any vehicle anl proceed to a fire at a reckless speed. The vehicle must be one used by the fire fighting organization. Section 87 of the Bush Fires Act says:

On the outbreak of a fire—

not before a fire happens—

to which the preceding section applies—

and the preceding section deals with the powers of fire control officers and the police—

a vehicle driven by or in charge of a fire control officer may be driven at any speed which is reasonable in the circumstances for the purpose of transporting persons to places where they intend to perform fire fighting duties.

In terms of the Road Traffic Act, the motor vehicle must be used by a fire fighting organization. As I understand the Act, the vehicle cannot be any vehicle used by any person. In the circumstances, I support the clause as submitted in the Bill.

The Hon. R. A. GEDDES: I shall show where the differences of opinion lie. The Act says:

. . . any motor vehicle used by a fire fighting organization registered under the Bush Fires Act, 1960.

There is no registration of vehicles within the bush fire organization, nor is there provision for the registration or naming of a farmer's truck within the bush fire organization in the district in which he lives. So, as Sir Lyell McEwin has said, any vehicle can be exempted if it proceeds through a "stop" sign. The Hon. Mr. Hart says that he does not think "any motor vehicle used by" means "any motor vehicle". I think it does.

The Committee divided on the amendment:

Ayes (8).—The Hons. Jessie Cooper, R. C. DeGaris, R. A. Geddes (teller), G. J. Gilfillan, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter, and Sir Arthur Rymill.

Noes (10).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), M. B. Dawkins, L. R. Hart, Sir Norman Jude, H. K. Kemp, A. F. Kneebone, C. D. Rowe, A. J. Shard, and C. R. Story.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 10—"Duty to stop and report in case of accident."

The Hon. Sir ARTHUR RYMILL: I move:

In new paragraph (*b*) of section 43 (3) to strike out "is reasonably necessary and practicable" and insert "he can".

During the second reading debate I said I was afraid that people obliged to render, in the words of this clause, such assistance as was reasonably necessary and practicable would be liable to rush in and do things that could well be injurious or even fatal to the person injured. Since then I have received a communication from the Royal Automobile Association, which has drawn to my attention the fact that the national code provision is as this clause will read if my amendment is accepted. The association has asked why the draftsman has found it necessary to reject the national code provision in favour of a wording that is involved and so easily misunderstood. It points out that Victoria and New South Wales have already adopted the provision in the national code.

I ask honourable members to examine the clause as it stands and as it will be if my amendment is carried. How many people involved in an accident know what is reasonably necessary and practicable? I would not know; I have been taught that all the layman can do is staunch the flow of blood, if he knows where the pressure points are, or affix a ligature or a bandage, but apart from that the best thing to do is leave the person there, keep him warm and protect him from other traffic. However, if I am obliged to render such assistance as I can—the wording of the amendment—I would do what I could to the best of my knowledge. Although I am not one of those people who is rigorously attached to national codes or to uniformity for the sake of uniformity, it seems to me that, as this legislation is directed to laymen, the wording of the code is simpler, easier to understand and much more sensible.

The Hon. C. D. ROWE: I support the amendment. Fortunately, I have not been involved in many accidents, but some years ago I was called to the scene of an accident in which a man had been knocked over and was lying on the road. Soon two medical students arrived and one said, "He has been seriously injured. The best thing to do is lift his leg in the air." There was much blood around, or so we thought, but subsequently we found that it was rusty radiator water. Subsequently the other medical student said, "Do not do that." These people with some knowledge did not know exactly what to do, so I think it is

going too far to make it obligatory on a person to do something that he is not competent to do.

The Hon. S. C. BEVAN: I am aware of the wording used in the national code. To enable me to consider this matter, I ask that progress be reported.

Progress reported; Committee to sit again.

EDUCATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 26. Page 2328.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this very brief Bill, which covers a most important matter. It is a Bill to enable the Government to enter into an agreement with the University of Adelaide to permit the new Professor of Education to be appointed at Bedford Park University to be also the Principal of the new Bedford Park Teachers Training College. This is largely by way of an experiment, but it is an experiment that is certainly in line with the recommendations made by educationists. Not long ago we had the Martin report, in which reference was made to the fact that teachers training colleges in the various States should have to some extent complete autonomy and be in control of their own curricula, the recruiting of students and the accreditation testing of students for the teaching profession.

Although that particular provision aroused a certain amount of controversy that has not yet been resolved, this is nevertheless a step, albeit a limited step, in this direction so that we shall have the opportunity for the first time to have a Professor of Education who will have a large measure of control (although he is to be assisted by an advisory board) over the running of this teachers training college and who will be able to lay down a curriculum for the students in the college that will be right up to date according to modern thinking on education practices. The Bill seems to me to provide adequately for this. I understand that an agreement has been reached between the University Council and the Education Department to give effect to this. Questions of superannuation and salary have been determined, although it is not absolutely clear to me precisely what salary the person chosen is to receive. The Government is to pay half of it. I presume that, as Professor of Education, he will receive the salary appropriate to his professorship, and it is half of this salary that the Government is prepared to meet. The only question that arises is how long this arrangement is to last. The agreement provides that it shall be for a period of five years. I think that is adequate and proper. Anything less than five years is probably insufficient to enable the experiment to be thoroughly tested. There is a provision in the agreement enabling the department to terminate it, anyway, within that period if, for some reason or other, it is deemed necessary so to do.

It is an exciting experiment for this State, which is already forging well ahead with its education standards. The figures quoted yesterday by the Hon. Mrs. Cooper when she spoke on this Bill are exciting for us and show just how well the education of our children is being looked after in South Australia. The greatest credit for this must be given to the previous Government, which, over many years, gave such high priority to the education needs of our children. The figures and results cited by the Hon. Mrs. Cooper speak for themselves. I support the Bill.

The Hon. H. K. KEMP (Southern): I have little to say on this Bill. It is essentially simple and undoubtedly the culmination of many years' work between the university and the Education Department—and a very successful culmination it is likely to prove, too. I have read carefully the report of the debate in another place, where various points of doubt and criticism were raised. I am quite sure that, as a result of consultation between those people who have been responsible for this proposal, every important point has been covered in these provisions. I see no reason why we should delay this measure in any way.

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

ABORIGINAL AND HISTORIC RELICS PRESERVATION BILL.

Returned from the House of Assembly with the following amendments:

No. 1. Page 7, line 9 (clause 22)—Before "the" insert "the Minister".

No. 2. Page 8, line 6 (clause 26)—Strike out "cave drawings or carvings" and insert in lieu thereof "cave paintings or rock engravings or stone structures or arranged stones or carved trees".

No. 3. Page 8, lines 19 and 20 (clause 28)—Strike out "rock carvings, drawings or tree carvings" and insert in lieu thereof "cave paintings or rock engravings or stone structures or arranged stones or carved trees".

Consideration in Committee.

The Hon. H. K. KEMP: This Bill has been returned to us from another place with three amendments, which I should like to deal with forthwith. The first amendment is in clause

22 (2) (*b*) to insert "the Minister" before "the occupier". This amendment is self-explanatory and straightforward. I move:

That amendment No. 1 from the House of Assembly be agreed to.

The CHAIRMAN: Have honourable members copies of these amendments?

The Hon. C. R. STORY: We have only just received them and have had no time to consider them.

Progress reported; Committee to sit again.

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 26. Page 2329.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): This Bill relates to the most important of our Parliamentary committees, whose duty it is to inquire into all projects involving the expenditure of over £100,000. It is Parliament's most permanent committee and its members are remunerated accordingly because of the important investigations that they are obliged to carry out in order that Parliament may have the benefit of information relevant to how the money is to be spent. It is a committee that we used to hear a great deal about when the late Hon. F. J. Condon was Leader of the Opposition in this Chamber. He always took great pride in stressing the importance of the work carried out by the committee and how much it has saved the taxpayers of the community. I agree with that statement, because we know that when the expenditure of large sums is involved the proper time to look at it is before that money is spent and not afterwards.

The Government in submitting propositions or projects to the committee always furnishes reports from officers of the departments concerned. Those officers are competent people; let me not be misunderstood on that, as we are fortunate in the officers of the respective Government departments. However, even amongst experts there are sometimes differences of opinion and we have benefited from the investigations that have been made by the Public Works Committee. It may be relevant to trace the origin of the committee. In 1927 the Treasurer of the day, who introduced the original Bill, included the following comments in his remarks:

The cost of public works in South Australia is very high in comparison with the cost of those in other States. The cost of supplying water to primary producers, sewerage, school buildings, and other utilities is exorbitantly high. The advantage to be gained by the appointment of the Public Works Committee is so apparent that it will have the support of every member. The power to borrow for various public works has been vested for some time in the Loan Council. If we have a Public Works Committee to inquire into all works before the money is spent that fact will not only considerably improve our status on the Loan Council, but also stabilize our borrowing in the money market in Great Britain. Investors generally fear, in some respects rightly, that South Australia has spent more money on works which are works of convenience than on developmental works. Though we have been spending about £6,000,000 annually our production has been small, and we cannot cavil at investors if they object to investing at the rate of interest returned by South Australian stocks unless we can prove that the money has been well and economically spent for the betterment of the country. Records of the past do not show that that has always been done. We say that in future all public works shall be inquired into before they are submitted to this House. It will really be an investigation committee. It will place the facts before members which will enable them to say whether the money should be expended or not.

I think they are important comments that give the purpose and background of the appointment of the committee. There can be no doubt about the relevancy of those words today.

We are now asked to exempt from investigation by the committee all works costing under £150,000, whereas at the time of the formation of the original committee it was the small amount of £30,000. Of course, there has been some difference in the value of money since that time, and in 1955 the amount was raised from £30,000 to £100,000.

The Hon. A. J. Shard: I thought it went from £30,000 to £50,000 first?

The Hon. Sir LYELL McEWIN: I do not think so. It jumped to £100,000 in 1955, and the Government accepted the principle that it was important that all large projects should be investigated, but there were so many projects of a minor nature and so little that could be done for £30,000 that it was agreed to increase the amount to £100,000. The fact remains that with the figure of £100,000 the committee has been in no difficulty in carrying out its inquiries and no delays have been caused in carrying out public works. I am mentioning these things because, when introducing the Bill, no reasons were given in the Minister's speech from which I could draw any conclusions. The only reasons he gave were in three or four lines of his speech when he stated that adopting the figure of £150,000 would save much of the committee's time,

would be more in accordance with the limit fixed in 1955 and would enable the Public Buildings Department to proceed with some work, particularly on a number of primary schools, without inquiry. That was the only mention made by the Minister of why we should be asked to raise the figure to £150,000, but they were not valid reasons. At the present time the Public Works Committee has only a light list of works awaiting investigation compared with past years. I think that there are only three or four matters before it now, and I think one, at least, has been concluded, or is about to be concluded, while another is not likely to be concluded for some time; nor do I think the Government wants it concluded or is ready for it to go ahead. So it is not a question of the committee's not being able to do the job.

A study of the committee's work over the last seven years does not reveal any suggestion that there would be any congestion of its work at the moment. In 1959, the report of the committee showed that 34 projects were referred to it; reports submitted totalled 54 and 22 of them were for amounts of under £150,000. In 1960 there were 46 projects referred, the reports submitted being 71, of which 25 were under £150,000. The number of reports being in excess of the number of submissions would be due to the fact that more than one reference would be contained in some of the projects referred to the committee.

In 1961 40 projects were referred to the committee, the reports submitted being 73, of which 28 were under £150,000. That is one-third of the total. In 1962, 28 projects were referred to the committee, and 49 reports were submitted. Each of 14 projects was for less than £150,000. In 1963, 27 projects were referred and 41 reports were submitted. Nine of the projects were for amounts less than £150,000 each. In 1964, 32 projects were referred, 38 reports were submitted and 16 of the projects were each estimated to cost less than £150,000. The number of projects referred in 1965 was 31, 51 reports were submitted and the estimated cost of each of 12 projects was less than £150,000. So, the estimated cost of many projects, particularly schools, is less than £150,000. By the time six projects are completed the total cost could be more than £1,000,000, and in that way there could be savings on the smaller projects as well as on those costing more money.

Regarding delays, we find that in 1964 six school projects were reported on in one preliminary report. The reference was made on July 9 and on August 11 the first report was submitted. The final report was submitted later but the preliminary report enabled the Treasurer to deal with the proposals in the Loan Estimates. We see that no delay was caused by the Public Works Committee. The whole duty of the committee is to report on public works and, as I have said, the committee was appointed so that Parliament would be informed on various projects on which decisions have to be given so that the Loan Estimates may be passed.

I am justified in saying that the work of the committee has saved the State many millions of pounds over the years. In one case not long ago, a project that was to have cost £16,000,000 was recommended for half the cost after it had been investigated by the committee. I think it is just as easy for smaller projects to get out of hand as it is for the larger ones. There is the danger that costs may rise because of the absence of proper investigation and inquiry. That is far more likely to occur in the case of smaller projects, because there is always thorough investigation and inquiry by experts into the larger ones.

Looking at this information and in the absence of any definite reason from the Government, I am at a loss to understand why this Bill has been brought down. It seems contrary to the opinions expressed by Government members when they were in Opposition. They regularly pronounced their views regarding the right of Parliament to know what was going on and opposed rule by the Executive. The more inquiries we take from the Public Works Committee, the more power we are putting in the hands of the Executive, and Parliament is not able to deal with the matters then. I think the time to save money is before we spend it; it is too late afterwards. For those reasons, and in the absence of any adequate explanations from the Minister, I intend to oppose the Bill.

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

ADJOURNMENT.

The Hon. A. J. SHARD (Chief Secretary): I move:

That the Council at its rising adjourn until Tuesday, November 2.

Judging by the amount of time that has been taken up on a certain Bill, I desire to intimate and give a warning that, depending on the progress made, it may be necessary to sit on one night next week.

Motion carried.

At 6.2 p.m. the Council adjourned until Tuesday, November 2, at 2.15 p.m.