LEGISLATIVE COUNCIL

Wednesday, March 1, 1967.

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

QUESTIONS

HIGHWAYS DEPARTMENT BUILDING.

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

Leave granted.

The Hon. M. B. DAWKINS: I am sure that everyone has been interested in the recent information that the new Highways and Local Government Department building at Walkerville is to be completed by the construction of an extension that I believe will complete an "H" pattern. I believe also that this was forecast when the original part of the building was erected. Can the Minister of Roads indicate the estimated cost of the project, whether it will be financed from the Highways Fund or in another manner and when it is expected that the building will be constructed and completed?

The Hon. S. C. BEVAN: The new wing is expected to cost about $2,390,000. Although the completion date can only be speculated upon at the moment, it is expected that the building will be completed and ready for occupancy in 1970 but, of course, things can happen in the meantime that may delay this. The construction will be financed from the Highways Fund and not from Loan moneys or Treasury funds.

The Hon. Sir NORMAN JUDE: I ask leave to make a statement prior to asking a question of the Minister of Roads.

Leave granted.

The Hon. Sir NORMAN JUDE: The Minister, in his reply to the question asked by my colleague the Hon. Mr. Dawkins, suggested hearsay, but honourable members noted that the Minister had a prepared reply to the question. Has this project been referred to the Public Works Committee?

The Hon. S. C. BEVAN: The answer is "No".

The Hon. Sir NORMAN JUDE: Can the Chief Secretary, representing the Government in this Council, say whether it will be Government policy from now on not to refer to the Public Works Committee many projects estimated to cost more than $200,000?

The Hon. A. J. SHARD: The Government has decided no policy on that matter. My understanding is that projects that it is necessary to refer to the Public Works Committee for report will be referred to that committee.

GLADSTONE-WILMINGTON LINE.

The Hon. R. A. GEDDES: Can the Minister of Transport say when the gauge of the Gladstone-Wilmington railway line will be altered to conform to the standard gauge of the new Broken Hill to Port Pirie railway line?

The Hon. A. F. KNEEBONE: This matter will be decided in conference with the Commonwealth Government; I cannot give any information at present.

STRATA TITLES.

The Hon. JESSIE COOPER: I ask leave to make a brief statement prior to directing a question to the Chief Secretary.

Leave granted.

The Hon. JESSIE COOPER: My question concerns strata titles to real property. Since a Bill on this matter was first promised (it was mentioned in paragraph 24 in the Governor's Speech last year) many units have been constructed. I have asked questions on two occasions and have been told that the Bill was being prepared. Can the Chief Secretary give me a more definite answer, because thousands of people are involved and are greatly concerned?

The Hon. A. J. SHARD: I cannot give a more definite answer. I know that great difficulty is being experienced in drafting a Bill to deal with strata titles. I understand (and I will check on this) that the Bill will not be ready during the finishing portion of this session. This matter has been discussed in Cabinet and the Attorney-General stated that it is not an easy Bill to draft and that many difficulties are being encountered. I hope to give a more definite answer next week.

SNOWTOWN POLICE STATION.

The Hon. Sir LYELL McEWIN: I ask leave to make a brief statement prior to asking the Chief Secretary a question.

Leave granted.

The Hon. Sir LYELL McEWIN: During the recent Parliamentary adjournment a request was made to the Chief Secretary regarding the possible termination of the stationing of a resident police officer at Snowtown. I understand that there is no official suggestion that such a termination will take place. I believe that the previous accommodation for the police officer was condemned. Can the Chief Secretary

say whether an amount will be placed on the Loan Estimates this year in order to provide a new police station building at Snowtown? I should have said that other accommodation found for the officer was considered to be unsuitable.

The Hon. A. J. SHARD: The question of suitable accommodation for the police officer at Snowtown has been causing concern to the Police Commissioner and myself. I assure the honourable member that the Police Commissioner believes that it is necessary to have a full-time officer at Snowtown. Sir Lyell said that the other accommodation was not suitable, and that is unfortunate. I have received, through another member for the district, a letter from the district council in which the council asks a similar question to the one asked by Sir Lyell. The work will be carried out in priority order, according to what money is available to the Public Buildings Department and to the Police Commissioner. I think it is at the top of the priority list. However, I should like to check this with the Police Commissioner. Immediately I get his report as to the priority allotted to the building of the police station, I shall be happy to let the honourable member know. At my request, and the request of a deputation that met me, the Police Commissioner sent an inspector and another police officer to Snowtown to inspect the town and the surrounding area. According to my information, which went to the district council, these officers agreed that nothing could be done at that time but that the position would be reviewed at the end of February. I shall also refer that matter to the Police Commissioner and let the honourable member have a reply.

BEETALOO RESERVOIR.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question of the Minister of Labour and Industry, representing the Minister of Works.

Leave granted.

The Hon. R. A. GEDDES: I have heard rumours in the North that the Engineering and Water Supply Department at Crystal Brook is considering allowing stock to graze on the Beetaloo reservoir catchment area. If it is considered necessary to allow grazing on this country, will the department consider calling public tenders for these grazing rights?

The Hon. A. F. KNEEBONE: I shall be pleased to convey the question to my colleague and bring back a reply as soon as possible.

LOCAL GOVERNMENT COMMITTEE.

The Hon. R. C. DeGARIS: My question relates to the Local Government Act Revision Committee. Will the Minister of Local Government assure the Council that the work of this committee will not be restricted because of lack of funds?

The Hon. S. C. BEVAN: I am not in a position to assure honourable members that the work of this committee will or will not be curtailed because of lack of funds. It is not a matter for me to determine but one for the Government to determine, having regard to the availability of funds in the next financial year.

PERSONAL EXPLANATION: PLANNING AND DEVELOPMENT BILL.

The Hon. C. M. HILL (Central No. 2): I ask leave to make a personal explanation.

Leave granted.

The Hon. C. M. HILL: On November 9, 1966, in speaking in the second reading debate on the Planning and Development Bill, I mentioned professional planners, and said:

I believe that these people have formed an association called the Town and Country Planning Association.

I have now been informed that I was wrong in this belief and that the association was, in fact, formed in the main by men who were not professional planners but were vitally interested in the subject of town planning and the ways in which it could help the community. If I have hurt or discouraged the founders of that association in any way as a result of my statement, I apologize to them for my error.

HEALTH ACT AMENDMENT BILL.

The Hon. A. J. SHARD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Health Act, 1935-1966. Read a first time.

POLICE OFFENCES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from February 28. Page 3252.)

The Hon. R. C. DeGARIS (Southern): This Bill does not come as much of a surprise to most honourable members of this Council, because not long after the Government was elected press statements were made that this legislation would be introduced. We have waited almost two years for this, it having been referred to in press statements in March, 1965. Of course, some of us were thinking that the Government might not have the same

general feelings about this legislation that it had when it was first elected to office, in line with the press statements made in March, 1965. An interesting point is that the Government has at this stage decided to proceed with this legislation whilst at the same time in other States of Australia we are witnessing a rise in organized gang attacks and hooliganism. We see the other States of the Commonwealth looking with longing eyes at our legislation to control this sort of behaviour.

Particularly because of what is happening in the other States, instead of weakening the powers of our Police Force to handle such situations we should be strengthening its powers.

The Hon. Sir Norman Jude: Hear, hear!

The Hon. R. C. DeGARIS: This seems to be a reasonable assumption, judging by events occurring in other States. It is interesting that, whilst this legislation was proposed in 1965, we have had to wait two years to see it eventuate—and then eventuate at a time when any thinking person would expect a strengthening rather than a weakening of the powers of the police in this regard. The Hon. Sir Lyell McEwin quoted portions of the second reading debate of 1904, when similar powers were enacted in the Police Act of that time. I do not intend to quote again what was quoted by Sir Lyell but I recommend honourable members to look closely at this matter and follow through the history of this power. The provision ultimately found its way into the Lottery and Gaming Act, and there it is at this stage. It is interesting to note that it was first introduced into the Police Act in 1904. I am certain that one could weave an interesting historic story about the first introduction of this power into the Police Act and the fact that it ultimately found its way into the Lottery and Gaming Act.

I do not intend to speak at length on this matter but there are two outstanding points that need to be emphasized. The first I have already referred to—the rise in the incidence of hooliganism, the serious trouble arising from gangs of people in the streets and the injuries that have been inflicted, as a result of this, on perfectly innocent people. I do not think a day goes by without the newspapers publishing an instance of this kind, and I could recount incident after incident. Secondly (and I consider this is probably the most important point), as one moves around South Australia and as I move around my district (which I do as frequently as possible) no public support can be found for the removal or weakening of the power held by the police at present.

Last weekend I happened to be in a town where over 700 young girls were assembling to take part in a marching girls' zone championship. Their ages ranged from eight years to 15 or 16, and the girls commenced arriving in this town at 10 p.m. and the last of them arrived at 2 a.m. the following morning. The organizers of the championships were responsible for meeting the buses and ensuring that the girls were taken to their billets in the town. That was a mammoth task and one that involved the organizers in great responsibility to ensure that the girls were properly cared for and treated in a manner expected by their parents.

However, about eight youths appeared on the scene and they were there for a purpose which probably they themselves knew best, and they began creating a considerable nuisance. The police were called, but the only power they had was to move these youths on. The youths refused to move on and were arrested. After their arrest they were found to have bicycle chains and other implements that this type of hooligan often carries.

As far as I can discover, the only power the police have to handle such a situation is that contained in the Lottery and Gaming Act, and I would not like to see that power weakened. I suggest that any interested person should speak to the people conducting the marching girls' competition; that is, those responsible for the care and control of the 700 girls visiting the town. In speaking on this question those officials emphasized that the police must retain the strong powers at present held by police in South Australia in order to control the type of activity that occurred.

Several amendments are on the file and from what I have just said it can be seen that I strongly support Sir Lyell McEwin's amendments. Their intention is to retain the present power in the Lottery and Gaming Act and to write into the Police Offences Act something stronger than that now appearing in the Bill in clause 3 (2), which reads:

Where three or more persons are loitering in company in a public place in such circumstances or in such a manner as to lead a member of the police force reasonably to apprehend that an offence has been committed or may be committed, or that a breach of the peace may occur, . . .

That is the crux of the matter: before the police can take any action (if the clause in its present form is passed) they will have to be

reasonably sure that an offence has been committed or may be committed. I think this so weakens the power of the police in such circumstances that I cannot support the subclause. Therefore, I give my support wholeheartedly to the Hon. Sir Lyell McEwin's amendments.

The Hon. R. A. GEDDES (Northern): I believe that Socialism is designed to subject the people under its spell to complete control—that under Socialism the individual's initiative is stifled and the wish and the will of the ordinary person is ordered. Some misguided people believe that under Socialism one can have a planned and orderly existence from the cradle to the grave.

The tone of so much of the legislation we have had since 1965 has leaned towards the socialistic belief of more control by the Government and less freedom and initiative for the individual—control of transport, succession duties, and of those who can or cannot claim inheritance, and at the moment we have the terrific powers under the Town Planning Bill. I believe the paradox of these beliefs is that under the amendments to the Police Offences Act that we are considering in this Bill we have the contradiction of the control of the individual, as this measure gives the wrongdoer greater freedom. The Bill provides:

Where three or more persons are loitering in company in a public place in such circumstances or in such a manner as to lead a member of the Police Force reasonably to apprehend that an offence has been or may be committed . . .

For over 60 years members of the public have been controlled, as far as loitering is concerned, by section 63 of the Lottery and Gaming Act, which provides that no person standing in any street shall refuse or neglect to move on when requested by a police constable to do so. The contradiction to me is that the State wants full control of the individual, yet when it has complete control as far as loitering is concerned it wants the only authority for the police to keep law and order to be a provision that will make it an offence only if three or more persons are loitering in company.

Let us consider the position of a member of the Police Force who has arrested a person considered guilty of loitering as defined in this Bill. The policeman will tell the court that three or four men were present when he made the arrest and that he believed that the group might have been going to commit an offence. However, as he was by himself, he was unable to bring more than one person to court, the rest of the group having moved away. Under skilful cross-examination by a lawyer for the defendant, how can the policeman prove to the court that there were three or four men present when he was the only person there to prove his case?

We do not want laws that will subject the Police Force to ridicule, and we do not want the police to shirk their responsibilities and not make arrests, when arrests should be made, for fear that they will not be able to prove their cases in court. In November of last year there was a headline item in the *Whyalla News* about hooliganism in the city of Whyalla, and Inspector Breuer made the following statement to the press:

Police officers in Whyalla are being rostered on special shifts in a move to cut down a rise in hooliganism. They are concentrating on people loitering, using bad language and cruising city streets in cars for no apparent reason. Unfortunately, in many areas youths are finding it difficult to fill in their time, and this problem results. The Lottery and Gaming Act is specific in providing that a person must be on his two feet before he can be considered to be loitering. Under the proposed amendments contained in this Bill there is a similar meaning. However, has the Government considered how the police can control people who loiter in motor cars—teenagers who roam the streets, park their cars and make nuisances of themselves in public places? Possibly the Act as it stands and the amendments proposed by this Bill do not go far enough to enable the police to apprehend the youth who loiters in a motor vehicle. I believe that it must be within the powers of the police to move on one, two or more people if they consider loitering is taking place. I therefore oppose the Bill as it stands and support the amendment foreshadowed by the Hon. Sir Lyell McEwin.

The Hon. F. J. POTTER (Central No. 2): Had it not been that amendments to this Bill were foreshadowed by the Leader of the Opposition, I would have opposed the Bill as presented to this Chamber but, as these amendments have been foreshadowed, and as all of them meet with my approval, I intend to support the second reading purely to enable the Council to consider this Bill in more detail in Committee. It seems to me that if one looks at the original drafting of the measure one sees that there has been some remarkable change in attitude, or rather in argument, about this particular provision, because I remember that on many occasions in the past when this matter was raised it was always argued by people now espousing a change in the wording of this Act that this provision was not necessary in the

Lottery and Gaming Act because adequate provision already existed in section 18 of the Police Offences Act. That section provides that any person who lies or loiters in any public place and who, upon request by a member of the Police Force, does not give a satisfactory reason for so lying or loitering shall be guilty of an offence.

It was always put up that we did not need the provision in the Lottery and Gaming Act and that we did not need it to be used in connection with the Police Offences Act because adequate provision already existed in that Act, yet we have had presented to us in this Bill a remarkable new version of the provision, to be inserted in the Police Offences Act. One wonders why there has now been an abandonment of the old argument that there is plenty of power in section 18 of the Police Offences Act. The truth of the matter is that for one reason or another section 18 has virtually become a dead letter. To my knowledge it is never used in the courts and no charges arising out of loitering have ever been laid under it: they have always been laid under the provisions of the Lottery and Gaming Act.

I admit that there is a certain incongruity in the fact that a person charged with what is technically a police offence unrelated in any way to gaming is charged in a court of summary jurisdiction with a breach of the Lottery and Gaming Act. I think the proof of the effectiveness of this provision, which has been in the Lottery and Gaming Act for so long, is the way it has been used to deal with people who are loitering in public places for the ostensible reason that they will make nuisances of themselves in one way or other. I support the statement by the Hon. Mr. DeGaris; I am not aware of any complaint from the general public that the police have exercised their somewhat arbitrary powers under this section oppressively or unfairly. The only people who complain about the section are the people who are arrested and appear before the courts charged with a breach of the section. There is no doubt that they make vocal complaints and that they make them in public, too—in the press and elsewhere sometimes.

If one looks at this from an academic viewpoint and considers the philosophy of the provision, maybe in that kind of debate one would say, "Well, this provision ought to be cut down; it ought to be hedged around with some sort of protection for the ordinary citizen." However, we are not living in a perfect society: if we were doing so, perhaps there would be strength in that argument. As other honourable members have said, we are at present living in rather disturbed times; a section of the community, not always the teenage section, delights in trying to buck authority in one way or another. As long as we have to contend with that problem the police need the section. The proof of the pudding is in the eating, and the section has proved to be effective for that purpose.

True, the section is not now used very much in connection with the Lottery and Gaming Act. It may well be that this section could soon be removed from the Lottery and Gaming Act if it were placed in the proper Statute, the Police Offences Act, but I believe that we ought to keep it in both Statutes for the present because T.A.B. will commence operation in this city within a few weeks, and there may be aspects of T.A.B. operations that can cause trouble. It may be that there will be a revival of a need for this section in the Lottery and Gaming Act for gaming offences. This may not be so but we ought to keep it in the Lottery and Gaming Act at least for a short time to see whether it is necessary to retain it. In any case, it seems that its presence in that Statute does no harm. Therefore, I support the second reading purely to give an opportunity to the Council to consider the amendments that will be moved in Committee.

The Hon. A. J. SHARD (Chief Secretary): It appears that the test will be whether the provision should be deleted from the Lottery and Gaming Act or whether, as I understand the Leader of the Opposition's amendment, it should be put in the Police Offences Act, and so have it in both Acts. The Government's purpose is to delete it from the Lottery and Gaming Act and put it, in weaker terms, in the Police Offences Act. I believe that that is the kernel of it. I cannot add anything to what I said in my second reading explanation. My personal view is that it can be properly given effect to in the Police Offences Act; it is not necessary that it be in both the Lottery and Gaming Act and the Police Offences Act. I have always said (I said it back in 1964 when this matter was under discussion here) that the proper place for the provision is the Police Offences Act. Even a case of loitering connected with the Lottery and Gaming Act could be just as effectively dealt with under the Police Offences Act.

The Hon. Sir Lyell McEwin: Does not the same objection arise?

The Hon. A. J. SHARD: They would be charged with loitering: that is the kernel. The

main complaint has been that people have been charged with loitering under the Lottery and Gaming Act whereas the nature of the charge was more relevant to the Police Offences Act. I am only a layman, but if a person was loitering could he not be charged under the Police Offences Act, irrespective of why he was charged?

The Hon. F. J. Potter: It is undoubtedly an instance of justice not appearing to be done.

The Hon. A. J. SHARD: That is the essence of it, Sir. I thank members for their attention to the Bill. I hope it will pass the second reading stage. Then the test will come in Committee.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I ask that consideration of clause 1 be deferred until after consideration of clause 5. The long title may be affected by amendments that I propose to move.

The Hon. C. D. ROWE: I understand that Sir Lyell proposes to move to amend the long title. I thought the usual procedure was to deal with the title after dealing with the remainder of the Bill, for obvious reasons. Therefore, I think we could deal with the various amendments and not delay the work of the Committee at this stage.

Consideration of clause 1 deferred.

Clause 2—"Incorporation."

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

To strike out clause 2.

In clauses 2 and 3 reference is made to a principal Act. The Bill amends two Acts. Clause 2 is unnecessary and should be deleted, while my proposed amendment to clause 3 makes it clear that the new subsection relating to loitering is to be inserted in the Police Offences Act. Clause 3 refers to section 18.

The Hon. Sir LYELL McEWIN: I am not happy about this amendment. I cannot get a clear explanation. For many years every Bill dealt with by this Parliament has referred to the amending measure being incorporated with the principal Act. I thought the amendment might be associated with the way the Bill was drawn and the fact that there was more than one principal Act. That position could be altered by amendments that will be moved. The amendments will make the legislation far better, inasmuch as only the Police Offences Act will be amended. The Lottery and Gaming Act will be left out of consideration altogether.

We must be given good reason before we depart from language that has been incorporated in our Statutes for many years. Clause 20 of the Acts Interpretation Act contains certain provisos about Acts, but legislation has remained with the incorporation clause for many years. We have been including the verbiage of clause 2 and, unless there is good reason for it, I am not one who supports the dropping of something that has been considered necessary for so long. If other drafting will take care of the position, I should like an assurance on that. I should like to examine the matter further. I would prefer that the Chief Secretary withdraw his amendment or that the Committee defeat it rather than wipe out something that has been part of our legislation for a long time. In the past, draftsmen have not wasted words or included unnecessary clauses in our Bills. I should like an explanation before I decide whether to support the deletion of clause 2.

The Hon. A. J. SHARD: I am the last to try to force through a Bill that did something wrongly and had to be amended later. In 1965 an Act to amend the Industries Development Act, 1941-1958; to amend the Land Settlement Act, 1944-1959, as amended; and for other purposes was passed. The short title of that measure was the Statutes Amendment (Industries Development and Land Settlement Committees) Act, 1965. Section 1 provided:

(2) The Industries Development Act, 1941-1958, as amended by this Act, may be cited as the "Industries Development Act, 1941-1965".

(3) The Land Settlement Act, 1944-1959, as amended from time to time, is in this Act referred to as the "Land Settlement Act".

(4) The Land Settlement Act, as amended by this Act, may be cited as the "Land Settlement Act, 1944-1965".

I am told that clause 2 should be deleted from the Bill, because two Acts are being amended. However, I do not want to insist and, if the Committee is agreeable, I will ask that progress be reported so that the matter can be examined further. Whatever our views on the merits may be, we all want to do what is right. We do not want to do something that will prevent the legislation from working.

The Hon. F. J. POTTER: There is a simple explanation. I think that the Chief Secretary is right as far as he is concerned and that the Leader is right as far as he is concerned, because they want different things. The Chief Secretary wants the Bill to refer to two Acts and he says that clause 2 is not necessary. However, the Leader wants the Bill to refer to only one Act. Therefore, he believes that clause 2 is necessary. Members in

favour of Sir Lyell McEwin's proposed amendments will vote for the retention of clause 2. If they support the Chief Secretary they will vote for the deletion of clause 2.

The Hon. C. D. ROWE: All honourable members are not capable of producing the exact thing at the exact time and I think it may be wise to go along with the Chief Secretary on this and allow whoever is responsible for the drafting of the Bill to examine the matter again. The Bill amends two Acts, the Police Offences Act and the Lottery and Gaming Act, so there are two principal Acts. Clause 2 says that this Act is incorporated with the principal Act and that this Act and that Act shall be read as one Act. That is ambiguous, because there are actually two Acts.

The Hon. F. J. Potter: The Leader wants to amend one Act, not two.

The Hon. C. D. ROWE: The Bill says "Section 18 shall be amended", but it does not say which principal Act is to be amended. We should all be happy if the debate were adjourned so that we could have another look at the matter.

The Hon. Sir LYELL McEWIN: I have nothing in conflict with what anyone has said. I have already stated that this Bill deals with two Acts. If my amendment is carried the Bill will refer to only one Act; but, if that happens, I am not sure whether we require different language elsewhere.

The Hon. A. J. Shard: I think the Hon. Mr. Potter may be right.

The Hon. Sir LYELL McEWIN: Will it automatically become the principal Act when we amend the Police Offences Act? I think it is just as well to know where we are going, even if the matter is adjourned on motion.

Progress reported; Committee to sit again.

Later:

In Committee.

Clause 2—"Incorporation".

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

That consideration of clause 2 be deferred until after consideration of clause 1, consideration of which has been deferred until after consideration of clause 5.

Motion carried.

Clause 3—"Lying or loitering in a public place."

The Hon. Sir. LYELL McEWIN: I move:

To strike out new subsection (2).

Clause 3 is really the test clause of the amendments that I have on file. The Bill, as drafted, has been discussed at some length in the debate on the second reading. The amendment makes provision in relation to three or more persons. The amendment that I propose is in line with what has been provided in the Lottery and Gaming Act, which refers to one person, not to three.

The Hon. A. J. SHARD: We have already dealt with this amendment in the debate on the second reading and it has been discussed this afternoon. The acid test is the amendment moved by Sir Lyell. The Government took the view that one person was something that could not be policed and that some police officers might become a little officious. However, the test is whether the police should have the right to order on one person alone or whether there should be at least three persons in a group. There is a difference of opinion amongst members. I do not want to take the matter any further.

The Committee divided on the amendment:

Ayes (15).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin (teller), F. J. Potter, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

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

Majority of 11 for the Ayes.

Amendment thus carried.

The Hon. Sir LYELL McEWIN: I now move to insert the following new subsection:

(2) No person standing in any street shall refuse or neglect to move on when requested by a member of the police force so to do, or shall loiter (whether such loitering shall cause or tend to cause any obstruction to traffic or not) in any street or public place after a request having been made to him by any member of the police force not to so loiter.

Penalty: Fifty dollars, or imprisonment for three months.

Honourable members will notice that this amendment differs from that appearing on the files, the reason being that I want to bring it into line with the Bill as printed. When this amendment was drafted perhaps I read it carelessly. The penalty shown in the amendment on the files is $40 or imprisonment for two months. That was taken from the Lottery and Gaming Act, as it was a long time ago. We have amended many figures and penalties in recent legislation. I support what the Government had in its original draft—$50 or imprisonment for three months. Loitering has become persistent in recent years and if there is any case for adjusting the amount of financial penalty

as a deterrent now is the time to do it. I ask leave to amend my original amendment accordingly.

The Hon. F. J. POTTER: I support the amendment but raise another point of drafting. This provision is being inserted as subsection (2) of section 18 of the principal Act, the previous provision of the Act being designated as subsection (1). That is good, but the penalty of $50 or imprisonment for three months is already in the Act. I see no need to repeat it. If we are going to designate the existing words as subsection (1), this new subsection becomes subsection (2). The penalty will then follow the penalty already printed in the Act. This is a point that has been overlooked by the Parliamentary Draftsman: the penalty need not be repeated when it is already there.

The Hon. Sir LYELL McEWIN: As the honourable member says, this is a new subsection. Where do you get the penalty from?

The Hon. F. J. Potter: It is there already.

The Hon. Sir LYELL McEWIN: But it is completely new in the Police Offences Act. We have taken it out of the Lottery and Gaming Act and put it in the Police Offences Act.

The Hon. F. J. POTTER: I agree that we are putting it in the Police Offences Act as part of a section already there. This will become subsection (2) of an existing section that already contains the penalty. Section 18 of the principal Act reads:

Any person who lies or loiters in any public place and who, upon request by a member of the Police Force, does not give a satisfactory reason for so lying or loitering shall be guilty of an offence.

That will become subsection (1), and we are putting in after it subsection (2). Then at the bottom will appear the words:

Penalty: Twenty-five pounds or imprisonment for three months.

That penalty will apply to both subsections. I am merely raising a matter of drafting.

The Hon. Sir LYELL McEWIN: I thank the Hon. Mr. Potter, who has the Statute in front of him. I was merely speaking from the draft given to me by the Parliamentary Draftsman and adjusting the figures he provided. Obviously, if the provision is there the position is covered.

The Hon. A. J. Shard: Just delete the penalty provision from your amendment.

The Hon. Sir LYELL McEWIN: Yes; perhaps the words are extraneous.

The Hon. A. F. Kneebone: It is covered by clause 5.

The Hon. Sir LYELL McEWIN: Yes. I therefore ask leave to delete those words and to move the remaining words.

Leave granted.

The Hon. C. R. STORY: It seems to me that we were in this predicament earlier this session, and as a result it was necessary to have several Acts re-amended. It appears at the moment that it is a discussion between a legal practitioner and a layman, and that discussion is still taking place with the legal fraternity on this matter. I am not convinced that we have yet sorted things out. I was in the same predicament earlier when, although I was convinced by the Draftsman that all was in order, some doubt still existed. I want to be sure on this matter before I vote on it. Even if it were necessary for several draftsmen to get together on the matter, I think it would be better to wait than to take a step like this at this stage.

The Hon. F. J. POTTER: I have now had an opportunity to discuss the matter with the Assistant Parliamentary Draftsman, who had not really had an opportunity to look at the Act before. I think I may have perhaps given what is called in America a "bum steer". I still think what I said was correct, but on the other hand we could be in difficulty if the penalty already appearing in section 18 did not govern both subsections, and we want it to do that. Therefore, with a need for an abundance of caution, I urge the Hon. Sir Lyell McEwin to proceed with his amendment as originally drafted.

The CHAIRMAN: Does the Hon. Sir Lyell McEwin desire leave to withdraw his previous request for withdrawal?

The Hon. Sir LYELL McEWIN: Yes, Mr. Chairman. I was not anxious to put in words that were superfluous, but there now seems to be unanimity that the amendment as I originally moved it was correct. Now it appears that I have to ask leave of the Committee to withdraw my withdrawal and submit the original amendment. Therefore, I ask leave to have the amendment restored to its original state.

Leave granted.

Amendment carried; clause as amended passed.

Clause 4—"Repeal of Lottery and Gaming Act, s.63."

The Hon. Sir LYELL McEWIN: I move:

That this clause be deleted.

Section 63 of the Lottery and Gaming Act contains the provision that we have just included in the Police Offences Bill. If this

clause remained, that section would be deleted from the Lottery and Gaming Act. As I pointed out in speaking to the second reading, this section originated with the creation of the totalizator, I think in 1907, when it was considered necessary to have power to deal with illicit bookmaking. We are told that the T.A.B. system, which is to come into operation at the end of this month, is designed to stamp out bookmaking; in other words, it is hoped that it will do what it was hoped the totalizator would do 60 years ago, so if the provision was necessary then with the smaller population at that time it must be more necessary today. I move for the deletion of this clause so that section 63 can remain in the Lottery and Gaming Act. I agree with what the Minister said today regarding putting these powers in the Act where they apply. The Premier said that T.A.B. will stamp out illegal betting. Therefore, let us leave the power with the police in order that they can do what is expected of them.

Amendment carried; clause negatived.

Clause 5—"Amendment relating to decimal currency."

The Hon. Sir LYELL McEWIN: I have an amendment to this clause. It is more or less consequential upon the carrying of other amendments. I move:

After "The" to strike out "Police Offences Act, 1953-1961, as amended by the Statute Law Revision Act, 1965," and insert in lieu thereof "principal Act".

Amendment carried; clause as amended passed.

Clause 1—"Short titles."

The Hon. Sir LYELL McEWIN moved to strike out subclause (3) and insert the following new subclause (3):

"The Police Offences Act, 1953-1961, as amended by the Statute Law Revision Act, 1965, be hereinafter referred to as the principal Act."

Amendment carried; clause as amended passed.

Title.

The Hon. Sir LYELL McEWIN: I move:

To strike out "to amend the Lottery and Gaming Act, 1936-1966".

These words are now superfluous and irrelevant to the Bill.

Amendment carried; title as amended passed.

Bill reported with amendments. Committee's report adopted.

PLANNING AND DEVELOPMENT BILL.

Adjourned debate on second reading.

(Continued from February 28. Page 3259.)

The Hon. C. R. STORY (Midland): We have heard some excellent speeches on this complex and far-reaching measure on planning and development within the State. The title of the Bill itself is formidable:

An Act relating to the planning and development of land within the State; to repeal the Town Planning Act, 1929-1963, and to enact other provisions in lieu thereof.

That is an understatement, because it certainly does enact "other provisions in lieu thereof". In the process of doing that, it brings in matters that are not in the Town Planning Act at present.

The Hon. Mr. Hill is to be congratulated upon his analytical speech on this Bill. I, for one, am sorry that he was taken to task as he was, because he analysed the position fairly, both for the Chamber and for people outside, many of whom have been vocal, although I doubt whether they have a strong grip of the meaning of the legislation before us today. We are also indebted to other honourable members who have devoted much time to trying to understand something that is a town planner's dream, something for which a town planner is trained for many years to put into operation. It is with much trepidation that members of Parliament approach a complex piece of legislation like this: we have to rely largely upon our advisers. I suppose every honourable member has received representations both for and against this legislation. I read with great interest the Town and Country Planning Association's submissions upon this matter. I was closely associated with that body in its initial stages. In fact, I was associated with the people who started it before it was an association, when it was an organization known as the Open Spaces Committee, an organization started by the Junior Chamber of Commerce movement and, I believe, as a project of the Henley and Grange Junior Chamber of Commerce. If my memory serves me aright, it did an extensive survey of the Murray Bridge project and brought much fame to itself in that way. The interest of these young people is very real. They saw the need for more open spaces for the future—a real and proper approach for anybody to take. So the association known as the Town and Country Planning Association came into being.

Most members of Parliament at that time were invited to a seminar on this subject and decided to support the organization. I do not know whether in the early stages it got very much backing from the members of Parliament, but it has grown to large proportions.

The Hon. C. M. Hill: About 300 members.

The Hon. C. R. STORY: Yes, all taking an interest in this matter. This organization can play a big part in assisting and shaping the future, but I should hate to think that it got out of control and lost reality, because the members have a responsibility to the country. We cannot spend all our money on the frills; some has to be spent on the basic things, as happens in the building of a house. It is not much good putting antique furniture into a timber-frame house, because they do not match. Whilst I have great sympathy with people who want many frills at present, we have a responsibility for seeing that a certain amount of the basic materials are used in the foundations.

I favour orderly town planning. It is an essential part of our wellbeing and the future of the State. Unless certain areas are preserved, we shall find ourselves, as many of the older countries have found themselves, indulging in nothing short of mass bulldozing to get ourselves out of our difficulties. So, by and large, I go along with orderly town planning. I realize, too, that when we have anything organized we must have some stringent rules by which to implement our plans. I have no doubt that the stringent powers in this Bill belong to a select group of people, vested, as they are, in the Director, the Authority and the Minister. Under this Bill the Minister will be the most powerful man in South Australia if he likes to put into effect its provisions. He will hold in the palm of his hand the destinies of people, both little and big, like the Hon. Mr. Bevan and myself—as different as that. He will hold industry in the palm of his hand, whether that industry be small or large. The Minister holds tremendous power under this Bill. Admittedly, it will relieve other Ministers of certain worries and obligations, but I believe the Minister of Roads would not have had the same problem with the gum trees on Montacute Road if this Act had been in operation at the time. I doubt whether we would have found another way around the problem if we had had town planning earlier.

I do not wish to reiterate previous comments by honourable members but I want to make one or two points in connection with this measure. I am particularly interested in clause 8, which deals with the State Planning Authority. When I first looked at the clause I thought it was a good one. It sets out to give the body corporate perpetual succession, a common seal and other things. Subclause (5) deals with the composition of the authority, and on reading it I thought that the various Government departments had emerged remarkably well with strong representation. Not only do they have strong representation but also perpetual representation because provision is made for a proxy in the case of an official appointee not being able to attend a meeting. The Director of Town Planning shall be the Chairman, and a person for the time being holding the office of Director and Engineer-in-Chief of the Engineering and Water Supply Department shall be a member. Another appointee will be the Commissioner of Highways, and the person holding the position of Surveyor-General and five other persons nominated by the Government shall be members. One member shall be nominated by the Minister of Housing and one by the council of the Corporation of the City of Adelaide. Another appointee shall be selected by the Governor from names submitted by the Municipal Association of South Australia and the Local Government Association of South Australia, while another is to be selected from names submitted by the Chamber of Manufactures.

The Hon. C. M. Hill: That is a joint nomination.

The Hon. C. R. STORY: That is so, from the Chamber of Manufactures and the Chamber of Commerce. In pondering the list of members, everybody seems to have been well looked after except the individual connected with private enterprise, the man in the street with a vested interest in this matter. I prepared my remarks before entering this Chamber today and I now notice that an amendment has been placed on the file by the Minister for another appointee. The Minister is smirking and sitting back, thinking perhaps that he had me on that one.

The Hon. C. M. Hill: That appointee is to be nominated by the Minister of Transport—in other words, a nominee of that Minister.

The Hon. C. R. STORY: Yes. This seems rather peculiar, because amongst the list of people mentioned is the Commissioner of Highways. On the metropolitan traffic survey being conducted at present the heads of the two departments seem to be closely tied. I take it that the Railways Commissioner is represented on that survey and that the representative of the Commissioner of Highways is also engaged on it, together with various other top public servants. It appears to me that the additional appointment sought in the amendment will be somebody representing transport, possibly the transport employees' section, or somebody from the railways, because I cannot think who else would come in that category.

The Hon. S. C. Bevan: If they have a voice in the survey study.

The Hon. C. M. Hill: The Commissioner has a big voice in this.

The Hon. C. R. STORY: Yes, of course, because it is under his department.

The Hon. S. C. Bevan: We are also paying for it.

The Hon. C. R. STORY: Yes, and I notice we are probably going to pay for a building for that department out of our road grant. I find it hard to discover why we need the additional nominee mentioned in the amendment, because I would have thought it better to have private enterprise represented. The public servant has an obligation to the State and I recognize that often he is a practical man from a departmental point of view. He has an obligation to his department, but does he have a similar obligation to the individual, the private sector of the community? I believe he would be biased to some extent in favour of the department and therefore all we have to represent the private sector is the representation from the Chamber of Manufactures and the Chamber of Commerce—just the one appointee between them.

The Housing Trust has an axe to grind and a part to play, while local government representatives are outnumbered whatever is done. I think the Minister must give some consideration to increasing the numbers on this authority to take care of that sector not yet taken care of, because we are dealing with the rights of the people and therefore the people should have a direct say in the matter.

Clause 11 deals with the quorum, and provides:

Any four members of the authority, one of whom is the Chairman, shall constitute a quorum at any meeting of the authority and any duly convened meeting at which a quorum is present shall be competent to transact any business of the authority and shall have and may exercise and discharge all the powers, duties, functions and authorities of the authority.

I notice that the Minister has on honourable members' files an amendment to increase the quorum from four to five. The Chairman has two votes, so I would say that it was intended that the size of the committee was to be increased.

The Hon. S. C. Bevan: It will go from nine to 10.

The Hon. C. R. STORY: I see. I think six is the appropriate number for a quorum, because otherwise too few people will be able to carry an important decision. A provision has been made for the Public Service members to have proxies, and perhaps business will be transacted on some occasions with not enough members present. I suggest that six should be the minimum quorum. Clause 19, which is a very important clause, deals with the Planning Appeal Board, and provides:

(1) For the purposes of this Act there shall be a board called the "Planning Appeal Board" which shall, subject to this section, consist of three members appointed by the Governor of whom

(*a*) one shall be

(i) a Local Court judge;

(ii) a special magistrate; or

(iii) a legal practitioner as defined in the Legal Practitioners Act, 1936-1964, of not less than 10 years' standing,

who shall be the chairman of the board;

(*b*) one, who shall not be a member of the authority, shall be selected by the Governor from a panel of three names chosen jointly by the governing bodies of the association presently known as the Municipal Association of South Australia and the Local Government Association of South Australia Incorporated and submitted jointly by those associations to the Minister; and

(*c*) one shall be selected by the Governor from a panel of three names chosen by the governing body of the Adelaide Division of The Australian Planning Institute Incorporated and submitted by that division of that institute to the Minister.

The Hon. S. C. Bevan: Is that the same institute as you were referring to a moment ago?

The Hon. C. R. STORY: No, we are dealing with a different thing—one is the authority and the other is the appeal board.

The Hon. S. C. Bevan: When you spoke about the small man being represented on the authority, I thought you meant the subdivider. Is he represented?

The Hon. C. R. STORY: I think we are at cross purposes, because clause 19 deals with subdivisions and appeals whereas the other matter we were talking about dealt with the whole range of town planning. These are two entirely different things.

The Hon. C. M. Hill: The third member on the appeal board is a member of the Australian Planning Institute Incorporated, which is entirely different from the Town and Country Planning Association. The former are the professional men.

The Hon. C. R. STORY: That is so. One can appeal to the Supreme Court in this matter and argue points of law, which is a precise science. This matter should be mixed with a little of the milk of human kindness and there

should be an appeal to people who have lots of the milk of human kindness, such as we have under the present Act, under which a statutory committee is set up of members of Parliament. Members are responsible through the ballot boxes to their electors, and they are people who daily rub shoulders with problems and conditions of every type. There is never a dull moment in dealing with human problems. This body is well equipped to deal with this type of appeal. Its members are competent to deal with facts, leaving it to the Supreme Court to deal with problems of law. I make this as a further suggestion. Clause 35 deals with the local government section of the Bill, and subclause (3) provides:

A council may examine the area of the council or any part thereof which is within the planning area affected by an authorized development plan and may, from time to time, prepare a supplementary development plan of the area of the council or any part thereof which is within that planning area.

Under that subclause, the authority of local government is advisory. I think there should be more to it than that because, although the central authority has all the technical experts and has the power under this Act, who better than local government can one think of to deal with the scene at home, close to the operation?

The Hon. Mr. Whyte clearly indicated yesterday a situation at Kimba where, had the senior planning authority known more about the circumstances, it would not have refused a subdivision on the ground that septic tanks or sewerage could not be provided, as it would have known that there was no water. These things apply to every country town in some way. Somebody at Morgan may request a subdivision to be undertaken for the purpose of erecting weekend shacks. Such structures would not be very valuable in themselves but they would be useful because they would be a means of decentralization for a town like Morgan where there is an attractive river but not much industry. Perhaps difficulty would be experienced in allowing the shack settlements to go up, but the local council, in my opinion, would be much better suited to take positive action and do the job itself, with the assistance and advice of the Town Planner's Department.

I believe that local government, if it does not watch itself, will be further relegated to the backwoods. I, as has the Minister in charge of the Bill, have attended a number of Local Government Association meetings, and we frequently hear from councils that their powers are being usurped by the central government. However, local government at present does not appear to be sticking up for its rights sufficiently in this matter.

The Hon. S. C. Bevan: This provision gives councils much more power than the 1962 Bill did.

The Hon. C. R. STORY: The point is that, whilst it gives local government certain powers, this problem remains: will local government accept its responsibilities and use its powers, or will local government be absorbed, as it is in so many other things where we start off in a small way in country areas? There is the danger that six or seven branches will be established, and that they will decide to have an Adelaide office, and before long the Adelaide office becomes the parent body, and the small branches receive a small capitation back from the subscriptions that they send in, just to keep them afloat. I do not want to see local government relegated to this situation. I am making this plea as much to local government as I am to the Minister.

I notice another provision that deals with resubdivision: where one or two blocks are being sold off and where a fee will be required, that fee will be paid to the authority. At present, if a subdivision is taking place in a council's area and if that subdivision is greater than ten acres, 12½ per cent of the land must go to the authority. Why should this not occur in the case of the selling off of small areas of land? Why must these go to the central authority? Why does this not go to the local government body? I realize that the authority must have funds in order to be able to work: the money must come from somewhere. It seems to me that local government will lose. I do not think that local government should lose as a result of the subdivision of two or three blocks. There is provision here whereby portion of the 12½ per cent, if it is paid in cash, goes to the central authority and not to the local government body. However, the 12½ per cent that is to be used for recreation stays permanently with the local government body where the subdivision is taking place.

I believe that there are a number of applications for subdivisions which are at present awaiting the passing of this Bill and they have been held up for a considerable time. They have reached the stage of Form A and they will be allowed to proceed under the old Act. I believe that we should look at any applications that have been lodged, but not processed, for a period of over six months; they, too, should come under the terms of the old Act. It would be interesting if the Minister would ascertain

how many subdivisions were actually in process and had been lodged for a greater period than six months. I believe that we would find quite a number that were held up pending the passage of this measure; I am not holding this measure up because I have no vested interest in the matter. However, I have been asked by people, "When will we receive our approvals? We have been waiting a long time."

I should like to ask the Minister how many of these are of six months' duration or greater. If there are many such cases, we should look at the matter and probably let them have the benefit of the old Act. I support the measure with the few reservations that I have made. I am not happy with some of the clauses because this is a most sweeping Bill, but we can only hope that the measure gets into good hands and that it is administered by a good and liberal Government.

The Hon. C. M. Hill: It will be, in 12 months' time.

The Hon. D. H. L. Banfield: Wishful thinking.

The Hon. C. R. STORY: I am not making that point. I hope also that it gets into the hands of a Minister who is genuinely interested in town planning and who will not use this Bill as a weapon against private enterprise.

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

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

Adjourned debate on second reading.

(Continued from February 28. Page 3262.)

The Hon. M. B. DAWKINS (Midland): I rise to support in general terms the second reading of this Bill, which seems to be something in the way of a hardy annual. I have had a look during the last few days at the number of times that the Road Traffic Act has come before Parliament and been altered and corrected, and it appears to me that it is almost as regular in its appearance as the Local Government Act is. Whether this Act will continue to be amended in the future as often as it has been in the past I do not know, or whether the Local Government Act will be as regular in appearance after the new legislation is passed I do not know, but I suspect that this will be the case—that both Acts will have to be amended from time to time to provide for the constantly changing conditions that exist in this State.

I should like to congratulate the Minister of Local Government upon his intention to introduce the series of amendments that will come forward on the Road Traffic Act and also on the new Local Government Bill. I can only assume that he intends to join the Liberal and Country League and I assure him that I shall give every assistance I can in bringing that about. However, I cannot assure him that he will retain his seat on the front bench.

The Hon. S. C. Bevan: You must appreciate that I would be an acquisition to the L.C.L.

The Hon. M. B. DAWKINS: I agree. I would do everything I could to get endorsement for the Minister.

The Hon. A. J. Shard: I hope you've got a few dollars left after the next election.

The Hon. M. B. DAWKINS: If we have, it will be rather more than the Government has at present. Most of the 29 clauses in this Bill lend themselves to discussion, but it is not my intention to deal with all of them. I think it was Sir Norman Jude who said yesterday that this was largely a Committee Bill. However, I shall discuss some provisions. Clause 3 amends section 5 of the principal Act. Probably the most important part of this amendment seeks to define a hovercraft or hydrofoil vehicle. Such vehicles are becoming known in the other States and will come to South Australia fairly soon. I understand that they are undergoing trials at present. I consider that the amendment is a necessary alteration to the definition.

The Hon. L. R. Hart: I believe that one of your constituents is manufacturing a hovercraft.

The Hon. M. B. DAWKINS: I understand that that is so. He is not only my constituent: he is also the honourable member's constituent. We also know of another firm that is to provide that method of transport across Spencer Gulf. Clause 3 (*b*) seeks to include the shoulders and the areas immediately at the side of a road in the definition of "carriageway". I think that this provision also is necessary, and I support it. Clause 6 seeks to strike out section 32 (2) of the principal Act and to insert the following new subsection:

The board may at any time fix a speed limit for any zone and that speed limit shall be indicated by signs erected in accordance with this section.

I must oppose the clause as it stands. The present procedure, by which the matter is dealt with by regulation, should be allowed to remain. The Hon. Mr. Gilfillan outlined that procedure yesterday. Subsection (2) provides at present:

The board may by regulation, which it is hereby empowered to make, fix a speed limit for any zone.

The position could well be left as it is. Clause 8 refers to pillion passengers and seeks to strike out of section 51 the paragraph that refers to the 25 miles an hour limit in townships and to amend the succeeding paragraph to raise to 40 miles an hour the limit on the open road. I think this provision is reasonable, because some of the speed limits provided at present are unrealistic. Clause 9 enacts a new section 53 (*a*), providing:

(1) A person shall not drive a vehicle which is carrying or has seating accommodation for more than eight passengers at a greater speed than fifty miles per hour.

This is a little unrealistic for the present day. I am aware of the need for a restriction of speed in certain areas but I think that 50 miles an hour is too restrictive on the open road for a modern and safe passenger bus. I suggest that the Minister consider extending this speed to at least 55 miles an hour. As I have mentioned in relation to motor cycles, the limits imposed in section 53 are somewhat out of date. If I remember correctly, the speed limit for a medium size truck of three tons to seven tons capacity, when travelling outside municipal areas, is 40 miles an hour.

That speed is unrealistic today. I still have a couple of old trucks that are capable of travelling only at about 40 miles an hour on the open road, and I am about the only person who travels at that speed. All other trucks pass me at speeds of about 50 miles an hour or more. I do not consider that we should provide an excessive speed limit but 40 miles an hour for modern trucks is unrealistic. This matter could be examined further. Clause 12 amends section 63 of the principal Act. I was interested in the remarks made by Sir Norman Jude yesterday, particularly when he said, referring to "give way" signs:

Surely it is not beyond human capability to devise a "give way" sign that can indicate something to the person approaching the sign at right angles.

He also said that in some places there was a succession of dotted lines on the straight through road but that this was not good enough and was only a palliative. I agree entirely with the honourable member. It is necessary that something be devised to indicate to the person who is on what we might call, for want of a better term, the through road that he has right of way and that there are "give way" signs on the roads leading into the intersection.

Indecision occurs when a person going through a main highway and having the right of way does not realize that there are "give way" signs on the intersecting road. In these circumstances, he stops and gives way to traffic on the right. There is indecision and, if both he and the driver on his right proceed, accidents can result. We must do something to eliminate this fault in our road signs. I have mentioned this matter to the Minister. As a matter of fact, I asked a question in this Council on, I think, November 16. The Minister has assured me that his officers are considering the matter. The present position needs correcting and I agree entirely with what the Hon. Sir Norman Jude said. I am looking forward to hearing what the Minister has to say in reply to my question.

Clause 12 (*b*) strikes out the words "the right of" and leaves the phrase as "give way". There are similar consequential amendments in clauses 14 to 18, inclusive. This is a move in the right direction. It makes clearer to the driver exactly what he has to do. It has been approved by the Royal Automobile Association, and I support it. It is an improvement in the drafting and does not lead to the misunderstanding that may have occurred previously.

The Hon. Sir Norman Jude: This is a departure by this Government in the way of giving something!

The Hon. M. B. DAWKINS: It is not often that it gives something, but this is something it can do. The Chief Secretary told me just now that the Government still has some money in the kitty, so we can expect it to give some more money as time goes on. I come now to clause 20, which inserts two new subsections after subsection (2) of section 74 of the principal Act. They read as follows:

(2a) An appropriate signal for diverging to the left or turning to the left is a signal given in a manner prescribed by the regulations and by a device complying with the regulations but the rider of a bicycle may signal his intention to turn left or diverge left by extending his left arm horizontally from the left side of his vehicle with the palm facing the front and the fingers extended.

(2b) Any such regulation made under subsection (2a) of this section shall not come into force until the first day of January, one thousand nine hundred and sixty-eight.

I, in common with other honourable members no doubt, have received a communication from the R.A.A., which reads as follows:

Approval of the proposal to introduce compulsory signals (and this means flashing light indicators in most cases) for diverging or turning left is most strongly urged. The Bill,

however, refers to the operative date as January 1, 1968. In view of the protracted passage of this Bill and to give owners of older vehicles time to comply, it is urged that the date should be January 1, 1969. This also conforms with the date for such action proposed by the Australian Road Traffic Code Committee.

The Minister on several occasions in his second reading explanation referred to the National Road Traffic Code, so he might consider the date suggested by the R.A.A.—January 1, 1969.

The Hon. S. C. Bevan: I point out to the honourable member that there is already on the files an amendment dealing with clause 20, suggesting that the date be July 1, 1968.

The Hon. M. B. DAWKINS: I am sorry; I did not catch up with that. I thank the Minister for the information. The R.A.A. has also suggested that it might be desirable to provide exemption for certain vehicles, such as vintage cars, which usually travel on the roads under controlled conditions.

I come now to clause 22, which seeks an additional section 82a in the principal Act. It reads:

Notwithstanding the proviso to subsection (1) of section 82 of this Act a council shall not by by-law, resolution, or otherwise, authorize a vehicle to stand at any angle on any road unless the council obtains the prior approval of the board therefor.

By interjection to the Hon. Mr. Gilfillan the other day, I suggested that the words "any road" might be too sweeping. I am not entirely unsympathetic with the intent of this proposal, because I know that councils have perhaps not always done wise things in the matter of angle parking, but I would have to oppose the provision as it now stands, because it is too sweeping. I would have another look at it if the Minister were prepared to consider "any main road or highway" rather than "any road".

The Hon. S. C. Bevan: This, too, is covered by an amendment already on the files.

The Hon. M. B. DAWKINS: I thank the Minister for this information also, but a clause that takes away from local government yet another power and puts it into the hands of the board is too sweeping. I do not wish to say much more about this Bill, because other honourable members have already dealt with it, and I know there will be further discussion on it. I note that the Minister intends to provide a permit for reasonable riding on a step, on an occasion when a man may have to ride on the step of a vehicle, which is strictly illegal at present. The Minister is to take care of that by permit, and I approve.

The Hon. S. C. Bevan: For instance, for the collection of rubbish.

The Hon. M. B. DAWKINS: Yes, where a man may have to ride on the step of a truck or a similar vehicle. Clause 28 states:

The following section is enacted and inserted in the principal Act after section 162b. thereof:

> 162c. (1) A person shall not, after the thirty-first day of December, One thousand nine hundred and sixty-seven, drive or ride on a motor vehicle, with or without a sidecar attached, unless that person is wearing a safety helmet of a type approved by the board.

Again, I think the provision in itself is too sweeping. In common with other honourable members, I have received a communication from the Autocycle Union pointing this out, and I have no doubt that the Minister has received a similar communication. I personally believe that we could add the words "at a speed greater than 25 miles per hour" and "on a highway" to qualify the subclause, because, as the Hon. Mr. Gilfillan said yesterday, a man could be riding behind a flock of sheep on a back road or behind a motor scooter, which has a maximum speed of only 25 to 35 miles an hour in any case, and according to this law he would always have to wear a helmet. There is room for some exception. Subsection (2) of this new section reads:

> The provisions of subsection (1) of this section shall not apply to a person who is carried in a sidecar that is attached to a motor bicycle.

We do not seem to have many sidecars on our roads today or young men who take their fiancees out in sidecars, so I wonder whether there is any sense in this clause, because a person is just as liable to be killed when riding without a helmet in a sidecar as is the person who is riding on the motor bicycle itself and who has to wear a helmet.

The Hon. C. R. Story: He would have to be a very handsome looking fellow!

The Hon. M. B. DAWKINS: Yes, I agree. I have one or two reservations about the Bill and have made some suggestions that I hope the Government will note. I support the second reading.

The Hon. H. K. KEMP (Southern): In speaking in support of this Bill I believe several modifications must be made. The easiest way to deal with these matters will be to deal with them clause by clause. It is pleasing to see a modification in clause 3 that takes cognizance of the increasing awkwardness that has been occurring in an endeavour to meet problems arising from heavy traffic

using the Port Road. The immunity conferred on some traffic using crossings on the Port Road is, in my opinion, completely out of date, when we remember the tremendous increase in the number of islands and the tremendous trend towards one-way traffic.

I am unable to make the same comment concerning clause 6, which deals with the speed zoning of highways. The present system has been working satisfactorily and without any serious difficulty. The Highways Department and the Transport Control Board have worked together well under the existing regulations, and I believe that most people have expressed satisfaction with the authority that the old mechanism gives.

The Hon. S. C. Bevan: I do not think that the Royal Automobile Association and its members would agree with the honourable member.

The Hon. H. K. KEMP: That association in this instance is not as vitally concerned as are the residents of the districts and municipalities concerned. These people should be given proper opportunities, as they are in another section that deals with angle parking in towns. It is a retrograde step to limit people in expressing their views. If any real advantages could be pointed out in the matter of changing legislation, well and good, but as far as I can see the new legislation does nothing but increase the powers of the Transport Control Board. That is a characteristic in a democracy where Government departments are working efficiently and enthusiastically.

It is also one of the disadvantages that such a body must be set up, and, if it is working efficiently, it eventually tends to be self-proliferating. It is Parliament's duty to stop the spread of power to such bodies when sufficient lawful power exists for them. I do not want to labour that point, but I would like the Minister to give a forceful argument in favour of alteration of the law as it now stands. During the Committee stages of the Bill I shall move for the exclusion of clause 6 as a whole so that the matter may be thoroughly ventilated.

Clause 9 deals with a subject that I am sure has not been properly considered. Previous speakers have commented that a speed limit of 50 miles an hour for a bus does not fit in with conditions today. Most of the buses that travel long distances in the country sometimes have small trailers behind them carrying luggage. Under this clause these buses will be limited to a speed of 45 miles an hour.

The Hon. S. C. Bevan: They will not.

The Hon. H. K. KEMP: In my opinion, they will be so limited, because new section 53a (2) reads:

A person shall not drive any vehicle to which a trailer or other vehicle is attached at a greater speed than 45 miles per hour.

The Hon. S. C. Bevan: That does not apply to a trailer under 15cwt.

The Hon. H. K. KEMP: The most dangerous trailer on the road is the one under 15cwt., because it lacks stability. It is ridiculous to ask the Council to insert provisions of that kind. Also, where does the semi-trailer fit in?

The Hon. Sir Norman Jude: It could not fit in at all!

The Hon. H. K. KEMP: It would mean that the proviso would limit the whole of our transport—

The Hon. Sir Norman Jude: No, it is meant to cover commercial vehicles.

The Hon. H. K. KEMP: I do not agree because it is a provision placed in the Bill apart from any other, and it commences as follows:

The following section is enacted and inserted in the principal Act after section 53 thereof;—

53a (1) A person shall not drive a vehicle which is carrying or has seating accommodation for more than 8 passengers at a greater speed than 50 miles per hour.

If commercial vehicles are not affected, there should be a reference to it, but this is an unqualified section of the Bill that has no relationship to anything else. More will be said about this in Committee.

The question of the speeds of buses is a matter of concern not only to the licensed operators on Yorke Peninsula and the West Coast, but also to the southern districts. These people will be placed under severe restrictions as the Bill now stands.

They are subjected to severe restrictions today. Drivers have to be medically examined every six months, and a licence is granted by the board under the most stringent conditions. The Government garage has to check the buses periodically, yet a charter operator is able to crowd his bus more fully than a country bus operator because he is completely free of the restrictions.

Now the country operators are to be told that they may not operate the service at a greater speed than 50 miles an hour. I cannot see how a bus, with a trailer attached, can be allowed to travel at more than 45 miles an hour. Further, the lifting of restrictions on trailers below 15cwt. is unwise. If any restriction is to be imposed, as anybody with experience of heavy trailers would know, the

most dangerous trailer at speed is probably the four-wheel trailer that is getting old and developing a looseness in its turntable. Even at a low speed such a trailer is likely to develop oscillatory action and be a danger to other road users. Except in the case of caravans, it is the little home-made trailer below 15cwt. that gets into trouble. I do not want to waste the time of the Council by considering unnecessary matters, but I think this whole matter needs close examination in Committee.

Clause 20 provides that, after a certain date, turning indicators must be used. I communicated with the Royal Automobile Association on this matter, and undoubtedly this has the association's full backing. The point that worries me, however, is that, although provision is made for the rider of a bicycle (which obviously cannot be fitted with flashing light indicators) to turn to the left by giving a hand signal, unless a vehicle has equipment that is faultless an offence is committed, and there is no way for a driver to avoid committing it.

I believe that elsewhere in the Act it is laid down that a "stop" signal is sufficient warning of turning left. In this clause I think it should be provided that in the event of unserviceability of equipment a "stop" signal will be sufficient warning of diverging to the left. I speak of this because of a practical experience only a week or two ago. The turning indictors on my car were unserviceable and it took 10 days and three visits to the garage before the fault could be located and corrected. Such experiences with electrical equipment, which is not infallible, are not uncommon.

Why should it not be possible for a man who has a vehicle that is not normally on the road to be able to turn to the left without committing an offence, which he will be doing under this clause if a "stop" signal is not regarded as an effective signal to indicate his intention of turning? Only a slight amendment would be necessary to make the clause faultless and enable it to be of practical benefit. A law that inevitably leads to the commission of an offence, no matter how conscientiously it is observed, cannot be rated as a good law.

I have already referred to clause 22, which has been discussed at length and which concerns angle parking on the edges of roads. I think the present control is satisfactory, and all I said in connection with speed zoning applies equally here.

I can see that clause 23 is necessary, as one obviously cannot avoid riding a motor cycle without having one's elbow outside the vehicle. The only point I should like to make is whether the Minister is sure that this clause goes far enough. The modification to "other than a bicycle" is possibly not sufficient, as such things as motorized invalid chairs and, though rarely seen now, those curious motorized bicycles from the Continent come to mind. I think the intention is clear, but I question whether the Bill goes far enough.

The Hon. S. C. Bevan: Perhaps we should insert "motor" before "bicycle".

The Hon. H. K. KEMP: No, "motor vehicle" is there, and this wording includes two-wheel motor vehicles, but some vehicles have four wheels and are constructed, as in the case of invalid chairs, so that they will naturally be used in circumstances where part of the body will stick out. I think a little more thought should be given to this; otherwise, we may have another amending Bill coming to us before long to remedy another oversight. I think we should be ashamed that when this legislation was recently before this Chamber the fact that a man could not drive a motor cycle without having his elbow sticking out was overlooked, and as a result the legislation is again before us to correct what was obviously a gross oversight.

I question the necessity for clause 27. As far as I know, the only hovercraft (or air-cushioned vehicles, if we use the officialese used in this provision) are those built experimentally and operated on aerodromes or uncontrolled paved surfaces. Certainly there are no hovercraft whizzing around on public roads yet to the extent that requires a special provision in the Road Traffic Act.

When these hovercraft appear in South Australia as far as we know at present they will be those adapted to travel over the sea. There is no intention that they should travel over land. The Harbors Board is the body and the Navigation Act the legislation that should deal with this matter.

The Hon. S. C. Bevan: A suggestion has been made about a hovercraft to travel from Port Lincoln to Cowell and then to travel by road.

The Hon. H. K. KEMP: There is no great problem here, but is it not premature to have this provision when it is only a possibility at the moment? If this matter concerns mainly the Harbors Board and the Navigation Act, why should these people have to get permits from the Transport Control Board before they can drive anywhere?

The Hon. A. F. Kneebone: I think there is an amendment that states "on the road", isn't there?

The Hon. H. K. KEMP: This matter will be raised in Committee; I do not think that it is necessary to labour it now. This is a very good example of a Government body seeking to extend the scope of its action before there is any possibility of somebody else getting in first. I do not think that it is necessary at this stage to have new section 161a on the Statute Book.

Clause 28 as it stands could only have originated as a result of complete ignorance concerning how the majority of motor cycles are used in South Australia today. The number now used on the road is very much less than the number used in the pastoral and farming industries. In the Adelaide Hills one sees not one but scores of motor cycles being used during the moving of sprinklers and the care of pastures and potatoes.

Most of the mustering in the pastoral industry is done by light vehicle or motor cycle today. It is rare to see horses being used to any extent except where families retain horses for sentimental reasons or are interested in breeding.

The Hon. R. A. Geddes: Or where the terrain is difficult.

The Hon. H. K. KEMP: I know one family that has extremely difficult terrain, but those people have reduced the number of horses to fewer than half a dozen and they have increased the number of motor cycles to over a dozen. It is completely unfair to put any restriction on the industrial use of motor cycles with the aim of protecting silly young boys who drive at excessive speed through heavy traffic.

The purpose of this provision is laudable: it aims to protect the motor cyclist against himself to some extent. However, the number of motor cycles has fallen greatly and the death rate associated with them has fallen also. This can be seen by consulting the Road Safety Council statistics. I am not quite sure (I did look these figures up) but I believe that the death rate from motor cycle accidents has fallen more than proportionately to the reduction in the number of motor cycles.

Some of our most important industries will be put in a strait-jacket if this provision is passed. People using motor cycles legitimately on the road will, if they lose their helmets or their helmets are stolen, have no way of going home except by pushing their bikes along the footpath. I think that that is ridiculous and it should be avoided; the provision again creates an involuntary offence.

I believe that this provision should not apply off a paved road; this would then fit most of our agricultural requirements. If it applied only on paved and sealed roads and only above a certain speed (as has been suggested by the Hon. Mr. Dawkins and the Hon. Mr. Gilfillan) this would be sufficient, and we should not have this silly position of a man who had to walk home because he had lost his helmet and did not wish to commit an offence.

I believe that 25 miles an hour (as suggested by the Hon. Mr. Dawkins) is a little high, and I would suggest that this clause be amended to render a helmet unnecessary where a motor cycle is used other than on a paved road or on paved or sealed roads at speeds below 20 miles an hour.

The Hon. C. R. Story: Would the motor cycle be more or less stable at such a speed?

The Hon. H. K. KEMP: I do not believe that employees who are going to the back paddock to move sprinklers will go into the house to get their helmets and put them on before mounting their motor cycles. If they are doing heavy work on a hot day, can we expect them to walk home if they forget their helmets? I am sure that this clause will not be profitable for the Government.

The Hon. S. C. Bevan: What happens if he is hit by something doing 70 miles an hour, and he is doing 10 miles an hour?

The Hon. H. K. KEMP: I suggest that we should get at the man who is driving at 70 miles an hour on country roads. We should be very happy if the authorities caught up with such a person. I do not think that that argument carries much weight.

The Hon. S. C. Bevan: I do not think that those arguments carry much weight.

The Hon. H. K. KEMP: I was hoping that this would be discussed in a non-controversial manner. I am afraid that the Minister is showing an unreceptive attitude. In that case I will put my amendments through.

The Hon. S. C. Bevan: Do I take that as a threat?

The Hon. H. K. KEMP: The Minister can take that as a threat if he maintains that attitude. I am sure that none of these matters have been brought up in a cavilling manner. They are all brought up conscientiously. They can only result in improving the legislation rather than breaking it down.

The Hon. S. C. Bevan: That is a matter of opinion.

The Hon. H. K. KEMP: I am aware of that and I thank the Minister for his opinion. It is surprising that we have to differ so frequently. It has not been emphasized sufficiently that, in the short time I have been in Parliament, the Road Traffic Act has been amended three times. That is going a little beyond what is a fair thing. The sooner the whole Act is put on a commonsense basis and reviewed systematically, the better it will be for the community. During the years, the legislation has been operating efficiently and it should not be interfered with at the whim of the bodies that have authority under it.

The Hon. JESSIE COOPER (Central No. 2): I support the Bill. I do not intend to make a long speech, but shall confine my remarks to the clauses. I agree with what has been said by the Hon. Mr. Dawkins and the Hon. Mr. Kemp regarding clause 6 and at this stage I think I should oppose it on the same grounds. However, I shall wait for the Committee stage and vote according to the opinion I form at that time. Regarding clause 8, from my own experience and observation I firmly believe that pillion riding is completely unsafe at any speed in excess of that allowed at present. I oppose the insertion of new paragraph (*c*), which will increase the allowed speed from 35 miles an hour to 40 miles an hour, even if the wearing of a helmet is made compulsory, as is proposed by clause 28.

We are told that the motor cycle driver has the ability to stop more readily than has the driver of a car and that there is a better braking system on motor cycles. Secondly, we are told that motor cycles can veer and turn out of danger in a way that motor cars cannot. However, it is just these two very qualities that are nullified when a pillion passenger is being carried. A motor cyclist who has a pillion passenger dare not apply his brakes suddenly because, if he did, the pillion passenger would fly over his head or be thrown to the side of the road. Again, a motor cyclist who has a pillion passenger cannot veer or control his vehicle (which is largely a matter of balance), because a pillion passenger and the driver are usually incapable of moving in unison. Many motor cycles and their riders have been thrown into posts or into oncoming traffic by the action of inexperienced pillion passengers.

I consider that the wearing of helmets has been one of the greatest lifesavers for people riding motor cycles in traffic. The pleas put forward by the Auto Cycle Union of S.A. and freely circulated among members, as will be realized from the speeches we have heard this afternoon, seem to be aimed mainly at keeping motor cycling cheap and appear to have little consideration for the necessity to have reasonable safety measures. All experienced motorists realize that one of the most worrying things on the road is the motor cyclist who weaves between cars, ignores the rules of the road and generally makes the job of the car driver or truck driver difficult and hazardous. None of us can help veering away from some young man on a motor cycle who is apparently intent on committing suicide.

We have been informed in one circular that helmets are not necessary for anyone travelling at a speed of less than about 20 miles an hour. To anyone who has had experience of how easily the human skull is fractured by a bump on the road, against the side of a truck or against another vehicle, it will be obvious that the human body needs protection at very low speeds. I saw a motor cyclist travelling at not a very great speed on an old machine on the famous railway crossing in which Sir Arthur Rymill is interested. This man went over the crossing, turned and hit the side of the road. In a matter of seconds his face looked like a mosaic of blood and skin. That man, who was the father of seven children, died. That was a case of practically no speed at all. If he had had protection, he would have lived.

Even if the motor cycle is being used in the country for mustering sheep and so on, the driver is preparing the way for a fatal accident if he is not wearing a helmet and if he should be involved with another vehicle. No motor vehicle driver wishes to be responsible in any way for the death of a motor cyclist, even if the motor cyclist is indifferent to his own safety.

In every sphere of industry today, thanks to the work of safety committees and associations as well as Government departments and to award requirements, safety clothing and safety equipment are used. In most factories the man who handles dangerous chemicals without wearing the right kind of gloves, or the man who uses grinding machinery without wearing specified goggles

or faceguards or the man working on a building project, such as we have opposite Parliament House, who enters the area without wearing a helmet as required, is liable to instant dismissal. I know of no reason why motor cyclists should not be required to wear a simple protective helmet, the value of which has been proved by science and experience throughout the world, no matter what speed is set as the limit.

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

ABORIGINAL AFFAIRS ACT AMENDMENT BILL.

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

ADJOURNMENT.

At 5.15 p.m. the Council adjourned until Thursday, March 2, at 2.15 p.m.