LEGISLATIVE COUNCIL

Thursday, March 2, 1967.

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

QUESTIONS

WILMINGTON RAILWAY.

The Hon. R. A. GEDDES: When the Broken Hill to Port Pirie standard gauge railway line is completed there will be three different breaks of gauge at Gladstone. Can the Minister of Transport say what plans will be made to service the rolling stock on the Gladstone to Wilmington line; whether it is expected that there will be any increase in freight rates because of the extra handling caused by the break of gauge; and whether it would be practicable to use the principles of containerization for most of the freight carried on the line?

The Hon. A. F. KNEEBONE: Because of the varied nature of the question, I shall get a considered reply for the honourable member as soon as possible.

THEVENARD CHANNEL.

The Hon. A. M. WHYTE: Can the Minister representing the Minister of Marine indicate the results of investigations that have been made at Thevenard for a deeper channel for shipping?

The Hon. A. F. KNEEBONE: Not offhand, but I shall obtain a reply from my colleague as soon as possible.

UNDERGROUND WATERS PRESERVATION ACT.

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

Leave granted.

The Hon. L. R. HART: Last year a Bill to amend the Underground Waters Preservation Act was passed by Parliament. A committee has been set up to do certain work under that Act, but the amending Bill does not seem to have been assented to. I believe the committee was under the impression that the Act would come into operation this week. I am not sure of the position, so will the Minister of Mines give this Council some information on this matter?

The Hon. S. C. BEVAN: If the honourable member remembers the provisions of the measure about which he is inquiring, he will recall that one provision required that the Bill come into operation by proclamation. After being passed by both Houses, it was proclaimed to come into operation on and after February 28, and it is now in operation.

Certain matters have to receive attention before the Act will be operative, such as the setting up of an advisory committee and an appeal board. The advisory committee has been appointed and the appointment of members of the appeal board will be before Cabinet for ratification next Monday. In addition, certain work has been carried out by the Mines Department. Already notifications have been sent to the district councils of Salisbury and Munno Para and to the residents of that area. Statements have been published in the press and a public meeting has been held for the purpose of discussing and explaining the ramifications and purport of the Act.

It is expected that the first inquiry made in terms of the measure will be made by the Mines Department and the advisory committee regarding the advisability of giving effect to the Act in relation to the area that we know as the Adelaide Plains. The honourable member is a resident of that area and is interested in it. It is considered that that is the first area in the State where action will have to be taken in relation to the conservation of water.

The department is not going blindly into the matter. Circulars will be distributed personally by officers to all residents in that area, seeking information incidental to the supply of water, such as the amount of water people use and what their pumping facilities are, before any further action is taken. I assure the honourable member that every person who will be affected by any restriction under the measure will be made conversant with what is proposed.

The Hon. L. R. HART: I thank the Minister for his reply. As many people are vitally interested in the matter, will he see that publicity is given to the fact that this Act is now in operation?

The Hon. S. C. BEVAN: I certainly shall. As I have said, we have already arranged for a statement to appear in the daily press at the time of calling the public meeting. That was a well-attended meeting and was representative of all the people in the area. The ramifications of and principal points involved in the legislation should by now have appeared in *Underground Water Legislation* (I think that is the name of the publication), which is widely read by boring contractors and the people concerned.

It is my intention to give publicity to this matter at every opportunity. I forwarded a statement and a map of the area to the *Advertiser*, the *News* and the *Sunday Mail*, and that information appeared in the press so that anyone sufficiently interested could read it. The Director of Mines and I are interested in giving as much publicity as possible to the provisions of the Act and the ramifications it can have in relation to the preservation of underground water supplies.

LEVEL CROSSING ACCIDENT.

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

Leave granted.

The Hon. L. R. HART: On the evening of Friday, February 10, there was an accident at a level crossing north of Virginia in which three men lost their lives. The car in which they were riding collided with the Adelaide-bound Port Pirie express. It is rumoured that one of the reasons for this collision was the fact that there were four freight vans at the rear of the guard's van. There was no indication by way of lights that this train was towing these extra four freight vans in addition to the normal train.

It seems to be the present practice of the Railways Department to attach freight vans to the rear of trains. In daylight hours this probably presents no danger but at night time it obviously is a danger. At this particular level crossing there were no signs indicating that there was a railway crossing there. The road leading to it was recently sealed. It is a fairly high-speed road. It is not the first fatal accident that has occurred in this area. Would the Minister like to comment on the present practice of trains towing freight vans at the rear of the guard's van in addition to the normal carriages?

The Hon. A. F. KNEEBONE: Yes. I myself looked at the crossing. I disagree with the honourable member that there were no signs indicating a railway crossing there. There are signs that are very clear to anybody in the area in the day time, and at night time, too, provided they have headlights on their cars. I presume this car had headlights. I cannot understand how the accident happened. I have looked at the crossing: it is wide open to view from a distance. There are the normal signs indicating that it is a rail crossing. There are signs at the side of the road and also on top of the crossing that can be seen by a motorist from a good distance. I just do not know how the accident could happen.

We have talked about this matter of lights on the sides of freight cars and I have given answers in this Chamber about it. It is a difficult question. For one thing, lights on the sides of freight cars, if they are orange, green or red, can be confused with the normal signal lights on the railway line. Also, we have considered reflectorized material. In fact, we are looking at everything we can. As I said the other day, I just cannot understand why there are so many accidents of this type. I pointed out the other day that many of these accidents happen where there are all sorts of warning devices: there are flashing lights and people still run into trains. It is a worrying problem for the Railways Department and for me. As I indicated yesterday, we are looking at every possible means of stopping people and protecting them from their own actions. I am not saying this specifically in regard to the accident mentioned by the honourable member, but it is difficult to protect people from their own folly.

There was another accident this morning when some unfortunate person with a push bike was wheeling it across a pedestrian crossing at a station. I am told that the train whistled and whistled and continued to whistle, but he still went on. It is hard to understand why people cross railway crossings with their thoughts elsewhere. When I am driving my own car, irrespective of whether the crossing has warning lights or any other warning devices, I slow down and have a look. Even if it is a protected crossing with warning bells, I slow down and have a look because there is always one chance in a hundred that the warning device may not be operating, though flashing lights and other warning devices rarely fail in South Australia. I cannot understand why people do not take the same precautions as I take. Nevertheless, the Minister of Roads and I are very concerned about this matter, and we are considering what steps can be taken to protect people from their own folly.

The Hon. L. R. HART: The Minister has misunderstood my question to a certain extent; I asked if he would care to comment on the policy of the Railways Department in towing freight cars at the rear of the guard's van. It would be fair to assume, if one saw a guard's van pass over a railway crossing, that it was the end of the train. In this instance four freight cars were being towed after the guard's van at the rear of the train.

The Hon. A. F. KNEEBONE: It is news to me that this happens, but it is possible. I will investigate the matter; it may have happened. If freight cars were towed after the guard's van, I am sure that at the end of the train there would be a light that the driver could see from his cabin; the light indicates the end of the train, and the driver knows, if he cannot see the light, that he has left some of the train behind. The end of the train is illuminated whether it is a guard's van or not.

The Hon. Sir Norman Jude: How is it illuminated?

The Hon. A. F. KNEEBONE: It has a light on the side so that the driver knows where the end of the train is; this is normal practice and it is followed whether the guard's van or any other car is at the rear of the train.

ABORIGINAL AFFAIRS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The object of this Bill is two-fold. Clause 3 provides additional powers to make regulations for the establishment and constitution of Aboriginal reserve councils and defining their rights, powers and functions. It is considered desirable that the Aboriginal people should be encouraged to run their own affairs, and to this end it is proposed to set up in appropriate cases councils which will be empowered to regulate the affairs of the institution. The new provision will also empower regulations to authorize a delegation to such councils of any powers or functions of the Minister or superintendents and to enable reserve councils to control entry into Aboriginal institutions. Although it has been the Government's view that power already exists to make regulations in relation to reserve councils, it is not a specifically contained power, and doubt about it has been expressed. It is thought advisable to cope with any objections that may be raised on that score.

The second matter also concerns regulations. The new section will enable regulations to be made for the establishment of co-operatives upon Aboriginal institutions otherwise than under the Industrial and Provident Societies Act or the Companies Act. It is considered that these Acts are too complicated and inappropriate in the circumstances obtaining and it is desired to provide for a simpler procedure than that which is applicable under the Acts mentioned. Some trading institutions are already functioning in a co-operative form on Aboriginal reserves. In particular, the co-operative at Point Pearce runs the local Government store, which has now been handed over to that co-operative. A similar institution is being planned for Gerard. It has been found entirely inappropriate to register these co-operatives under the Industrial and Provident Societies Act because the necessity for the kind of complicated return that is periodically required under that Act places far too great a burden on the people running these institutions.

In addition, it is foreseen that a mining co-operative must be urgently started on the North-West Reserve. The mining of chrysoprase by Aboriginal residents on the reserve has now reached the stage where a substantial return is expected to be made for the Aborigines. We have a good market for this product, and a valuable vein of high-grade chrysoprase has been found that can be easily mined. We hope that we shall be able to develop the working of the chrysoprase by the Aborigines themselves, and a craft officer is already engaged in the preparations, but there will still be a market overseas for the sale of chrysoprase in its natural and untreated form.

It is similar to a fairly high-grade jade; it is an attractive deep green stone. If we proceed to purchase the chrysoprase from the Aborigines and then sell it from the reserve, under the present provisions any profit made on that sale (and a profit may well be made) has to go not to the Aborigines but into Consolidated Revenue. We think that that is undesirable and that, in fact, the moneys from the mining of chrysoprase should go to the Aborigines themselves. That can be effected, of course, only by having a separate trading society to control the mining operations and make the sales. Due provision will be made for reserves in relation to the mining work and development. That can be done with the trading society; it cannot be done with the present system of accounting on the reserve under the normal Public Service provisions. I commend the Bill to honourable members.

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

MOTOR VEHICLES ACT AMENDMENT ACT (No. 2), 1966, RECTIFICATION BILL.

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

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

That this Bill be now read a second time.

Its purpose is to correct certain errors that arose when the Motor Vehicles Act was amended late last session to provide for the licensing of tow-truck operators. It is desirable that these matters should be corrected before the amending Act comes into operation by proclamation.

Clauses 1 and 2 are formal provisions. Clause 3 repeals and re-enacts section 5 of the amending Act. The combined effect of sections 5 and 6 of the amending Act is to render it unlawful for a person to drive a tow-truck outside "the area", namely, the area that lies within a radius of 20 miles from the General Post Office. This was clearly not the intention of Parliament. This defect has been cured by the new section 5, re-enacted by clause 3 of this Bill, which makes subsections (2) and (3) of section 72 of the principal Act subject to the provisions of section 74a (which was enacted by section 6 of the amending Act). This amendment would permit tow-trucks to be driven outside "the area" on the authority of the appropriate driver's licence, whereas the new section 74a will prevent a tow-truck from being driven on a road within "the area" unless the driver has in addition to his driver's licence a certificate authorizing him to drive and operate a tow-truck.

Clause 4 re-enacts section 74a (6) and repeals section 74d as enacted by section 6 of the amending Act. The combined effect of these provisions was that a tow-truck certificate ceased to be valid upon its cancellation and that, if the driver's licence of the holder of a tow-truck certificate was cancelled or suspended, the certificate was automatically cancelled. The effect of the amendment, however, is that, instead of an automatic cancellation of the tow-truck certificate, provision is made for its virtual suspension for any period during which the driver's licence is cancelled or suspended or the holder is disqualified from obtaining a driver's licence or if for any other reason the holder of the certificate does not hold a valid driver's licence. The reason for this amendment is that power already exists in section 74a (5) to cancel a certificate upon conviction of the holder of an offence or if the Registrar considers him unfit to hold the certificate. It is also considered that to make a person re-apply for a certificate each time his driver's licence is suspended or cancelled or lapses would be unnecessarily cumbersome. Each month the licences of hundreds of drivers lapse (either deliberately or inadvertently), some only for a day or for a few days, but if they are renewed within one month of expiry they retain the same expiry date. These licences are not recorded as lapsed and therefore there would be no means of detecting whether a certificate became automatically cancelled.

Clause 5 (*a*) clarifies section 83a (1) of the principal Act as enacted by clause 8 of the amending Act. Clause 5 (*b*) also amends section 83a of the principal Act. There is some confusion of language in subsection (1) of that section. The words "within the area" appear to be misplaced and the passage "(hereinafter called 'the damaged vehicle' in this section and sections 83b, 83c and 83d of this Act)" is quite unnecessary as the expression "the damaged vehicle" does not appear in any of those sections except in section 83b and in the context of that section the expression does not need to be defined. Accordingly, clause 5 (*b*) further clarifies the subsection.

The remaining paragraphs of clause 5 all amend the new section 83d enacted by section 8 of the amending Act. The provisions of section 83d are so far-reaching that they could have the effect of enabling the driver of a tow-truck who is not the holder of an appropriate driver's licence to drive a tow-truck in the circumstances permitted by paragraphs (*a*) to (*h*). The amendments are intended to avoid doubts in the construction of that section by ensuring that the exemptions applying to the use of a tow-truck by persons referred to in those paragraphs depend on the possession by those persons of appropriate driver's licences. I commend the Bill to honourable members for their consideration.

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

PLANNING AND DEVELOPMENT BILL.

Adjourned debate on second reading.

(Continued from March 1. Page 3315.)

The Hon. R. C. DeGARIS (Southern): I support the second reading of this Bill. The question of town planning has grown in importance in Australia over the last 20 years. The interest in town planning in South Australia has been marked and, as the interest has increased, the demand for new legislation has increased.

For many years I have been deeply concerned in town planning. My experience is of a small

country town, but the problem of town planning is just as important to a small community as it is to a large city. Over the years I have tended to be somewhat critical and demanding in this matter, and have thought that the State should have more effective town planning legislation than it now has. However, after looking at what other States have done (they have introduced radical legislation quickly), I have formed the opinion that the position in this State is not as extremely bad as some people make out.

If one looks at the problem in other States that have had legislation for 10 or 20 years one sees that no greater progress seems to have been made there than has been achieved in South Australia. Practically all town planning legislation is introduced because it is said that it is needed to provide for orderly and economic development of the use of land. I agree that in many cases it is necessary to have legislation governing the orderly development of land in the city or in many of our towns, but I am sometimes concerned with the question of the economic use of land in the context in which some planners use it. Indeed, in other States very expensive and large schemes that have been introduced have broken down completely. Often oversea opinions have dictated the type of legislation introduced in the Australian community and, of course, those opinions do not always fit the Australian scene and character. The matter of urban expansion has been before us for some time and the strongest impulse given to it occurred with the introduction of steam power. As technology, transport, communication and power supply continues to develop, the problems of urban development and town planning will increase.

Throughout the world there is a continuing movement towards an urbanized society. I see it happening on a small scale in small country towns. A few years ago persons lived on their farms but today, as transport and means of communication improve, people tend to live in an urbanized community and travel from there to their farming occupations. I know people whose farms are as far as 30 miles distant from an urban area who live in the town and travel daily to their occupations.

As I have said, I consider that, contrary to other opinions, the practical results that have been achieved in South Australia are commendable. We do not need to be ashamed about what has happened here when it is compared with what has been achieved in the other States. On an economic cost comparison, the cost in South Australia is minimal. However, I do not deny that there is a need for modern legislation to deal with this modern problem of town planning. The tackling of this problem is the concern of everybody, not only that of the planner or those interested in town planning.

It is easy to design legislation to deal with the problem in a rigorous way. One can conceive that one political philosophy would allow this to be done effectively. However, in order to achieve such spectacular results, there would be a need for us to surrender many of our social, economic and political freedoms. In South Australia so far we have maintained the greatest amount of freedom possible, and the results are not such as would cause us shame.

Here is the main problem. In legislation of this type we must make every effort to maintain within our community an economic vitality that goes with complete freedom and the obvious advantages of correct planning. Either side of the scales can be overweighted to the detriment of the people of a city, town or State when we have this economic and complete freedom as opposed to rigid planning. In the legislation before us, sufficient checks and balances must be built in to ensure that neither the side representing the maintenance of this vitality and economic and personal freedom that we enjoy nor the side representing the effect that town planning can have on the vitality of a community is overweighted.

In New South Wales, after the Second World War, a tremendous effort was put into drafting legislation for a major town and country planning scheme that was known as the County of Cumberland Planning Scheme. The concept of that scheme was considered by Government, local government and planners to be the most enlightened piece of town planning legislation introduced in Australia. It was considered to be a model. I did not read of one planner who had one word to say against the ideas that were put forward in the legislation. However, that plan broke down and the whole legislation was changed in 1962.

With this experience, we should examine closely any town planning legislation that comes before us. The concept of the County of Cumberland scheme was that there would be an extra level of local government that would deal particularly with the problems of town and country planning. The area of the

whole of the county was about 2,000 square miles and included the city of Sydney and nearby places. Although the legislation was considered to be a model, plans often have a habit of going wrong and breaking down. Therefore, the people of this State can be happy that the pressure often applied to cope with this problem did not result in hasty legislation.

Although the County of Cumberland scheme did not work and was abandoned in favour of the concept of a State planning authority such as is proposed in this legislation, I consider that the matter of regional planning should be given close attention by any Government. When I made my maiden speech in this Council I referred to the need to assist local government to shoulder its responsibilities and play its part in the community. I said that one of the difficulties was that many councils were too small to be able to carry the responsibilities that they should carry. I see a possibility of having regional planning units, with several district councils making up a regional planning district. That would enable town planning to be decentralized more quickly and councils would be able to work on an economic basis on such matters as weeds, health, vermin and the other matters that small district councils have had difficulty in administering. We should realize that regional planning has some application in this context.

In this debate so far we have had two speakers. I listened with much interest to what the Hon. Mr. Hill said. I cannot agree completely with many of the submissions made by him but I believe he put forward views that merit the attention of this Chamber. We as members have an individual responsibility of putting forward our views on legislation, asking as many questions as possible about it and seeking answers to things that may be worrying us. Also, we have the very real duty of making sure the opposing views are thoroughly aired and that thought is given to them.

However, by the same token, I find it difficult to understand the attitude in this matter of the Town and Country Planning Association. I am a member of that association and am sorry that it has adopted the course it has, particularly in relation to what the Hon. Mr. Hill said. Not only has the association in its publication taken strong exception to some of the submissions and arguments put forward by Mr. Hill but also it has brought into the discussion matters of which I think it had little understanding. For example, it moved on to deal with the question of a used car lot established in Adelaide. It made some rather cutting comments on that.

The Hon. S. C. Bevan: A comment against himself as a member of the Adelaide City Council.

The Hon. R. C. DeGARIS: But I am certain that the other side of this question that should have been investigated was not known to the person making the comment. The association would have been much better served if it had discussed its problems with members of this Chamber. It could have discussed many matters that might have been concerning it or might have been stated about this legislation in this Chamber. I can assure the association that any views it wants to place before us will be given a courteous hearing. If this course had been adopted, it would have been better for all concerned.

I know some planners who would say that any used car lot was aesthetically undesirable, that it should not exist no matter where it was. I have spoken to planners who think that the commercial world should have no rights at all: that the things it does are aesthetically undesirable and add nothing to the beauty of a town or city. But, of course, we must recognize the needs of commerce. We cannot turn our backs on the economics of a State's activities: this is part of our system and these things must be observed.

I do not agree entirely with the Hon. Mr. Hill's views, and that is my right; but I am disturbed a little by the attack of the Town and Country Planning Association on him. I think, from memory, that the policy speech of the Government stated that it would implement the recommendations of the Town Planning Committee's report of 1962.

The Hon. C. M. Hill: That was the main point it made.

The Hon. R. C. DeGARIS: That is the position.

The Hon. S. C. Bevan: It has gone further than that now. It has found that the report is not up-to-date.

The Hon. R. C. DeGARIS: I agree entirely with the Minister's interjection that it has gone further than that now: this legislation goes much further than the legislation promised in the Government's policy speech. I am not unhappy about this or being critical of the Government in facing up to probably further responsibilities that have developed in the two years since it

took office, but it is a fact that this legislation goes much further than that promised in the policy speech, and it throws a greater responsibility on the members of this Chamber in dealing with this legislation. Indeed, I believe amendments are already on the file by the Minister in charge of this Bill, even at this late stage, trying to cope with problems that are just now appearing. I think the Minister will agree with me that since the Bill appeared on our files further amendments have come in dealing with problems that have just come to the Government's attention. Therefore, I am not unhappy that this legislation goes further than that promised in the policy speech, but it places a greater responsibility on members of this Council to review it.

I turn now to the Bill. Part I deals with preliminary matters and definitions. I have no comment on those. Part II deals with administration. Division 1 deals with the Director and Deputy Director of Planning while Division 2 deals with the State Planning Authority. (That is clause 8.) I think this point was raised by the Hon. Mr. Story. I should like to add my voice to the point of view he put forward.

Under the Bill, the State Planning Authority is to consist of nine members. The Minister intimated yesterday that there is an amendment on the file increasing this number to 10. In these 10 persons, there are a Director, the person for the time being holding the office of Director and Engineer-in-Chief of the Engineering and Water Supply Department, the Commissioner of Highways and the Surveyor-General. On the authority these people may be represented by proxy. Then the other members are: one to be nominated by the Minister of Housing, one to be nominated by the council of the Corporation of the City of Adelaide, a local government representative, a Municipal Association of South Australia representative, and a representative from the South Australian Chamber of Manufactures Incorporated. On the file there is a further one to be nominated by the Minister of Transport. Also on the file is an amendment deleting subclause (6) of clause 8, which reads:

If the Minister of Housing has given to the South Australian Housing Trust notice in writing requiring it, within a time specified in the notice (being not less than two weeks), to recommend a person for nomination by the Minister of Housing under subparagraph (*i*) of paragraph (*c*) of subsection (5) of this section and the trust fails to recommend a person within the time so specified, the Governor may, on the recommendation of the Minister of Housing, appoint a suitable person as a member in place of the person required to be recommended by the trust.

This is to be removed altogether. I am a little concerned about why subclause (6) is to be removed when it still applies to the other people to be nominated. I am also concerned about the necessity for one person to be nominated by the Minister of Transport. I should like to know the identity of the people to be nominated by the Minister of Transport and the Minister of Housing. The Commissioner of Highways is already represented and, with a nomination by the Minister of Transport, there will be overlapping. As far as I know, the Minister of Transport is already represented on the metropolitan Adelaide transport study (M.A.T.S.); there is close liaison between this group and the Commissioner of Highways.

The Hon. Mr. Story raised the question of a quorum. I point out that three of the members of the authority (the Commissioner of Highways, the Surveyor-General and the Engineer-in-Chief) can be represented by proxy. The authority has 10 members, and a quorum is five, under the amendment. The Hon. Mr. Story effectively dealt with this matter yesterday; the fact that four out of the ten can be represented by proxy leads me to believe that the quorum for the authority should be raised from five to six.

Turning to Division 3 of Part II, which deals with the Planning Appeal Board, I come to the first real criticism that I can offer about this Bill. To me, the appeal board is not completely satisfactory; it should consist of at least four members with the chairman having a casting vote, and if only three members are able to attend the decision should be unanimous. This appeal board does not give the ordinary man in the street whom this legislation may affect a rightful voice. The board's membership is a judge, a member from local government and a member from the Australian Planning Institute Incorporated. I should like to see this appeal board enlarged. I have considered who should be the fourth person on the board; it is difficult to find someone to fill the role that I have in mind, that is, someone from the section of the community that can be adversely affected by this legislation—the little man. I believe that the most satisfactory answer is that the fourth member of the appeal board should be a nominee of the Commonwealth Institute of Valuers.

I know that this is open to argument, and that other honourable members may have other thoughts on the matter. I believe that a person from the Commonwealth Institute of Valuers would have no axe to grind; he would not be involved in commerce or industry and, as a result, he could give to the appeal board the balance that it needs.

I shall give an example so that the Council may understand my proposal. Let us take the case of a subdivision. A person may have been farming close to a town; he may have a 20-acre poultry farm containing magnificent trees, and he decides to subdivide the area. The authority says, "No. You cannot subdivide that area: those trees are far too valuable; this area must be a recreation area or park land." The site may be worth $10,000 or $20,000, but once the authority gives the above decision it may be worth only $3,000 or $4,000. In this context, I believe that representation from the Commonwealth Institute of Valuers on the appeal board could assist the little man who might be affected and it would give balance to the board.

I ask the Minister whether a person coming before the appeal board can be represented by counsel. Also, under clause 26, "Board to hear appeals", it is provided that an appeal can be taken to the Supreme Court. I agree that in some cases where a question of law arises an appeal to the Supreme Court may be the best way of solving the difficulty. Once again, however, an appeal to the Supreme Court is very expensive and few little men who are affected by this legislation will be able to appeal to the Supreme Court. There should be some further safeguard in this matter. Under the present legislation it is possible for an appeal to be made to a Parliamentary committee. I intended to look up the legislation before making this speech, but I did not have a chance to do so.

A strong argument can be advanced for this appeal to a Parliamentary committee, though in very big cases there may still be a need for the Supreme Court to decide an appeal. A person should have the right to bring the matter before a Parliamentary committee and at the same time he should have the right to be represented by counsel. I am not happy at the moment with the aspect of the legislation concerning appeals. Part III of the Bill deals with planning areas and development plans. As I understand the legislation, all of the metropolitan area will be adopting the 1962 Metropolitan Development Plan brought down by a previous administration and any areas of the State may become planning areas. Clause 28 (1) reads:

> On the recommendation of the authority, the Governor may, by proclamation, declare any part of the State to be a planning area for the purposes of this Act.

I would like clarification on that subclause because I believe it may be necessary to insist that before a proclamation is made declaring any part of the State a planning area the authority should satisfy the Government that it will produce a development plan within 12 months of such proclamation being made. At present, under clause 28, a proclamation may be made declaring any part of the State to be a planning area without any development plan being offered at all. This may or may not occur, but under this legislation the possibility exists.

As I understand the *modus operandi*, plans may be produced by the authority concerning a local government area and the authority may seek the views of the council concerned. The council and the public then have all the safeguards included in the legislation. Representations may be made to the council concerned. When that council has agreed upon a development plan, the plan is returned and the views obtained are placed before the Minister, who then makes the final decision. Once again, the people have the final check on the plan at Ministerial level. When such a plan has been accepted, the only way it can be altered would be by means of a supplementary plan, and such a supplementary plan could be prepared by the authority. I believe that once that development plan has been established and accepted by the authority and the council concerned, a supplementary plan should only be prepared on the authority of the local government body concerned. I think the authority at this stage should not have any power without the council's agreement to produce a supplementary plan in connection with that development plan.

The Hon. C. M. Hill: I think if a council refused to act in any way perhaps the authority ought to have the opportunity of endorsing the plan.

The Hon. R. C. DeGARIS: If a development plan is produced and a council refuses to take any action, I agree that that should be so, but local government has a grave responsibility to continue its interest in town planning, and I think that is a good thing. However, I do not think the authority should have the right to completely override the views of a

council on a supplementary plan, and that is the point I wish to make.

The Hon. C. M. Hill: We are on common ground on that point.

The Hon. R. C. DeGARIS: Does the honourable member mean on the development plan?

The Hon. C. M. Hill: No, on the supplementary plan.

The Hon. R. C. DeGARIS: Yes, I agree on the supplementary plan. I may even be on common ground with the Minister on it.

The Hon. S. C. Bevan: I will let the honourable member know when that occurs.

The Hon. R. C. DeGARIS: I turn now to clause 30, and here again I have a query to put to the Minister. Subclause (2) (*b*) reads:

Every body corporate or other authority which, in the opinion of the authority, is responsible for the provision within the planning area of services referred to in subparagraph (*i*) of paragraph (*e*) of section 29 . . .

I am unable to see the need for the words "in the opinion of the authority", and I ask the Minister for information on the matter. Turning to clause 36, Part IV, dealing with implementation of authorized development plans, I again have one or two questions to ask the Minister. First, clause 36 (1) reads:

Subject to this Act, the Governor may, on the recommendation of the authority or a council whose area or any part of whose area is within the planning area affected by an authorized development plan and on receiving from the Minister a certificate that in his opinion such of the provisions of section 38 of this Act as are applicable have been complied with, make such regulations, not repugnant to or inconsistent with any Act, as are necessary or expedient for the purpose of implementing and giving effect to the authorized development plan and the general principles contained therein and the objects thereof and any matters incidental thereto and for any other purpose (express or implied) for which planning regulations may be made under this Act.

Can the regulations made under this subclause override the powers already held by Ministers of the Crown? The Minister of Works, the Minister of Roads and the Minister of Education have certain powers under existing legislation, but I think a possibility exists that these suggested regulations could completely override those powers. For example, it may well be that the Minister of Roads, before he could remove a tree from a road or lop a tree or do anything at all, would have to get permission from the authority to do any of these things. I do not agree with that, because it is a perfect example of over-government, with which, I think, most people are concerned.

Further, officers of the Engineering and Water Supply Department may wish to buy a quarter of an acre of land in a 50-acre block in order to erect a tank. There may be only one site at the correct contour level on which such a tank may be erected, and an approach may then be made to the person owning the land. At this stage, I point out that the Ministers have power in regard to compulsory acquisition but it is rarely used. Again, if the Minister of Works wanted to buy a quarter of an acre of land for a special purpose, the approval of the Director of Planning may be necessary for him to obtain this land, and it may be the only suitable site.

First, there could be the difficulty of getting the authority to agree. As most of us know, some approvals of the Town Planner have taken a considerable time. There may be delays, as there may be objections, and the person who owns the property is probably getting fed up with the whole procedure, and finally the department has to resort to compulsory acquisition. One of the most important things to have is flexibility in negotiations, and I believe that this flexibility, which has been so important in the past, may be lost by this Bill. I have doubts whether this is the correct way to proceed in these matters. There will be delays, the good relations that the departments have built up over the years in acquiring properties for these purposes will probably be lost, and there will be a grand example of over-government and over-control. This applies to all Ministers who have certain powers at present. Subclause (5) provides:

The authority may, with the approval of the council, by writing, delegate all or any of its powers and functions exercisable under any planning regulation in relation to any area or part of an area to the council of that area so that the delegated powers or functions may be exercised by the council.

Subclause (6) provides:

Every such delegation shall be revocable at the will of the authority and shall not prevent the exercise of the delegated power or function by the authority.

I have just dealt with the existing powers of Ministers of the Crown. As I see it, the powers that the authority has in this matter can be delegated to a council. If I am right, this means that the council will be able to tell the Minister of Works or the Minister of Roads what he can do in relation to the matters I have just raised. It will not be a matter of the authority's declining; it will

be a matter of the council, with powers delegated from the authority, being able to decline.

If this happens, the Minister of Works, for example, who may want a tank erected, will be in the unfortunate position that he can be told that it cannot go there. I do not believe that the existing powers the Ministers have in this regard should be abrogated in any way. This to me is an example of over-government, which in the end will worry the people of the State. Subclause (13) provides:

Where by any planning regulation:

(*a*) any land is reserved for any purpose referred to in paragraph (*d*) of subsection (4) of this section; and

(*b*) the carrying out or completion of any work or class of work on that land without the consent in writing of the Minister is prohibited,

the owner of the land may, if the consent of the Minister is refused or granted subject to conditions, serve upon the acquiring authority, within six months after such consent is refused or granted subject to conditions, a written notice requiring that the land be acquired by the acquiring authority.

This applies to land on which buildings already exist but I do not know whether it applies also to vacant land, and I should like to have the Minister's explanation on this. On Part VI, once again I have a matter on which I should like the Minister to give an explanation. Clause 43 provides:

(1) This Part does not apply to:

(*a*) any land within the area of the City of Adelaide;

(*b*) any Crown lands; and

(*c*) any lands which are wholly used or intended to be wholly used for the business of primary production and are subject to any agreement, lease or licence granted by or on behalf of the Crown.

This means that the control of land subdivision does apply to all freehold land used for primary production but does not apply to lands subject to any agreement, lease or licence granted by or on behalf of the Crown. This appears to me to warrant some wider explanation from the Minister.

The Hon. S. C. Bevan: A lease entered into with a company for oil exploration at present would be exempted; it would not come under these provisions.

The Hon. R. C. DeGARIS: This subsection uses the words "any lands which are wholly used or intended to be wholly used for the business of primary production (there is no mention of oil leases) and are subject to any agreement, lease or licence granted by or on behalf of the Crown". As I understand it, the control of land subdivision does not apply to these lands. I think I know what the answer is, but I should like to have an explanation from the Minister. A matter that concerns me a little in clause 52 was raised yesterday by the Hon. Mr. Story. As we know, when a subdivision takes place at present the council takes a number of the blocks to be used for reserves. Clause 52 (1) (*c*) (i) provides:

. . . does not provide as reserves at least twelve and one-half per centum of such of the land depicted thereon as in the opinion of the Director is usable for the purposes for which the land is being divided;

The portion of the land that goes to the council is used for reserves virtually to serve the needs of the subdivision. Paragraph (ii) provides:

the owner of the land depicted thereon has not paid or has not, to the satisfaction of the authority, bound himself to pay to the authority to be paid into the fund an amount representing $100 (if the land is situated in the metropolitan planning area) or $40 (if the land is situated outside the metropolitan planning area) . . .

This money goes into the fund of the authority. If the land is taken by the council for subdivision, the reserve will serve that subdivision. If a payment is made in terms of the Bill, the money will go into a fund. I do not go along with that. If a council has a subdivision within its area, money paid by the subdivider should go to that council for the provision of reserves to serve that subdivision or subdivisions in the district.

The Hon. F. J. Potter: Would you prefer that to be done instead of the 12½ per cent being given?

The Hon. R. C. DeGARIS: A person can make over to the council 12½ per cent of the area as a reserve, or he can pay $40 (if the area is outside the metropolitan area) in respect of each block. The money should go to the local government body controlling the subdivision. Clause 63, in Part VII, deals with development and redevelopment, and provides in subclause (2):

The authority may, with the approval of the Minister, either by agreement or compulsorily, acquire or take land for the purpose of developing it and making it suitable for any purpose for which the land is proposed to be, or is, reserved, or is to be used, preserved or developed under any authorized development plan or planning regulation made under this Act.

I think we all agree that this clause goes a long way. The authority is to be the only developing authority, if it so wishes. Of course, I

do not say it will desire that, because restrictions on finance are fairly stringent at present. However, the authority should confine itself to redevelopment, which is a big problem in itself, and should leave development in the private hands in which it rests at present. There is ample power to control and plan new developing areas. Before the last election, the Government emphasized that it intended to develop the run-down areas in the city, such as at Norwood and Bowden. There is plenty of scope for the authority in that work.

The Hon. F. J. Potter: Hasn't the Housing Trust got powers on redevelopment?

The Hon. R. C. DeGARIS: I understand that it has under the Housing Improvement Act, but the trust is not the authority to do the complete redevelopment. If the authority wants to take this matter to itself, I have no objection. However, I consider that to go beyond this field is beyond the scope of town planning at present. A compliment should be paid for the excellent way this legislation has been drafted. Finally, I emphasize that, in town planning, there has to be a balance between the economic freedoms which we have enjoyed and which have made this State so successful, and the ideas of planners about planning a better city and a better environment in which we can enjoy these economic, social and political freedoms.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

Adjourned debate on second reading.

(Continued from March 1. Page 3322.)

The Hon. L. R. HART (Midland): Certain Bills come before us for amendment each session, and a Bill to amend the Road Traffic Act is one of them. I understand that another amendment to this Act will be introduced soon and the Minister has on the file sufficient amendments to the Bill before us to constitute another Bill.

However, it is only to be expected that this legislation will require amendment from time to time. Our population has increased and there is a greater density of motor vehicles. In addition, new types of motor vehicles require that new provisions be made. An example of this is in the interpretation clause of this Bill, which provides for a hovercraft. There is also a need to have uniformity and some consistency in rules, and a crossover is being clearly defined and this is a good move. Possibly a case can be made out from time to time for the application of the provisions of the National Code. Many people now travel from State to State and there should be some uniformity of road traffic laws among the States.

From time to time there is criticism of the Road Traffic Board, and some of this criticism may be justified. The board is a centralized body with wide powers, and it is possible that on occasions the powers are used with a restrictive outlook. If this happens, the board's regulations could be restrictive in their application. The board would probably be most interested in the free flow of traffic and the regulations that it brings down from time to time contribute to this free flow. I do not wish to criticize the board: it should be commended for the job that it is doing. However, we must also appreciate that restrictions have a depressing effect on business, both on the individual operating on the road and in regard to the operation of business premises. A good example of this arises from the provision of median strips. If we are interested only in the free movement of traffic, then median strips are a good idea; but, if we take into consideration the need of businesses to operate successfully along the highways where median strips are built, we must appreciate that median strips tend to have a depressing effect on these businesses.

Where median strips and other traffic safety devices are introduced, they should be introduced gradually so that business interests are not hampered unnecessarily but are given time in which to plan their business to fit in with the safety devices that are introduced. The future planning of the Traffic Board should be well publicized to allow business premises to gear themselves to fit in with the overall plan, even if that plan for various reasons cannot be put into operation for some years ahead. Then we would not have this problem of a business shifting from one area to another to get away from restrictions, to get into what they believe to be an area where they can operate freely, and then no sooner are they settled into this area than some restriction is imposed upon them making it inconvenient for them to operate. Under this Bill this type of planning will no doubt be made easier to accomplish. It has been stated that this Bill is largely a Committee Bill.

I turn now to the Bill itself but do not propose at this stage to deal with all the clauses. No doubt many of them will be dealt with during the Committee stage. First,

I should like to make a few observations on clause 8, which sets out to alter the speed limit for motor bicycles where a pillion passenger is carried. Previously, we had a speed limit of 25 m.p.h. in the metropolitan area and 35 m.p.h. in the areas outside the metropolitan area. Some honourable members have already referred to this clause. The Hon. Mrs. Cooper did yesterday, when she said that with a pillion rider on a motor bicycle the braking system was far less effective and was a certain danger; but I have been given to understand by competent people that the braking system on a motor bicycle is more effective with a pillion rider on the back of the bicycle because of the better distribution of weight.

Also, previously the speed limit differential between the metropolitan area and the country area was 10 m.p.h. Under this Bill the speed limit in the metropolitan area will be 35 m.p.h. and in the country areas 40 m.p.h. so the differential will be reduced to 5 m.p.h. We can take it for granted that the motor cyclist today is generally a responsible person. This is borne out by statistics. For the country areas we could easily have a safe speed limit of 45 m.p.h. In fact, I personally believe it could be 50 m.p.h. but, for the sake of uniformity and to keep the differential of 10 m.p.h. between city and country, I would be prepared to settle for 45 m.p.h. I foreshadow that in the Committee stage I may introduce an amendment to this clause.

An interesting situation arises in relation to a sidecar. For the first time, a sidecar is brought into this section of the Act. The position is that for the driver of a motor bicycle and sidecar there is no speed limit other than the normal existing speed limits, and for a driver and a passenger in a sidecar the same situation exists; but for a driver and passenger in the sidecar (or even no passenger in the sidecar) and a pillion rider on the motor bicycle in addition, the speed limits as set out in this Bill will apply. Whether or not this is desirable is a matter of debate. Possibly a motor bicycle with a sidecar and a pillion rider on the bicycle itself would be far safer than a pillion rider on a solo machine would be.

I turn now to clause 9, which deals with the speed limit for passenger buses. The purpose of this amendment, which is indeed new to section 53 of the Act, is to impose a speed limit on a passenger bus that carries more than eight passengers. The speed limit proposed is 50 m.p.h. Here again, I think that this speed limit is a little unrealistic. We know from experience that many buses exceed 50 m.p.h. In fact, travelling along the roads that I travel, in many cases I have to do over 60 m.p.h. to pass a passenger bus. These passenger buses are modern and built to cruise at fairly high speeds. It would be relatively safe to travel at 60 m.p.h. Indeed, their time tables are so arranged that they allow for a cruising speed of 60 m.p.h.

The Hon. M. B. Dawkins: That is on the open road?

The Hon. L. R. HART: Yes. I believe it would be an unnecessary restriction to lower this speed limit. In fact, I think that no case can be made out for a lower speed limit for these buses. Their accident rate is practically negligible. The proposed speed limit here is not realistic. New section 53a (2) states:

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

No doubt this subsection is aimed at motor cars hauling caravans. I must admit that there are many motor vehicles on the roads today hauling caravans which, in my opinion, travel at excessive and unsafe speeds. Possibly, there is a need to control the speed of such motor cars, particularly where the laden weight of the caravan exceeds 15cwt. Provision is made in this clause for an exemption where the trailer being drawn is below a laden weight of 15cwt. Here again, I am not too sure what the position is with a passenger bus that also pulls a small trailer, and it is not uncommon to see passenger buses on the road hauling small trailers in which they carry the excess luggage. These laden trailers may or may not be in excess of 15cwt.; in some cases they probably are. I assume that this clause will control passenger buses that are hauling a caravan or a trailer.

There is a number of amendments in this Bill dealing with giving way in lieu of right of way. This is possibly a very good idea. There is confusion at present as to who has right of way in certain places; I refer particularly to country areas. The Hon. Sir Arthur Rymill has frequently mentioned that in country areas vehicles travelling on main sealed roads should at all times have right of way, and I am inclined to agree with him because there does seem to be a tendency for motorists on the main highway to disregard all roads leading off that highway. Consequently, it is unsafe to attempt to enter these highways from a minor road, even if one has the right of way.

I recently visited Sydney, and I must say that I was very impressed with the flow of traffic there. There did not seem to be so much emphasis placed on speed limits; the main emphasis seemed to be on keeping the traffic moving. I was also impressed with the attitude of the drivers in many cases; they gave way to a vehicle, to which they need not have given way, for the sole purpose of getting the vehicle out of the road and allowing a clear movement of traffic. During my whole stay in Sydney I saw only two people wearing seat belts; apparently the attitude there is somewhat different from the attitude in South Australia.

The other clause that I wish to comment on is clause 28, which deals with the compulsory wearing of safety helmets by motor cyclists. I do not think that any member is happy about compulsion. In fact, the average person deplores any move by Governments to control the individual, particularly in relation to wearing of personal apparel. We should aim at persuading and encouraging where the safety of the individual is involved and, indeed, this has been the policy over recent years, with the result that today it is estimated that over 75 per cent of motor cyclists in South Australia are wearing safety helmets. This practice could undoubtedly be further encouraged by means of customs and tax exemptions on helmets, possibly insurance concessions, and press, radio and television campaigns. The person who voluntarily wears a helmet is much more likely to acquire one of good quality than the person who is compelled to meet the minimum requirements. The voluntary wearer of a safety helmet would, no doubt, wear it in a proper fashion and he would have it properly fastened. This is important because it is no use wearing a safety helmet unless it is worn properly. If the helmet is not properly attached it may fall down over the wearer's eyes and cause an accident rather than prevent one.

In relation to this clause there have been some interesting statements made by the Minister of Transport. These statements are not really the statements of the Minister; they are the statements of Mr. J. D. Crinion, who is the Executive Engineer of the Road Traffic Board. In making these statements these gentlemen try to make a case for the compulsory wearing of helmets. It was stated that the compulsory wearing of helmets was introduced into Victoria in 1961 and that it had reduced the number of fatalities of motor cyclists there by 50 per cent. I am not denying that the fatalities in Victoria have been reduced by 50 per cent, but in a period of 10 years the number of motor cycles registered in Victoria has decreased by over 50 per cent. Consequently, we would expect that in normal circumstances the fatality rate would be reduced. Also, I point out that it is stated that the wearing of safety helmets in Victoria is more or less self-enforced and it is calculated that 99.5 per cent of the motor cyclists in Victoria wear them.

I pointed out previously that it is estimated that in South Australia at present 75 per cent of motor cyclists wear them without any compulsion. In Victoria for the 12 months ended September 30, 1965 (these are the latest figures that I have been able to obtain), there were 10 fatalities of motor cyclists. In South Australia, where there are slightly more motor cycles registered and where the wearing of safety helmets is not compulsory, the number of fatalities of motor cyclists was exactly the same as in Victoria, namely, 10. I do not see that there is any strong case for the introduction of the compulsory wearing of safety helmets. It is also stated that a motor cyclist is 17 times more likely to be killed for every mile travelled than a motor car driver. I cannot find figures to bear this out. The Police Commissioner's report for the year ended June 30, 1965, shows that the total number of accidents involving all kinds of motor vehicles was 25,138 and, of these, 461 were attributed to motor cycles; that equals 1.835 per cent of all motor accidents. During the same period, the total number of persons killed involving all kinds of motor vehicles was 173, and, of this total, four were attributed to motor cyclists; that is only 2.3 per cent of all fatalities. The total number of persons injured in this period involving all kinds of motor vehicles was 8,384 and, of this total, 432 were attributed to motor cyclists; that equals 5.1 per cent of all injuries. In addition, the number of motor cycles on the road, in comparison with all motor vehicles, was 3.7 per cent.

I do not think there is a strong case for the compulsory wearing of safety helmets. There are some disadvantages in introducing legislation for the compulsory wearing of helmets: these have been mentioned by previous speakers. A suggestion has been made about drovers using motor cycles (and I can confirm that they do use them extensively). This would be an inconvenience to these people.

Suggestions have been made that a motor cyclist cannot pick up an itinerant passenger

unless that passenger is able to wear a safety helmet. A safety helmet is not part of the equipment of a motor cycle but is part of the apparel, whether of the driver or of a pillion passenger. Because it is difficult for a motor cyclist to carry a spare helmet he is virtually prohibited from picking up a passenger unless that passenger has a helmet of his own. For instance, a motor cyclist may be riding along a country road and meet a motorist whose vehicle has broken down and who requires a lift to the nearest town. In such a case the motor cyclist may not pick up the motorist because neither would have a safety helmet for him. To give another instance, a person may ride a motor cycle to work, leave his helmet with the parked vehicle and, on his return, discover that the helmet has been stolen.

The instances I have quoted may not be particularly good reasons for opposing the compulsory introduction of safety helmets, but they could be pin pricking to the people concerned. I realize the difficulty of making concessions to cover all such instances when considering the introduction of the compulsory wearing of safety helmets, especially with such people as drovers and itinerent passengers. It has been suggested that an exemption could be granted motor cyclists travelling otherwise than on main roads or in the metropolitan area, but if such a concession were made the question of loose surfaces must be considered. Such a surface would be just as dangerous as a main road. Even with the introduction of a speed limit with the rider not being compelled to wear a safety helmet if the vehicle travels at under 25 miles an hour the law would be complicated. In such a case it would be difficult to decide the actual speed of the motor cycle. Indeed, at a speed of 25 miles an hour a motor cycle may impede traffic and be the cause of traffic congestion. I also point out that a motor cycle travelling at 25 miles an hour may be more unstable than one travelling at 35 miles an hour.

Having posed such problems, it is only fair that some suggestions should be made in an attempt to overcome them. South Australia is the second State attempting to introduce such legislation, which at present exists only in Victoria. I suggest that it be compulsory for all learners to wear safety helmets, and that may overcome the difficulty. Once a learner has become accustomed to wearing a helmet and once he has mastered the vehicle he would probably be so used to the helmet that he would continue to wear it. It would follow that eventually most motor cyclists would wear a safety helmet. I believe that by such a method the pin pricking caused in isolated cases would be overcome.

It must be realized that the compulsory wearing of a safety helmet does not necessarily reduce the number of accidents; it may (and I emphasize the word "may") reduce the number of fatalities. I am not happy with the clause dealing with compulsion, even though I realize that a good reason may exist for people to wear safety helmets in many instances. However, I also realize that inconvenience can be caused but I am not sure that such inconvenience is necessarily a good reason for helmets not to be worn. I have an open mind on this.

I believe that legislation compelling learners to wear safety helmets should be given a trial and, if that proved unsuccessful, compulsion could then be considered. In the meantime, an endeavour should be made to overcome the necessity for compulsion and an attempt made to educate people to wear safety helmets for their own protection. With those comments and reservations, I support the second reading.

The Hon. C. M. HILL (Central No. 2): I, with previous speakers, accept the fact that frequently this Act will have to be amended because we live in a changing world and traffic conditions are changing all the time. In endeavouring to bring the Act up to date an attempt should be made to encourage a balanced attitude in the consideration of traffic problems. Experts in these matters are recognized as traffic engineers, an occupation that has now become a science. The possibility exists that such people may restrict the rights of the individual, and in this case the individual is the motorist. A balance should be kept between the rights of the motorist and what we are told by the experts will be required in the matter of the control of traffic. I believe that such a balance may sometimes go wrong and that it will be necessary to give careful attention to this problem.

Whenever a measure of this kind comes before Parliament it is found that the Road Traffic Board is seeking more control and, generally, the board is seeking more control over local government. I am not opposed to the Road Traffic Board as a board and I agree that it is necessary for it to have overriding control on some occasions. However, I think we should be careful to ensure that the

control sought by the board over local government does not go too far.

For example, I understand that a local council is not permitted to paint a yellow mark on a roadway without the consent of the Road Traffic Board. That small example causes me to query whether the board is seeking too much control on this occasion; an instance exists in this Bill where the board seeks even more power over local government.

I wish to touch briefly on three clauses in the Bill, the first being clause 20, which deals with the necessity of installing warning devices on older vehicles to indicate when such vehicles are diverging to a left-hand lane or turning left. I notice that the Royal Automobile Association, in a circular that it sent to me and, I understand, other members, mentioned this particular clause. The association has suggested that these devices should not have to be installed on vehicles until January 1, 1969, whereas the Bill provides that they have to be installed by January 1, 1968. I find that the Minister, in his proposed amendment, has compromised and made the date July 1, 1968. I think that is a reasonable compromise, and I hope the R.A.A. will be reasonably happy with the change.

The R.A.A. makes the point that some classes of vehicle ought not to have these warning devices on them. It makes special reference to vintage and veteran cars, and I think that approach is reasonable. These cars probably belong to a registered club, and the special consent of the Registrar may have to be obtained for their exclusion.

I do not think there is any need for these cars to have these warning devices. After all, veteran cars were manufactured before 1918 and they never go on the road unless in an organized tour, which is usually under the strict control of the particular club, and the people keen on this hobby, interest or sport are particularly careful while they are on the road. They are doing something to preserve motoring history and, even though this may be a small point, I do not think it is too much to ask that some consideration be given to them.

Clause 22 deals with angle parking. The board is seeking to be able to tell a council that angle parking must cease and parallel parking (as it is called in the Bill) or ranking (as we all know it) must be used *in lieu* of angle parking. The time may come when in all areas in the city, outer metropolitan area or country, with the increase in the numbers of motor vehicles, this will be necessary.

Even though some streets appear to be wide with the present traffic volume, with an increase in volume the time may well come when cars will have to be parked parallel to the kerb because more road space will be needed for traffic. However, I question whether in some instances the time has come yet.

When further off-street parking facilities are built or found, the cars of customers and business people will be able to be parked off the streets much more than can happen at present. The growth of off-street parking facilities is evident now, but this kind of growth does not happen overnight. As this occurs and as more parking facilities are provided off the streets, I think it will be reasonable to look further into this matter.

The Hon. S. C. Bevan: Apparently this is taking place in the city of Adelaide at present, but what about the areas outside, where there is a danger?

The Hon. C. M. HILL: It may become a danger. However, the main streets of some country towns are very wide. Unless the space is needed for the flow of traffic, I think people are justified in wanting to park close to the shops, which they can do at present. If this provision is implemented, there will be parallel parking but in some towns the balance of the road will not be needed for passing traffic. I think the local government authority should be able to decide this matter.

The most important point is in relation to accidents, and in his second reading explanation the Minister stressed that many accidents were occurring as a result of angle parking. He said:

> Investigations have proved beyond doubt that angle-parked vehicles cause more accidents than those which are parked parallel to the kerb. There are existing situations where the angle parking of vehicles is daily creating serious traffic hazards, but the board is unable to prevent this practice.

I agree that this kind of parking does cause accidents, and that it causes more accidents than does parallel parking. What I am concerned about is the degree of seriousness of these accidents. I think the accidents caused by angle parking are not very serious: they usually result in a bumper bar, mudguard or radiator being dented, but that is about all.

I think that when we consider this question we should be told whether those accidents are serious, because I find that although accidents are created by angle parking the seriousness of those accidents is not very great. Overall, I think local government knows all these aspects.

This matter is concerned particularly with commerce, because the ratepayers have a say on that body, and many of them are business people who have their livelihood to consider. The question of trade is involved and, if we have over-control of this kind and trade is adversely affected, this not only becomes a serious matter for the municipality or town but in the aggregate it affects the economy of the whole State. I am still to be convinced that there is a need for this body to be given this power over local government at this present stage.

Clause 28, the third clause I wish to mention, deals with safety helmets, and this clause has been discussed fairly extensively by members who have already spoken. I have considered the matter fully and am of the opinion that a speed limit beyond which helmets are to be worn should be fixed. I think it is reasonable to give to people who travel at less than a fixed speed an option about wearing a helmet.

I am following the contention of a representative group in this matter. I, as well as other honourable members, have received a copy of a letter from the Auto Cycle Union of South Australia. At least one other honourable member has mentioned it. Apparently, the union is extremely representative of motor cyclists. I notice on the letterhead that the union is affiliated to a French federation as well as to the Auto Cycle Union of Great Britain and the Auto Cycle Council of Australia.

It claims to be the controlling body in this State of all motor cycle sport and says that by its constitution it is pledged to watch the interests of motor cyclists, whether sporting, touring or ride-to-work citizens of our community. Regarding helmets, the union says:

We have no objection whatsoever to the use of helmets. In fact, we demand their use for any sport under our control where speed is the determining factor, but we are strongly of the opinion that some latitude should be allowed for certain instances. For ease of policing a compulsory helmet law, we feel that, if a maximum speed of, say, 20 m.p.h. were allowed for any motor cyclists, scooter rider or motorized bicycle without a safety helmet, then no difficulty or extenuating circumstances should arise.

I consider that is a fair and sensible attitude. Honourable members who represent country districts have mentioned that people on country properties use motor cycles in the course of their work, and I am sure that many of those people ride their motor cycles on country roads and side tracks that come within the definition of "road". To force those people to don safety helmets would be foolish. A compromise would permit them to travel at less than 20 miles an hour without wearing helmets.

There is also the case of the young man who takes his girlfriend to the beach on his motor cycle. If his helmet was lost or stolen while he was at the beach, he would not be able to ride home without breaking the law, as the provision now stands. However, if a speed of 20 miles an hour were fixed, he would be able to do that. In addition, a commonsense attitude should be taken in regard to the motor cyclist who wants to travel a short distance to visit a friend or go on an errand to a shop. He should not be required to wear a helmet if he travelled at less than 20 miles an hour. Such an amendment would be a sensible approach to the problem.

Again, I express my view that there is need to amend the Act and I support the second reading. However, I look forward to further debate in Committee.

The Hon. A. M. WHYTE secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL.

Second reading.

The Hon. A. J. SHARD (Minister of Health): I move:

That this Bill be now read a second time.

Its purpose is to correct two small drafting errors, which occurred when the principal Act was amended late in the last session, to provide that gonorrhoea and syphilis be reported directly to the Central Board of Health by a medical practitioner and not to a local board, as is the case with other notifiable diseases. The words "(other than gonorrhoea and syphilis)" were not inserted in two places where they should have been inserted consequentially when the 1966 amending Act was passed, and this Bill corrects the omission. Without these consequential amendments the 1966 amending Act is unworkable because of inconsistency in section 127.

Clause 3 inserts the passage "(other than gonorrhoea and syphilis)" in subsections (1) and (3) of section 127 of the principal Act. This amendment ensures that gonorrhoea and syphilis will not have to be reported to the local board. The amendments effected by this Bill are deemed to have operated from the commencement of the amending Act of 1966.

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

ADJOURNMENT.

At 4.40 p.m. the Council adjourned until Tuesday, March 7, at 2.15 p.m.