LEGISLATIVE COUNCIL

Thursday, November 22, 1973

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Administration and Probate Act Amendment,
Flammable Clothing,
Friendly Societies Act Amendment,
Highways Act Amendment,
Holidays Act Amendment,
Murray New Town (Land Acquisition) Act Amendment,
Pawnbrokers Act Amendment (Licences),
Snowy Mountains Engineering Corporation (South Australia) Act Amendment.

PETITIONS: PERMISSIVE MATERIAL

The Hon. J. C. BURDETT presented five petitions signed by 192 persons objecting to legislation that will facilitate the public exhibition of permissive films and the public sale of permissive literature.

Petitions received and read.

QUESTIONS

POKER MACHINES

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question concerning the reported sale of poker machines in South Australia?

The Hon. A. F. KNEEBONE: It is not an offence for a person to be in possession of a poker machine in South Australia, provided that it is not exhibited in a public place or used for the purpose of gaming with other persons. Members of the Vice Squad advise that they have no evidence of any machines being here but, if there are, the number would be minimal. Four machines have been confiscated by the police during the past two years, and a close watch is continually being kept to prevent persons from operating them in this State.

MURRAY RIVER

The Hon. J. C. BURDETT: Has the Minister of Agriculture a reply from the Minister of Works to my question of November 13 concerning the Murray River?

The Hon. T. M. CASEY: My colleague has informed me that some openings of the barrages have been operated since May 17, the number depending on the flow in the river. Since the middle of September the number of openings has progressively been increased until at present all the gates at Ewe Island and Tauwitcherie barrages are open and all logs removed from Mundoo and Boundary Creek barrages. At the Goolwa barrage, 110 of the 128 openings have logs removed to R.L. 104.00. Some bays on either side of the lock chamber are closed for the safety of boats using the lock, and several bays at each abutment are closed. The amount of logs remaining in place at the Goolwa barrage has no significant effect on the flow of water; hence, the level of Lake Alexandrina and the sea tides and the force and direction of the wind are now the controlling factors With the full moon, high tide reached R.L. 110 00 on Tuesday, November 13, but with lower tides next week a reasonable drop in lake level can be expected. Over the next two months or so the lake level will respond to the sea tides.

MODBURY HOSPITAL

The Hon. C. M. HILL: Has the Minister of Health a reply to my question of November 1 concerning the difficulty a person had in finding, at night, the casualty section of the Modbury Hospital?

The Hon. D. H. L. BANFIELD: As a result of the honourable member's question, I visited Modbury Hospital in order to assess the position, as I believe that sign-posting at hospitals should be clear and easy to follow. I agreed with the honourable member's explanation at the time he asked his question that it could be difficult for people to find the casualty section at night unless they were familiar with the area. Steps taken to improve the position include a larger illuminated sign now at the casualty entrance. Temporary signs have been placed in other positions while further permanent signs are being made, and the procurement of these permanent signs is being treated as urgent.

MONARTO AND REDCLIFFS PROJECTS

The Hon. A. M. WHYTE: I seek leave to make a statement prior to asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. A. M. WHYTE: I have heard through the media and publicly an increasing amount of condemnation of the proposed development of Monarto. On the other hand, honourable members know that tremendous development is imminent in the Port Pirie and Port Augusta area in relation to the Redcliffs project, and that huge sums of money and planning are involved to facilitate the development of this project. Will the Chief Secretary ascertain from the Premier whether the Government is willing to give priority to the planning and monetary requirements of Port Augusta and Port Pirie in preference to proceding with Monarto?

The Hon. A. F. KNEEBONE: This would have to be a decision for Cabinet. Also, as it does not come within my portfolio of Chief Secretary or Minister of Lands, I will have to refer the question to my colleagues.

The Hon. A. M. Whyte: I have asked the question of the Premier, through you.

The Hon. A. F. KNEEBONE: I will refer the honourable member's question to my colleagues and bring down a reply as soon as it is available.

POST OFFICES

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question regarding the reported closure of a number of post offices in South Australia, particularly in country areas?

The Hon. A. F. KNEEBONE: The post office authorities report that, in considering the matters of possible conversion of some official post offices to non-official post offices, or of the possible closing of non-official offices, many factors are being taken into account, including, as very important ones, the maintaining of all services at the level obtaining before the change, the suitable placement of departmental staff, and the economies of operation both at the time of change and as are foreseen in the reasonably long term. The lists which have been made public cover post offices being or to be examined, and I have been assured that no change will be made except after comprehensive study.

ROAD SAFETY EDUCATION

The Hon. C. M. HILL: Some weeks ago I asked the Minister of Health, representing the Minister of Transport, whether a comment could be made on a report by the Road Safety Council that road safety education in schools was either lagging or not proceeding according to plans

previously envisaged by the Road Safety Council. Has the Minister of Health now a reply to that question?

The Hon. D. H. L. BANFIELD: The Minister of Transport reports that he and the Minister of Education have conferred on this matter. The student driver education scheme is undertaken jointly by the Road Safety Council and the Education Department. Within the Education Department there is a Driver Education Advisory Committee, of which the Chairman of the Road Safety Council is a member. This committee is currently investigating ways and means of extending the student driver scheme and it is expected that an early decision will be made on the matter.

INDUSTRIAL DISPUTES

The Hon. C. M. HILL: Has the Chief Secretary a reply to a question I asked recently regarding the number of industrial disputes that has occurred in South Australia in recent years?

The Hon. A. F. KNEEBONE: The honourable member's request followed a statement I made during the debate on the Liquid Fuel (Rationing) Bill, when I claimed that the number of industrial disputes in this State had been as high in the time of the Government of which the Hon. Mr. Hill was a member as in the time of the present Labor Government. The honourable member came back with figures and asked whether, on the basis of those figures, I would be willing to apologize. Here is my reply to the honourable member's submissions: the figures given by the honourable member are correct, but I suggest they have been taken out of context and therefore he has ignored the figures in the publication which show the severity of the industrial disputes. Had he taken the trouble to analyse the whole of the figures shown in the Commonwealth Bureau of Census and Statistics publication of October 6, he would have seen that the number of workers involved in disputes has fallen considerably. Additionally, average working days lost per dispute have fallen from around 1 150 in 1968-69 to 621 in 1973. Similarly, the average estimated loss in wages per dispute has also fallen over the same period. In view of that information, and in view of the seriousness of the matter, I do not think there is any need for me to apologize for what I said.

STATUTES AMENDMENT (SOUTH AUSTRALIAN HOUSING TRUST AND HOUSING IMPROVEMENT) BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It proposes to amend the South Australian Housing Trust Act and the Housing Improvement Act so as to correct anomalies and inconsistencies contained in those Acts and to remove certain provisions that are no longer relevant. This opportunity is also taken to confer on the South Australian Housing Trust the power (which is already possessed by other statutory authorities) to invest its moneys in the South Australian Housing Trust Fund, which are surplus to its immediate requirements, in any manner approved by the Treasurer. The main purpose of the Bill, however, is to facilitate the preparation of both Acts for consolidation and inclusion in the new edition of the consolidated public general Acts of South Australia.

The Bill consists of three Parts. Part I (which consists of clause 1) is formal. Part II (which consists of clauses 2 to 20) contains amendments to the South Australian Housing Trust Act, and Part III (which consists of clauses 21 to 23) contains amendments to the Housing Improvement Act. Clause 2 of the Bill is also a formal provision. Clause 3 amends section 5 of the South Australian Housing Trust Act which deals with the constitution of the trust. Although the trust is constituted under this section of a Chairman and five other members, it is differently constituted under the Housing Improvement Act for the purposes of that Act. To remove this inconsistency, clause 3 amends section 5 of the South Australian Housing Trust Act by inserting at the commencement of that section the words "Except as provided in the Housing Improvement Act, 1940, as amended, and subject to that Act,".

Clause 4(a) merely converts the expression "twenty shillings in the pound" to "one hundred cents in the dollar". Clause 4(b) amends paragraph (e) of subsection (2) of section 8 of the principal Act (which deals with cases in which the office of a member will become vacant) by adding a reference to a district criminal court as a court in which an offence is triable on information. Clause 5(a) amends section 12 of the principal Act by striking out the maximum amount of all fees and salaries payable to members of the trust, as that maximum has for some years been exceeded by regulations made under the Statutory Salaries and Fees Act. Clause 5(b) inserts in section 12 a new subsection (1a) which provides in effect that, until a determination is made by the Governor in pursuance of subsection (1) of that section, the relevant fees and salaries of the members of the trust fixed by regulation under the Statutory Salaries and Fees Act or under the Housing Improvement Act, and in force immediately before that determination takes effect, are to be paid to those members.

Clause 6 strikes out from section 13 of the principal Act some obsolete and superseded references to certain Acts and enactments, and substitutes up-to-date and consequential references in their place. Subclauses (*a*) and (*b*) of clause 7 update subsection (1) of section 13a. Clause 7 (*c*) strikes out from section 13a of the principal Act subsection (2), which deals with Part III of the schedule which, being now obsolete, is in turn being repealed by clause 20 (*m*) of this Bill. Clause 8 updates the reference to the Public Service Act in section 14a of the principal Act. Clause 9 amends section 20 by removing the reference to group A houses, which now has no significance as group B houses have never been built by the trust. It also removes the fixed rate of interest at which money may be borrowed by the trust and in its place substitutes "such rate of interest as the Treasurer may from time to time authorize". Clause 10 updates a reference to the Housing Improvement Act in section 20a of the principal Act.

Clause 11 repeals section 22, which no longer serves any purpose. That section provided for the building of group A and group B houses. Subsection (2) of the section provided that group A houses were to be paid for from moneys in Housing Trust Fund No. 1 and group B houses from moneys in Housing Trust Fund No. 2. Group B houses have never been built, and the funds held by the trust have been amalgamated since 1948, by virtue of section 24a of the principal Act, with a fund called the South Australian Housing Trust Fund. The distinction between group A and group B houses and between Housing Trust Fund No. 1 and Housing Trust Fund No. 2 is no longer relevant. Clause 12 makes a number of consequential amendments to section 23 of the principal Act. Clause 13 repeals section 24, which is no longer relevant to the administration of the Act. Subclauses (*a*) and (*c*)

of clause 14 merely update references to the Housing Improvement Act.

Clause 14 (*b*) is consequential on the removal of all references in the Act to Housing Trust Fund No. 1. Clause 14 (*d*) adds to section 24a a new subsection (4), which confers on the South Australian Housing Trust power to invest in any manner approved by the Treasurer the moneys in the South Australian Housing Trust Fund that are surplus to immediate requirements under the South Australian Housing Trust Act and the Housing Improvement Act. The income from those investments is to be paid into and form part of that fund. Clause 15 repeals section 25, which fixed the average cost of a house on a most unrealistic basis. Clause 16 removes from section 26 the restriction that prohibits the trust from letting houses for periods in excess of five years.

Clause 17 strikes out from section 27 certain provisions that do not now apply and are no longer relevant to the administration of the Act. Clause 18 repeals sections 28, 28a, 28b, 30, and 31 of the principal Act. These sections are no longer applicable or relevant to the administration of the Act. Clause 19 converts an amount expressed in the old currency to decimal currency. Clause 20 amends the schedule to the principal Act by updating all references to the Superannuation Act, 1926, that had been repealed by the Superannuation Act, 1969, and by striking out provisions that are no longer applicable or relevant to the administration of the Act.

Clause 21 is a formal provision. Clause 22 removes from section 6 (1) of the Housing Improvement Act the proviso to paragraph (*d*), which fixes $3 000 per annum as the total amount to be fixed as fees and salaries of members of the trust. This total has already been exceeded by regulations made under the Statutory Salaries and Fees Act, 1947, and that proviso is therefore no longer applicable to or consistent with those regulations. Clause 23 removes from section 7 (1) of the Housing Improvement Act the proviso to paragraph (*f*), which also fixes $3 000 per annum as the total amount of salaries and fees of members of the body corporate to be constituted under that section. This amount is now unrealistic and is no longer relevant.

The Hon. C. M. HILL secured the adjournment of the debate.

SUPERANNUATION ACT AMENDMENT BILL (GENERAL)

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

Honourable members will no doubt be aware that the attitude of the Superannuation Federation to the proposed new superannuation scheme prepared by the joint working party is still not clear to the Government. There are indications that some members of the federation support the scheme, with reservations, and that others oppose it entirely. However, it is clear that, if a scheme along the lines proposed is to be adopted in accordance with the time table proposed by the Government, certain amendments to the present Superannuation Act are essential, and, what is more, these amendments must be enacted into law before this Parliament rises. The Government considers that, to put it no higher, it would be irresponsible not to ensure that so far as it is in its hands the scheme can come into operation in accordance with the time table proposed.

If and when agreement is reached as to the principles, the Parliamentary Counsel can be instructed to draw a Bill setting up the new scheme. No-one under-estimates the difficulty and complexity of this task and the amount of time that will be needed to accomplish it. In addition, a considerable amount of administrative work will be involved. This Bill, with one exception, sets out the necessary amendments, and this Chamber is asked to enact them accordingly. However, the measure proposed by this Bill will not be brought into operation until it is clear that there is substantial agreement between the Government and the other parties involved as to the proposed new scheme.

Clauses 1 and 2 are formal. Clause 3 is the exception adverted to above, and merely provides that the expenses allowance payable to the Agent-General under the Agent-General Act are, for superannuation purposes, to be regarded as part of that officer's salary. The appropriateness of such an amendment is, it is suggested, beyond question. Clause 4 provides that no further contribution will be required from contributors for additional units of pension to which they become entitled after the next entitlement day, which is October 31, 1973. This amendment relieves the contributors affected of the necessity to make any increased contributions on their payment day which occurs in January of next year. The need for the amendment arises from the fact that this will facilitate proper transitional arrangements being made from the present scheme to the new scheme. However, it should be made clear that these transitional arrangements will take into account the deferred liability of the contributors brought about by this provision. This deferred liability is already taken into account in proposed subsection (2) of the new section, in the case of contributors who retire or die before the new scheme comes into operation.

Whatever form the new scheme takes, it is clear that it will not be a unit purchase scheme as the present one is. Hence, a system of reserve units provided for by the present Act will not be necessary, and, accordingly, the amendment effected by clause 5 removes the right to elect to contribute for reserve units after the coming into operation of the Act proposed by this Bill. The new scheme will provide appropriate provisions to deal with reserve units already being contributed for.

I turn now to clause 6. The new scheme, it is proposed, will provide for retirement at age 60 for both males and females with an option to continue in employment until age 65. At present, section 55 of the principal Act gives female employees or contributors the right to elect to contribute for retirement at age 55 and, while the transitional arrangements will cover such persons who have elections in force before August 27, 1973, it is thought desirable that as from that day this right should no longer be available. That day has been selected because it was the last day on which, under the Education Act, female teachers had the right to elect for early retirement.

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

FIRE BRIGADES ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

With minor exceptions this measure is concerned with expressing in statutory form, in relation to the Fire Brigades Board of this State, a policy adopted by the Government of "worker participation" in the operation of enterprises. The form in which the application of this policy is expressed will become clear on an examination of the clauses of the Bill. Clauses 1 and 2 are formal. Clause 3 amends section 9 of the principal Act and enlarges the membership of the Fire Brigades Board from a

Chairman and four members to a Chairman and five members. The present Chairman and the present four members will, by virtue of proposed subsection (2) of this section, continue in office for the balance of the term for which they were last appointed.

Clause 4 amends section 10 of the principal Act and provides for the nomination by the Minister of the additional member. Clause 5 inserts a new section 10a in the principal Act and provides for the election of a person to be nominated as the additional member. It is felt that the substance of this clause is reasonably self-explanatory. Clause 6 repeals and re-enacts section 20 of the principal Act which sets out the fees payable to the Chairman and members of the board. From time to time these fees have been varied by regulations under the Statutory Salaries and Fees Act, 1947, and this method of variation has scaused concern in relation to the preparation of a consolidation of the Statutes since, in terms, the regulations do not textually amend the Statute.

Accordingly, this re-enactment provides that the fees will be expressed at their present level and future variations will be provided by regulation under the principal Act, thus rendering textual amendments unnecessary. Such regulations will, of course, be subject to the scrutiny of this Council. Clause 7 proposes an amendment consequent on proposed new section 10a, which provides for an election of an employee of the board to be nominated as a member of the board.

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

STATUTE LAW REVISION BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

This is one of a number of Bills which have been, or will be, prepared with a view to facilitating and accelerating the programme undertaken by the Government for the consolidation and reprinting of the public general Acts of South Australia under the Acts Republication Act, 1967-1972. It is estimated that, after all amendments have been incorporated and repealed Acts have been omitted, there will probably be in the region of 9 000 or more pages of legislation comprising Acts which may be regarded as public general Acts, and the Government's programme envisages the republication of these Acts (incorporating all amendments in force) as at a definite cut-off date both in sets of bound volumes and in pamphlet form. The programme also contemplates that each Act will be kept up to date (with all amendments made after the cut-off date incorporated) and republished in pamphlet form as the need arises.

The work involved in this project entails not only a fairly thorough examination of every original and amending Act but also the preparation and checking of each page of copy for the Government Printer and the checking of each page of printer's proof at least twice or as many more times as this may become necessary for a variety of reasons, for example, when amending legislation affecting the Act is passed after the copy for the printer has been prepared or the printer's proof has been received. The work also involves the preparation of legislation by way of Statute revision (such as this Bill) for incorporation in the consolidated Acts before their republication. Before some Acts are republished in consolidated form, a certain amount of Statute revision is necessary or desirable in consequence of altered circumstances, out-of-date references and similar reasons, or for clarification, or for correction of obvious errors and anomalies. In recent years, a substantial amount of amending legislation by way of Statute revision has been included in Acts amending specific Acts. Parliament has also repealed some obsolete Acts and enactments.

This Bill has as its objects the making of consequential and minor amendments, the correction of errors and anomalies, and the repeal of obsolete Acts. This Bill and the others of the same kind to follow it are a necessary part of the programme for the consolidation and reprinting of the public general Acts. So far as the 39 Acts listed in the first schedule for repeal are concerned, every precaution has been taken to ensure that they are no longer in force and that no person would be prejudiced by their repeal. In some cases an amending Act is repealed as only its formal provisions, like the citation and commencement provisions, are alive, the principal Act, as amended, having been repealed.

So far as the 66 Acts listed in the second schedule for amendment are concerned, every precaution has been taken to ensure that no amendment to any Act changes any policy or principle that has already been established by the Act. In the case of conversions to decimal currency and to metric measurements, where exact equivalents are either impractical or administratively inconvenient, the nearest practical or convenient equivalents have been adopted or I shall give this Council the reason for the change.

Clause 1 is formal. Clause 2 (1) repeals the Acts set out in the first schedule. Clause 2 (2) deals with the case where an Act expressed to be repealed by this Bill is repealed, before this Bill becomes law, by some other Act. This is an eventuality that could well occur and this provision enacts that, in such a case, the enactment by this Bill that purports to repeal that Act has no effect.

Clause 3 (1) provides for the amendment of the Acts specified in the first column of the second schedule in the manner indicated in the second column of that schedule and for their new citation, if any, as specified in the third column of that schedule. Clause 3 (2) deals with the case where an Act expressed to be amended by this Bill is, before this Bill becomes law, repealed by some other Act or amended by some other Act in a manner which renders the amendment as expressed by this Bill ineffective. This is another eventuality that could well occur. For instance, a Bill presently before Parliament seeks to repeal the Business Agents Act. That Bill may or may not pass or come into operation before this Bill becomes law. However, if it did pass and come into operation before this Bill becomes law, the effect of this clause would be to strike out from the second schedule to this Bill all references and amendments to that Act.

Clause 3 (3) deals with the case where an Act amended by this Bill is repealed by some other Act after this Bill becomes law but the repeal does not include the amendment made by this Bill. Clause 4 amends the Registration of Deeds Act by re-enacting the eighth schedule with the exact decimal currency equivalents of the fees provided for in the existing eighth schedule. The reason why this amendment is not included in the second schedule to this Bill is that it is not in a form suitable for setting it out in that schedule.

Clause 5 amends section 2 of the Banks Statutory Obligations Amendment Act, 1962, which defines the term "savings bank" where it appears in that Act. However, the term "savings bank" appears in that Act only in passages that are inserted (by amendments made by that Act)

in the Stamp Duties Act and the Succession Duties Act and, as those passages have become part of those Acts, the definition of "savings bank" should also be inserted in those Acts and this is what this clause does. As subclauses (2), (3) and (4) provide for three new citations it is not practical to set this amendment out in the second schedule to this Bill.

I shall now deal briefly with the Acts listed in the first schedule for repeal.

Act No. 330 of 1884 is repealed in consequence of the report of the former Director of Lands that the Act could be repealed, as all action contemplated by that Act had been completed.

The Coal Act and its amendments ceased to operate in 1960.

The Cornsacks Act and its amendments are now obsolete, and the former Registrar-General has reported that only two memoranda of liens were filed under that Act in the general registry office (one in 1938 and the other in 1939) and that any claim under them would now be Statute-barred if not settled.

The Draught Stallions Act Amendment Act, 1933, is repealed, as only the formal provisions of that Act are alive, the principal Act, as amended, having been repealed by Act No. 7 of 1955.

The Early Closing Act Amendment Act, 1940, is repealed, as its principal Act and other amending Acts were repealed by Act No. 38 of 1970. The Emergency Supplies Act, 1941, is repealed on the recommendation of the Under Treasurer, as it is no longer in operation.

The Fruit Fly (Compensation) Acts from 1954 to 1964 are repealed on the recommendation of the former Director of Agriculture, who has reported that all claims made under those Acts have been finalized.

The Homestead Act, 1895, is repealed on the recommendation of the former Registrar-General, who reported that only one certificate has ever been issued under that Act and that was cancelled over 20 years ago.

The Honey Marketing Act Amendment Acts are repealed, as their principal Act, as amended, has been repealed by virtue of a proclamation published in the *Gazette* on May 12, 1966, at page 1887.

The Infectious Diseases Hospital Act Amendment Act, 1943, is repealed, as its principal Act, as amended, has been repealed.

The Lifts Regulation Act Amendment Act, 1926, is also repealed for the same reason.

The Lottery and Gaming (Charitable Purposes) Act, 1959, is spent and has no further application.

The Metropolitan Infectious Diseases Hospital Acts of 1932 and 1933 are repealed, as only their formal provisions are still alive, their principal Act, as amended, having been repealed by Act No. 35 of 1947.

The Mining Act Amendment Act, 1931, is repealed, as its principal Act and other amendment Acts were repealed by Act No. 109 of 1971.

The Statutes Amendment (Long Service Leave) Act, 1958, is repealed as only its formal parts are alive.

The Teachers Superannuation Amendment and further amendment Acts are repealed, as only their formal provisions are alive, their principal Act, as amended, having been repealed by virtue of a proclamation published in the *Gazette* on November 30, 1950, at page 1301.

The Water Rates Remission Act, 1957, is repealed on the recommendation of the former Director of Lands, who has reported that there is no further action to be taken under the Act.

The Wheat Industry Stabilization Act, 1946, was never brought into operation.

The Wheat Industry Stabilization Act Amendment Acts of 1951, 1953, and 1955 are repealed, as only their formal provisions are alive, their principal Acts, as amended, having been repealed.

The Woods and Forests Act Amendment Act, 1934, is repealed for a similar reason.

I shall now explain the amendments in the second schedule to the Bill. Abattoirs Act, 1911-1950: This amendment alters the maximum fee chargeable by an abattoirs board for inspection of carcasses under section 55 from one-eight of a penny to 1c for every carcass. The original fee has never been altered since the Act was passed in 1911.

Age of Majority (Reduction) Act, 1970-1971: These amendments repeal the parts of the schedule which amended Acts that have since been repealed, those parts being no longer operative. The Homestead Act, however, is being repealed by this Bill.

Agricultural Seeds Act, 1938-1957: The amendments made to this Act, first, update the references in section 5 to the Companies Act, 1934-1956, and to the Registration of Business Names Act, 1928-1955, with appropriate provisions having reference to the Companies Act, 1962, as amended, and the Business Names Act, 1963; and secondly, substitute for references to amounts expressed in the old currency references to equivalent amounts expressed in decimal currency.

Architects Act, 1939-1971: These amendments are of a drafting nature and clarify the sections amended without altering their sense.

Audit Act, 1921-1973: This amendment corrects a wrong reference to the Public Finance Act in section 38 of the Audit Act.

The Australian Mineral Development Laboratories Act, 1959-1963: The amendment to section 11 alters "twenty shillings in the pound" to "one hundred cents in the dollar". The amendment to section 17 updates the reference to the Public Service Act, 1936-1958, by substituting a reference to the Public Service Act, 1967, as amended.

Bakehouses Registration Act, 1945-1967: The amendment to section 3 revises the definition of "metropolitan area" by reference to the definition of that expression in the Industrial Conciliation and Arbitration Act, 1972, as amended from time to time. The present definition is out of date, the Industrial Code, 1920-1943, having been repealed. Section 8 of the Act having been repealed in 1967, its heading is now also being struck out. The amendment to section 9 (1) is consequential on the repeal of section 8.

Barley Marketing Act, 1947-1972: This amendment is consequential on an amendment to the Act made in 1971.

Business Agents Act, 1938-1963: Most of these amendments make conversions of money expressed in the old currency to their equivalents in decimal currency. The amendment to section 19 (1) (*a*) corrects an error in that section. The amendment to section 29 (1) updates the reference to the Registration of Business Names Act, 1928, which was repealed by the Business Names Act, 1963. The amendments to section 34 are consequential on the substitution of the Land Agents Act, 1955, for the Land Agents Act, 1925-1936.

Camels Destruction Act, 1925-1926: The first amendment to section 3 is consequential on the change of title from Commissioner of Crown Lands to Minister of Lands. The second amendment to that section extends the reference to the Crown Lands Act, 1915, to include corresponding

previous and subsequent enactments. The first amendment to section 4 substitutes for the reference to a provision of the Crown Lands Act, 1915, the corresponding reference to the Crown Lands Act, 1929, as amended. The second amendment to section 4 is also consequential on the change of title from Commissioner of Crown Lands to Minister of Lands.

Chiropodists Act, 1950-1969: The amendment to section 3 is consequential on the enactment of section 21a in 1969. The amendment to section 7 alters the reference to the British Medical Association to the Australian Medical Association.

Constitution Act, 1934-1973: The amendment to section 3 is consequential on the enactment of section 73c. The amendment to section 33 merely rounds off subsection (1) in consequence of a previous amendment made in 1943.

Corporal Punishment Abolition Act, 1971: This amendment repeals Part II of the Corporal Punishment Abolition Act, 1971, which amends the Children's Protection Act, the last-mentioned Act having been repealed by the Community Welfare Act, 1972.

Criminal Law Consolidation Act, 1935-1972: This amendment corrects an obvious grammatical error.

Crown Lands Development Act, 1943: These amendments are mainly consequential on the change of title of the Commissioner of Crown Lands to Minister of Lands. They also update the references to the Crown Lands Act in section 2 and section 4 and strike out from section 4 (3) the references to sections 31 and 56 of the Crown Lands Act which had been repealed by previous legislation. The amendment to section 9 converts to decimal currency an amount expressed in the old currency.

Dairy Industry Act, 1928-1972: This amendment updates and clarifies the definition of the metropolitan area which is not, as presently defined, clear or up to date.

Decimal Currency Act, 1965-1966: The first amendment to section 2 is consequential on the repeal of the Industrial Code, 1920-1963, and the second amendment to that section is consequential on the first amendment. The amendments to the schedule are consequential on the repeal of the Industrial Code, 1920-1963, and the Money-lenders Act, 1940-1960.

Electricity Act, 1943, as amended by the Electricity Trust of South Australia Act, 1946: The amendment to the long title clarifies the objects of the Act. The amendment to section 2 strikes out the definitions of "chairman" and "member", as those definitions were relevant to the existence of the old Electricity Commission, which was replaced by the Electricity Trust of South Australia established by its own Act in 1946. Sections 3 to 10 are repealed, as they are no longer relevant and have no further application to the administration of the Act. Section 19 is repealed, as it is now redundant in view of section 38 (*b*) of the Electricity Trust of South Australia Act and the amendments made to the Electrical Articles and Materials Act by an amending Act passed in 1967. Section 23 is repealed, as it is also now redundant in view of section 25 of the Electricity Trust of South Australia Act under which the trust is obliged to prepare and present to the Minister an annual report for laying before Parliament.

Electricity Trust of South Australia Act, 1946-1971: The amendment to section 4 is consequential on the enactment of Part IVA of the Act by section 6 of the Electricity Trust of South Australia Act Amendment Act, 1946.

Employees Registry Offices Act, 1915-1966: The amendments to section 2 are consequential on the repeal of the Industrial Code, 1920, and the subsequent enactment of the Industrial Conciliation and Arbitration Act, 1972. The amendment to section 5 is a drafting amendment, and the amendments to the first and second schedules are consequential on amendments made by section 3 of Act No. 9 of 1966.

Employees Registry Offices Act Amendment Act, 1965-1966: Section 22 of this Act was merely a transitional provision, and as that section is not incorporable in its present form in the principal Act and as it is no longer operative it is repealed.

Excessive Rents Act, 1962-1966: This amendment corrects the citation of the Excessive Rents Act Amendment Act, 1965-1966.

Fibre and Sponges Act, 1909-1937: The amendments to this Act are either consequential on the change of title from Commissioner of Crown Lands to Minister of Lands or convert references to measurements and money to their equivalents or nearest equivalents in metric measurements or decimal currency, except the amendment to section 12, which is consequential on the transfer of the powers of the Marine Board to the South Australian Harbors Board and from the latter board to the Minister of Marine, and on the repeal of the Marine Board and Navigation Act, 1881, by the Marine Act, 1936.

Friendly Societies Act, 1919-1971: Section 45a (6) of this Act provides for the winding up of a friendly society and invokes the relevant provisions of the Companies Act, 1934, for this purpose. As the Companies Act, 1934, was repealed by the Companies Act, 1962, this amendment substitutes the appropriate references to the latter Act for the references to the repealed Act and makes the necessary consequential amendment.

Fruit Fly Act, 1947-1955: The amendment to section 8 is consequential on the repeal of section 4 by amendments to the Act made in 1953 and 1955.

Fruit Fly Act Amendment Act, 1953: The amendments made to this Act repeal section 6 and the first and second schedules, which are now exhausted.

Fruit Fly Act Amendment Act, 1955: Sections 5 and 6 of this Act are repealed as they are exhausted.

Garden Suburb Act, 1919-1960: Section 23a of this Act is now out of date and some of its provisions are no longer relevant. The amendment seeks to repeal that section and enacts in its place a new section which omits all irrelevant matter and updates the provisions relating to the Metropolitan Abattoirs Act, 1908, which is no longer in force. The amendment to section 23c updates the reference to the Fire Brigades Act, 1913. The amendment to section 24 (1) merely clarifies its meaning.

Garden Suburb Act Amendment Act, 1960: Sections 9 and 11 of this Act have no "home" in the principal Act, and the amendments repeal those sections and re-enact their provisions as sections 28a and 28b of the principal Act.

Harbors Act, 1936-1971: The amendment to section 36 makes a grammatical correction. The amendment to section 82 (2) is consequential upon the transfer of the powers of the Harbors Board to the Minister of Marine. The amendment to section 115 corrects an error that had been made in a 1968 amendment. The amendment to section 132a (2) corrects an error that had been made in a 1969 amendment. The amendments to section 144 (65), section 192 (3) and the third schedule are consequential on the transfer of the powers of the Harbors Board to the Minister of Marine.

Harbors Act Amendment Act, 1968: As section 168 was repealed by Act No. 53 of 1967, the amendment to

that section in the schedule to the Harbors Act Amendment Act, 1968, is struck out.

Health Act, 1935-1972: Most of the amendments to this Act are consequential on the appointment of a Minister, other than the Chief Secretary, as Minister of Health. The amendments to section 94b (2) (*a*) are consequential on changes of title of two departmental officers. The amendment to section 94b (2) (*b*) is consequential on the formation of the Chamber of Commerce and Industry of South Australia Incorporated.

Hospitals Act Amendment Act, 1951: The amendments to this Act are consequential on the repeal of the Road Traffic Act, 1934-1950.

Impounding Act, 1920-1967: This amendment is consequential on the substitution of the Minister of Marine for the South Australian Harbors Board.

Industrial and Provident Societies Act, 1923-1971: Subsection (3) of section 9 of this Act confers a power to make rules of court under the Supreme Court Act, 1878, for regulating appeals under that section. The Supreme Court Act, 1878, was repealed by the Supreme Court Act, 1935. The amendment to section 9 repeals subsection (3), and enacts new subsections (3) and (4) in its place. New subsection (3) confers power to make rules of court under and in accordance with the Supreme Court Act, 1935, for regulating appeals under that section. This power, however, would apply only to rules made after this Bill becomes law. Accordingly, subsection (4) preserves the effect of the rules of court made before the Bill becomes law, whether made under the Supreme Court Act, 1935, or made under any corresponding previous enactment (such as the 1878 Act). The subsection also includes an express power to revoke or vary those old rules. The amendments to sections 46 and 49 (2) update references to the Companies Act, 1934, which had been repealed by the Companies Act, 1962. The amendment to section 49 (1) clarifies the provisions of paragraph (*a*) which in their present form are not clear or strictly correct.

Industrial and Provident Societies Act Amendment Act, 1966: Section 9 of this Act in its present form has no "home" in the principal Act and this amendment re-enacts its provisions as section 2a of the principal Act.

Liquefied Petroleum Gas Act, 1960: This amendment merely makes a drafting improvement to the Act

Loans for Fencing and Water Piping Act, 1938-1952: The amendment to section 11 (2) is consequential on the change to decimal currency. The amendment to section 21 (1) is consequential on the subsequent repeal of section 22, which is no longer relevant. The repeal of the second schedule is consequential.

Marginal Lands Act, 1940: The amendments to this Act are mainly consequential on the change of title of the Commissioner of Crown Lands to Minister of Lands. They also update the references to the Crown Lands Act in section 2 and section 4. The reference in section 4 (4) to section 56 of the Crown Lands Act is struck out, as it has been repealed. The amendment to section 6 converts to decimal currency an amount expressed in the old currency.

Marketing of Eggs Act, 1941-1972: These are amendments of a grammatical nature.

Municipal Tramways Trust Act, 1935-1971: The amendment to section 18 is consequential on the changeover to decimal currency. The amendment to section 86b merely clarifies the provisions of that section.

Nurses Registration Act Amendment Act, 1956: Sections 14 and 15 of this Act are repealed, as they are transitional provisions that are no longer relevant.

Nurses Registration Act Amendment Act, 1970: This amendment merely clarifies the provisions of section 4 (*b*).

Pharmacy Act, 1935-1972: This is a drafting amendment.

Police Offences Act, 1953-1973, and Police Regulation Act, 1952-1973: The amendments to these Acts are consequential on the repeal of the Police Act, 1936, as amended.

Renmark Irrigation Trust Act, 1936-1972: These are grammatical amendments.

Renmark Irrigation Trust Act Amendment Act, 1969: This amendment corrects a wrong reference to a subsection in section 4 (b).

Savings Bank of South Australia Act, 1929-1973: This is a grammatical amendment.

South Australian Railways Commissioner's Act, 1936-1971: The amendment to section 4 is consequential on the enactment of section 131a in 1965. Part IIIA is repealed, as it deals with the Railway Officers Classification Board, which is no longer in existence. The provisions of this Part are obsolete, as awards made under Commonwealth legislation supersede them. The amendment to section 93 (2) is consequential on the repeal of section 509 of the Local Government Act by section 54 of Act No. 141 of 1972. The amendment to section 133 (1) (*h*) updates the reference to the harbormaster of the Harbors Board, and the amendment to section 133 (1) (*c*) substitutes a reference to the Minister of Marine for the reference to the Harbors Board.

The amendments to the Statute Law Revision Acts of 1934, 1935, 1936, 1937, 1952 and 1965 are consequential on the repeal of the enactments listed against those Acts.

Statutes Amendment (Administration of Acts and Acts Interpretation) Act, 1971: The amendment to section 2 corrects an error in the citation of an Act.

Statutes Amendment (Public Salaries) Acts of 1955, 1959, 1960 (No. 2), 1963, 1964, 1965 and 1967 are amended by the repeal of amendments made by those Acts to Acts that have since been repealed.

Vermin Act Amendment Acts of 1935 and 1936 are amended by repealing their provisions which amend an Act that has since been repealed.

The Hon. F. J. POTTER (Central No. 2): I support the second reading. Sometimes, I think we might well call our Standing Orders Committee together to examine Standing Orders, the House of Assembly having done the same sort of exercise. If ever there was a Bill the second reading explanation of which the Minister would be justified in seeking leave to have incorporated in *Hansard* without his reading it, this is one of them. I make that suggestion to you, Mr. President, so that you might consider it. Of course, I am not completely happy with the idea that all second reading explanations should be incorporated in *Hansard* without their being read.

The Hon. A. J. Shard: But there are many that could readily be.

The Hon. F. J. POTTER: That is so, and this is a first-class example. The Minister's second reading explanation represents the work done by our former Parliamentary Counsel, Mr. E. A. Ludovici, in his retirement. It is certainly clear that he has gone meticulously through all the Acts referred to in the schedules of the Bill and that he has incorporated the required amendments. Many of the amendments correct misnumberings of sections, and many change references to old currency to their decimal currency equivalents, and others change measurements to their new metric equivalents. I am pleased to know that the work is proceeding so well, as the Minister said in his

explanation, and that we can look forward in the near future to the first of the new reprinted volumes coming out.

I know, as the Minister said, that it is a colossal programme, involving the reprinting of about 9 000 pages incorporating all the amendments in force as well as the correction of errors and anomalies, but I stress, as I have on one or two other occasions in the past during Question Time, that the preparation and issue of this new set of Statutes are most urgent. I think the Minister told me, in reply to a question, that he was hoping the new volumes would come out some time towards the end of next year. If that is so, it will be very nearly 40 years since the previous set of consolidated Statutes was printed. I see no reason why this Bill should not have a speedy passage.

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

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 21. Page 1849.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill. It is a comparatively short measure, consequential on an alteration to the Commonwealth Act requiring a similar Bill consenting to the same measures to be enacted in each of the States. It is mainly a machinery Bill. It is interesting to see that, in the second reading explanation, the Parliamentary Counsel stated:

> In the ordinary course of events, the stabilization scheme at present under consideration would have ceased to have effect after the wheat of the season ended October 31 last had been sold. Accordingly, this measure of itself contains what I suggest is an entirely desirable feature of retrospectivity.

As honourable members are aware, this Council is often cautious about accepting legislation containing retrospective provisions, but in this case the continuity of the scheme depends on the Bill being passed; payments to certain people also are involved.

Normally, agreements under the Wheat Stabilization Act are negotiated for a period of years, but until final agreement has been reached in the present circumstances the Bill continues the arrangement of the previous Government with one or two minor exceptions where allowance is made for, perhaps, increased wheat quotas, and so on. I compliment the Australian Wheat Board on the manner in which it has conducted sales throughout the world, and South Australian Co-operative Bulk Handling Limited on the way in which it has guarded the quality of our grain. Much goodwill has been built up throughout the world through a great deal of expertise in salesmanship and diplomacy on the part of the Australian Wheat Board. In complimenting the board on its work, I must express some concern that recently, for the first time, we have seen a form of political intervention in what is normally a trading practice.

I refer to the publicity given to Mr. Whitlam signing a contract for three years (or perhaps it was a letter of intent) with Communist China. The Australian Wheat Board has sold wheat to China on many previous occasions; it is the only selling agency and the only organization with the necessary authority to sell grain to any country. We have customers in other lands. Governments which have been loyal to Australia in purchasing wheat, but we have seen this element of what appears to be political intervention in a commercial transaction. There is also the question of the terms of the sale of wheat to Egypt. That is surely the prerogative of the Australian Wheat Board.

I hope that the present buoyancy enjoyed by wheat on the world market because of a world shortage will not lead to a situation in which wheat could become a political tool. At present, of course, it is possible for even the most inexperienced salesman to sell wheat to almost any country in the world, because it is a seller's market.

In conclusion, I should like to compliment the chief Parliamentary Counsel, Mr. Daugherty, on the assistance he always gives in matters affecting the grain industry. He is almost an expert on that industry and it has become one of his specialities, because he has been present at the conferences between the various States on grain industry matters, and he has been responsible for drafting the grain industry legislation that has passed through this Council during the last few years. I should like also to express the appreciation of honourable members of the help he has given them on request. I do not wish to delay the Bill because it is essential that it be passed quickly. It may cause a great problem if it is not passed this session.

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

POLICE OFFENCES ACT AMENDMENT BILL (FEE)

Adjourned debate on second reading.

(Continued from November 21. Page 1849.)

The Hon. C. M. HILL (Central No. 2): This short Bill is introduced for the purpose of increasing the expiation fee that may be prescribed for the breach of any parking by-law under our local government system. The present maximum is $2, and the Government proposes to increase it to $10. Obviously, one does not approve a measure of this kind with any great enthusiasm. Nevertheless, I think the Minister has a strong point in his submission that the economics of the present situation, involving the costs of policing and collecting the fees, are not reasonable.

Most importantly, the Bill, if it is passed, does not mean that expiation fees can automatically be increased: it simply gives the authority for the next step, which would be that each offence would be considered individually and the maximum that a council would be permitted to charge as an expiation fee would have to be determined by regulation. That means, of course, that this Council will have an opportunity to look at this whole matter a second time, when the new proposed maximum of $10 has been brought down. Also, the Bill permits a council to charge not necessarily the expiation fees that will be included in the regulations but, by its own resolution, if it thinks fit, lower expiation fees than those prescribed. I support the Bill.

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

PRISONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 21. Page 1849.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill. For many years the old Z ward at Glenside was the maximum security hospital in South Australia. This was a rather unsatisfactory position. During my own term as Minister of Health in this State, a practical move was begun for the establishment in the Yatala Labour Prison area of a maximum security hospital. If we examine this matter, we realize it is reasonable that, where maximum security is required, the experts in maximum security should be in charge of the establishment and that those people who have to be confined in such a place should be under the care and control of those who are experts in such security.

The hospital at Glenside operated for a long time, but I always thought it was grossly unfair for the staff there that it should be responsible for people who were criminally insane and had been committed to Glenside for long terms. I am pleased that since the original decision was made the Government has pursued the policy to establish, in Yatala Labour Prison, a new maximum security hospital. I understand that the hospital will be completed within the next two or three months. This Bill amends section 31 (1) of the Prisons Act, which states:

The comptroller may remove any prisoner from any prison under his control to any other prison under his control, or, in case of illness, to any hospital, infirmary, or other institution, as occasion may from time to time seem to him to require.

This Bill slightly alters that subsection by deleting the words "in case of illness" and inserting in lieu thereof the words "for the purpose of medical, psychological or psychiatric examination, assessment or treatment". I believe the Bill is reasonable, and is occasioned by changes being made in transferring the maximum security hospital from Glenside to Yatala.

The Hon. V. G. SPRINGETT (Southern): I wish to support the Bill in a few words. The provision, within the prison confines at Yatala, of a ward for criminals who need medical treatment in the broad sense is a very important step in the ultimate rehabilitation of these people. It is also a welcome step from the viewpoint of the general public. People who are confined to prison for long periods have a tendency to become moulded within the confines of the wards in which they are kept and where they can be treated. It harms people if they stay for too long in their own environment and have little chance of getting out again.

Mention has been made in this context of half-way houses, but that is a different subject. This Bill prevents people in the case of illness to be taken from a gaol and put in a hospital of some sort, where they may have a guard sitting by their side or be chained to the bed rail (which must be emotionally disturbing for the patient) and be a persistent nuisance to the routine running of the ordinary hospital. I am glad there will be a maximum security ward within the confines of Yatala, away from Glenside.

I should also like to emphasize that the Bill deletes "in case of illness" and inserts "for the purpose of medical, psychological or psychiatric examination, assessment or treatment". Most of us do not wait to go to a doctor for appropriate treatment: we go when we have certain symptoms. Under the old Act prisoners had to wait until they were ill before being moved. Now, however, they can be assessed and receive treatment in the early stages of an illness, if necessary. This will give them more reasonable care and treatment, which will assist their physical and mental well-being. I support the Bill.

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

REYNELLA OVAL (VESTING) BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

In 1914 a trust was formed to assume control over certain lands in the Reynella area which later became known as the Reynella Oval. The original trustees have passed on, but other trustees have been appointed in their stead. With the development of the Reynella area it has proved impossible for the trustees to develop the oval in a manner that would provide adequate facilities for the people of the area, notwithstanding that an association was incorporated under the Associations Incorporation Act having the name Reynella Community Oval Incorporated to assist in this task. Accordingly, it is the desire of the trustees that the land comprised in the oval be vested in the District Council of Noarlunga, which is prepared to accept the land. In fact, in 1971 it was proposed that proceedings would be taken in the Supreme Court to authorize this vesting. However, an examination of the question by the Crown Solicitor suggested that certain legal difficulties would prevent such a vesting by order of the Supreme Court and accordingly these proceedings were abandoned. This Bill proposes that the land in question will, by force of an Act of this Parliament, vest land in the District Council of Noarlunga to be used as a sporting and recreation reserve. All the parties to the transaction agree that this approach would be the best solution to the problem.

Clauses 1 and 2 are formal. Clause 3 provides certain definitions for the purposes of the Bill. Clause 4 in terms vests the land, comprised in the oval, in the council. Clause 5 ensures that certain rights of action by or against the trustees are preserved, notwithstanding the vesting. Should any such rights exist the District Council of Noarlunga will be required to stand in the place of the trustees. It is not thought likely that any such actions are possible, but a provision of this nature seems to be desirable from an abundance of caution. Clause 6 requires the council to deal with the land for the benefit of the inhabitants of this area and, in terms, applies Part XXII of the Local Government Act to that land. Clause 7 ensures that the appropriate alterations will be made to certificates of title issued in respect of the land so as to reflect the vesting This Bill has been considered and approved by a Select Committee in another place.

The Hon. R. C. DeGARIS (Leader of the Opposition): I see no reason why this Bill should not be passed immediately. It was subject to a Select Committee report from the House of Assembly. The hearing was duly advertised and evidence was taken from interested people. In his second reading explanation the Minister said that the Bill concerns a trust that was formed to assume control of certain lands in the Reynella area known as the Reynella oval. The solution reached has been agreed to by most people concerned, and I support the second reading.

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

MOTOR FUEL DISTRIBUTION BILL

(Second reading debate adjourned on November 21. Page 1854.)

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. R. C. DeGARIS (Leader of the Opposition): During the second reading debate I said that I was not happy with many aspects of the Bill, which directly affects relatively few people. Some concepts in the Bill need to be closely examined. Honourable members know the reasons for the Bill, and the Government has said that it will not be proclaimed if the voluntary rationalization scheme now proceeding is successful. During the second reading debate I suggested to the Chief Secretary that the Bill should not be passed at this stage, in the hope that the voluntary rationalization scheme would be

successful and, as a result, there would be no need for the legislation to be included in the Statute Book. If the Chief Secretary wants the Bill passed, I am willing, with some misgivings, to go along with it in its present form. However, if the Bill is not further dealt with now and if at the end of the session the voluntary rationalization scheme has not been the success that it appears to be at present, I give an undertaking that the Bill will pass then. I should like to know the Chief Secretary's opinion of my suggestion.

The Hon. A. F. KNEEBONE (Chief Secretary): I realize that the Leader said he would like the Bill to remain on the Notice Paper until February, but I would be much happier if we dealt with it now. If an oil company draws our attention to the fact that another oil company is not doing the right thing, pressure can be brought to bear on the latter company if this Bill has been passed. I would therefore be much happier if the Bill was passed so that it can be brought into effect if necessary.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—"Appointment and term of office of members of the board."

The Hon. C. M. HILL: During the second reading debate I said that through this Bill and many other Bills boards were being set up by the Government, but it was not being provided in the Bills that representatives of the interests involved should have some say in determining the composition of the boards. It is obvious that there are three definite interests involved in this matter, namely, the oil companies, the South Australian Automobile Chamber of Commerce, and the motorists, who could be adequately represented by the Royal Automobile Association. I pointed out in my second reading speech that much better legislation would result if the Government adopted the approach that I suggested. Has the Minister considered my suggestion, or is he perfectly satisfied with what the Bill provides in this connection?

The Hon. A. F. KNEEBONE: I have had a look at the matter. The appointment of the board members will be discussed with the bodies referred to.

The Hon. R. A. GEDDES: The Bill provides that the Governor may appoint proxy board members. Can the Minister explain how this will work? If the three permanent members are not able to attend meetings, will continuity and consistency of thinking be maintained? Can the Minister explain why it is necessary to have three deputies?

The Hon. A. F. KNEEBONE: If the appointments are made as a result of discussions with industry representatives, it will be possible to have a deputy to take the place of each of the three permanent members. In the simultaneous absence of all three permanent members, the three deputies would have to act in their stead, but that is unlikely to happen.

The Hon. R. A. GEDDES: Regrettably, the Bill does not spell out that neither the permanent members of the board nor their deputies shall represent sections of the industry.

Clause passed.

Clauses 8 to 24 passed.

Clause 25—"Powers of inspector."

The Hon. M. B. DAWKINS: I move:

In subclause (1) (*a*) after "premises" to insert "the subject of a licence or a permit".

In the second reading debate I said that some of the powers contained in the Bill were excessive, and some of my colleagues supported my contention. The definition of "premises" states "any premises, place, vehicle, ship, vessel or aircraft"; just about anything could constitute premises. Clause 25 (6) also includes a wide definition. Clause 25 (1) provides:

An inspector may at any time, with such assistants as he considers necessary, without any warrant other than this section:

(*a*) enter any premises for the purposes of ascertaining whether or not the provisions of this Act are being complied with.

Paragraphs (*b*) and (*c*) spell out the powers in greater detail. Representation has been made to me that this is an excessive power. My amendment should cover all premises necessary to be inspected under this legislation.

The Hon. A. F. KNEEBONE: I oppose the amendment. The legislation provides that an inspector may enter premises only for the purpose of ascertaining whether or not its provisions are being complied with. The amendment would unduly restrict an inspector in his ability to administer the Act properly with regard to any breaches that may occur as a result of non-compliance with the provisions of the Act. Section 20 of the Inflammable Liquids Act, 1961, contains a similar power for an inspector, and this is the usual provision in regard to such matters. An inspector appointed under the Inflammable Liquids Act would probably also be appointed an inspector under this legislation, because inspectors of the Labour and Industry Department will administer it. It would be more appropriate to have the provision contained in this legislation than to rely on a similar provision contained in another Act. An inspector could not inspect any premises without first producing his certificate of appointment from the Minister. Therefore, people with no reason to fear an inspection would have nothing to fear with regard to this provision.

The Hon. F. J. POTTER: I think a further difficulty could arise as a result of the amendment, in that subclause (6) contains a special definition as follows:

"premises" means any premises, place, vehicle, ship, vessel or aircraft the subject of, or proposed to be the subject of, a licence or permit . . .

If the amendment is accepted, it could cause a clash between the wording in subclause (6) and the definition of "premises". The definition of "premises", for the purpose of this Bill, includes what the honourable member really wants to do. I think a difficulty would be created if the amendment were passed.

The Hon. M. B. DAWKINS: In view of the comments of the Hon. Mr. Potter, although I am not completely satisfied with subclause (6), it does cover to some extent what I was trying to achieve. Therefore, I shall seek leave to withdraw my present amendment.

The Hon. Sir ARTHUR RYMILL: I support this rather important amendment. The definition of "premises" is as follows:

"premises" means any premises, place, vehicle, ship, vessel or aircraft.

The definition does not refer merely to premises licensed for the sale of fuel. On my reading of the Bill, an inspector, under this legislation, could enter any premises, on the pretext that he was looking at something covered by the Act, to look at something of an entirely different nature.

The Hon. F. J. Potter: Have you looked at the definition in subclause (6)? There is a special definition in that subclause.

The Hon. A. F. KNEEBONE: If the amendment was passed, and if someone applied for a licence for premises, an inspector could not look at the premises until the licence had been issued. That completely restricts the right of anyone to inspect premises.

The Hon. M. B. DAWKINS: In seeking leave to withdraw the amendment, I was assuming that subclause (6) took precedence of the original definition in clause 4. When I originally drafted the amendment I was working on the definition of "premises" which the Hon. Sir Arthur Rymill has read out; I think it is far too wide. I overlooked the further definition in subclause (6) which is not, in my view, completely satisfactory, but it does contain some of the words I have mentioned, to which the Chief Secretary has taken exception. The words to which I refer are as follows:

. . . the subject of, or proposed to be the subject of, a licence or permit . . .

If the provision were to end there it would meet my objection completely. I am not happy with the balance of the subclause. Nevertheless, I ask the Chief Secretary whether, in his opinion, I am correct in assuming that, for the purposes of this clause, clause 25 (6) does take precedence of the definition in the interpretation clause.

The Hon. A. F. KNEEBONE: Yes, naturally.

The Hon. G. J. GILFILLAN: I support what the Hon. Mr. Dawkins is attempting to do, because I do not think subclause (6) does anything to protect the owner of the premises. Although it specifies premises that are the subject of, or proposed to be the subject of, a licence or permit, it goes on to include any other premises covered in the subclause, which would, in the opinion of an inspector, be reasonably likely to afford evidence as to whether or not the provisions of the Act were being complied with. This is not a positive definition, because it allows the inspector, in his discretion, to widen the field considerably. It is not related just to the premises for which the licence is sought or held: the inspector could go anywhere he wished. Surely, this is getting down to a police State situation. An inspector, taking with him anyone he wished, could enter premises. I share the concern of the Hon. Sir Arthur Rymill. There would be no end to the acts undertaken by an inspector and people associated with him.

The Hon. C. M. HILL: All members of the Opposition who spoke in the second reading debate brought to the Government's notice the deep concern this clause raised in our minds. Any inspector could take the view that a person about whom he was inquiring might have some records at home. He has only to assume that (whether it be a receipt book or sheets concerning quantities of fuel or anything else in relation to the arrangement which may be under investigation) and he can enter a private home to carry out his inspection, asking questions of anyone in that house. Such a situation must cause grave concern. Some endeavour should be made to improve the Bill so that the inspectors should be permitted to enter only business or commercial premises. Every endeavour should be made to prevent inspectors entering private houses.

The Hon. M. B. DAWKINS: I have already sought leave to withdraw my amendment, and I propose to pursue that course with the object of amending subclause (6) to read as follows:

"premises" means any premises, place, vehicle, ship, vessel or aircraft the subject of, or proposed to be the subject of, a licence or permit.

I will move that the remainder of the words of that subclause be struck out. If I am given leave to withdraw the amendment to clause 25 (1) (*a*), I shall then move the amendment to clause 25 (6), as I have indicated.

The Hon. Sir ARTHUR RYMILL: The Hon. Mr. Dawkins has drawn attention to what I had in mind and what, I think, gets over the objection of the Chief Secretary. The definition of "premises" in subclause (6) is almost identical to the definition of "premises" in the Act. The elaborate words to which the Hon. Mr. Dawkins has referred bring into the dragnet any premises. I agree with the Hon. Mr. Dawkins and will support what he says, but I have one or two other matters to refer to before we reach subclause (6).

Leave granted; amendment withdrawn.

The Hon. R. C. DeGARIS: I should like an explanation of subclause (1) (*b*), which provides:

for that purpose, question any person he finds in or upon those premises.

My first question is: does "any person" include children? Secondly, does "premises" include a person's home? A person may have no knowledge of what he is being asked: does he have to answer questions put to him by an inspector? If he does not answer, what are the penalties? The Hon. Mr. Gilfillan used the expression "police State"; I do not adopt that, but this clause must be dealt with cautiously. Can the Chief Secretary say whether subsection (1) allows the questioning of any person irrespective of age and irrespective of whether that person has anything to do with the matter under investigation? Does that person being approached have to answer any questions put to him?

The Hon. F. J. Potter: Subclause (4) deals with that.

The Hon. R. C. DeGARIS: Subclause (4) deals with the case where a person need not answer if such answer may incriminate him. How does a person determine whether or not it will incriminate him, particularly if a child is involved? Is there a right to refuse to answer if a person does not know whether or not it will tend to incriminate him? What is the penalty if a person refuses to answer a question?

The Hon. A. F. KNEEBONE: I can answer the Leader's questions only by referring to the Bill as it reads at present. I do not know what honourable members are trying to do on this clause.

The Hon. Sir Arthur Rymill: The Leader is trying to protect the public.

The Hon. A. F. KNEEBONE: And he is also trying to protect the person who may not be doing the right thing. The purpose of this provision is to ascertain whether or not the provisions of the Act are being complied with. Honourable members are trying to make it as difficult as possible to catch someone who is doing something he should not be doing. It is quite clear that a person is not obliged to answer a question. I see nothing wrong with a person answering a question if it is not going to incriminate him. Inspectors are required to ensure that the law is being observed; that is what inspectors are provided for. But an inspector must have a specific authority to show that what he is doing is legitimate. No-one is likely to answer a question if it will tend to incriminate him; he will refuse to answer questions that are not related to the subject matter of the inquiry.

The Hon. R. C. DeGaris: If a person refuses to answer questions, he must prove his innocence.

The Hon. A. F. KNEEBONE: Where is that?

The Hon. R. C. DeGaris: It is in subclause (1) (*b*) read in conjunction with subclause (3) (*a*).

The Hon. A. F. KNEEBONE: Subclause (3) (*a*) provides that a person shall not without lawful excuse hinder or obstruct an inspector. A person may say to an inspector, "If you go in there you will see that I am guilty," and he stops him from entering the room. That is how I read subclause (3) (*a*). I cannot see the point raised by

the Leader. What we are trying to provide here is that, if someone is breaking the law, an inspector should have reasonable powers to investigate the position.

The Hon. R. C. DeGaris: What about subclause (3) (*c*)?

The Hon. A. F. KNEEBONE: That is failing to answer truthfully any question put to a person under subclause (1). Subclause (4) lets him out of that: a person is not obliged to answer a question put to him if it will tend to incriminate him; the inspector is required to produce documents to show what he is there for. I cannot see why honourable members are trying to obstruct an inspector from doing his duty.

The Hon. Sir ARTHUR RYMILL: The more one examines this Bill, the worse it gets. Subclause (1) (*b*) provides:

for that purpose, question any person he finds in or upon those premises.

That means that, if I go along to a service station at the corner of my street to fill up my car with petrol and an inspector comes in while I am there, I am one of those persons he finds "in or upon those premises" and he may question me. Under subclause (3) I cannot refuse to answer those questions, and proof lies on me that I have a lawful reason for not answering any question put to me; but under subclause (4) I can say that I will not answer any question because it will tend to incriminate me. Everyone is deemed to know the law. I, as an ordinary person entering a service station, meet an inspector, who says to me, "What are you here for?" I answer, "What the hell has that to do with you?"

He would then say, "I am an inspector under the Motor Fuel Distribution Act, and you have got to answer my questions." I would then automatically say, "I am not going to answer your questions; why should I?" He would probably then say, "All right, in that case you are liable to a fine of up to $200." Why should ordinary people be subjected to this kind of provision? On the corner of my street is a service station that has a walkway through it, and I often use that and walk past the petrol pumps to cut the corner. I suppose, under this provision, I could be bailed up by an inspector when walking past the pumps by his saying, "What are you doing on these premises?" I could once again say that I was not going to answer his questions, but he would only say, "Then you are up for a $200 fine."

The Minister of Agriculture can grin as much as he likes, but that is what the Bill provides. However, he does not seem to understand that. Why should we pass this clause that would apply to almost any member of the public in South Australia? I believe we ought to strike out clause 25 (1) (*b*), because even if that were done the inspector would still have power to enter premises under the Hon. Mr. Dawkins's amendment, and he would still have the power to require the production of books and documents, but he would not have the power to ask snap questions of unsuspecting people who would have to give snap answers. This is a complete perversion of British justice: the law is that a person is not obliged to answer questions, but this clause says that people must answer. I think that is fundamentally wrong.

Certainly, subclause (4) provides:

A person shall not be obliged to answer a question put to him by an Inspector if the answer to that question would tend to incriminate him or to produce any book or document if the contents of that book or document would tend to incriminate him.

How does the ordinary member of the public know that the onus of the law has been reversed and he must answer these questions or be liable to a penalty of $200?

The Hon. A. F. KNEEBONE: If subclause (1) (*b*) is struck out, an inspector will not ask questions of anyone or request the production of books or documents.

The Hon. R. A. Geddes: Subclause (1) (*c*) covers that.

The Hon. A. F. KNEEBONE: How can an inspector ask questions without this provision? It cannot be specifically provided in the Bill to whom he may speak.

The Hon. C. M. HILL: It could be amended to say "Any party to arrangements as defined in clause 49".

The Hon. Sir Arthur Rymill: What other Acts provide for this?

The Hon. A. F. KNEEBONE: I have been told that this is a normal clause regarding these matters and that it applies in the Inflammable Liquids Act and the Lifts Act, which give inspectors the right to make inspections and inquiries. I know that honourable members often worry about inspections: the right of entry is something that we have argued in this Chamber on many occasions. I know the feelings of honourable members, but all the Government is trying to do in this measure is see that the provisions of the Bill are applied. If there were no inspectors the door would be left wide open to malpractice and the evasion of the provisions of the Bill. Honourable members may go ahead and delete this provision if they wish, but inspectors will then be unable to administer its provisions. This clause has not been included to incriminate people who are innocent.

The Hon. F. J. POTTER: There is merit in the arguments put forward on both sides. I do not disagree with the points raised by the Hon. Sir Arthur Rymill, but this clause provides, among other things, that an inspector has the power to enter premises and question people and to look for documents to ascertain whether or not the provisions of the Bill are being complied with. When one looks at the offence clauses, one really finds that there are only two basic offences. Clause 27 (1) provides:

On and after the expiration of the third month next following the appointed day, a person shall not sell motor fuel by retail from any premises unless those premises are the subject of a licence or permit.

In other words, the purpose of the inspection is to find whether or not an offence has been committed and whether or not a person is selling petrol from other premises that are not the subject of a licence or permit. Two other offences are referred to in clauses 33 and 43, which are basically the same offences. Clause 43 povides:

A person shall not in relation to a permit or to premises the subject of a permit refuse or fail to comply with a limitation, restriction or condition to which that permit is expressed to be subject.

Clause 34 (1) provides:

A licence shall cease to have effect and the premises to which it related shall cease to be the subject of a licence if . . .

So, that is really what the inspection is all about. I do not believe an inspector would have power to ask questions on other matters.

The Hon. C. M. HILL: I appreciate fully the points raised by the Hon. Sir Arthur Rymill, and I believe that inspectors ought to have the right to question any person who is a party to an undesirable arrangement as defined in clause 49, as follows:

"Arrangement" means any contract, agreement or arrangement whether or not in writing and whether express or implied:

In other words, it covers any party who is directly concerned with the agreement, such as a lease or any other agreement, for the sale of quantities of fuel, and so forth. They are the people whom inspectors ought to have the right to question.

The Hon. F. J. Potter: I don't think he would have the right under that clause. It really relates to whether the Bill is being complied with.

The Hon. C. M. HILL: How can an inspector ascertain whether the Bill is being complied with until he goes on to the premises and discusses the matter with the parties involved?

The Hon. A. F. Kneebone: He also has to see whether or not it is a licensed place or whether it has a permit.

The Hon. C. M. HILL: I am talking not about those places but about the people he has the right to question. The people affected will include even the customers and people who walk through the station. Surely the inspector does not have to go that far. I agree that he has to have the right to question people on the premises who are concerned with the licence or the agreement.

The Hon. A. F. Kneebone: But there might not be a licence. The inspector has to look for a case where petrol is being sold in circumstances where it should not be sold.

The Hon. C. M. HILL: Nevertheless, the inspector should question only those people directly concerned with the matter he is investigating, and such people would not be members of the general public.

The Hon. A. F. Kneebone: They could be people who were buying petrol from an unlicensed outlet.

The Hon. C. M. HILL: I want to avoid the possibility of innocent parties being questioned.

The Hon. A. F. Kneebone: They have nothing to worry about.

The Hon. C. M. HILL: A female motorist may be confronted by an inspector in plain clothes; she may have no idea of this Bill, but she may be asked a series of questions. That would be a bewildering situation for the lady.

The Hon. Sir ARTHUR RYMILL moved:

To strike out subclause (1) (*b*).

The Hon. A. F. KNEEBONE: I cannot understand the attitude of some honourable members, and I oppose the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Arthur Rymill (teller), V. G. Springett, and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield, J. C. Burdett, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), F. J. Potter, and A. J. Shard.

Majority of 2 for the Ayes.

Amendment thus carried.

The Hon. Sir ARTHUR RYMILL: I move:

To strike out subclause (2).

This amendment is consequential.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

In subclause (3) to strike out "(proof of which shall lie upon him)".

This amendment is not consequential, but it is a matter of the same principle.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

To strike out subclause (3) (*c*).

This amendment is consequential.

Amendment carried.

The Hon. M. B. DAWKINS: I move:

In subclause (6) to strike out all words after "permit".

The clause as amended would then cover the duties the inspector would be required to carry out. I would have preferred after "premises" to have only the words "the subject of a licence or permit", but the Chief Secretary objected to that, and I can understand the logic of his objection.

The Hon. A. F. KNEEBONE: I opposed a similar amendment earlier. This amendment would limit the area of the inspector's inquiries only to those premises the subject of a licence or permit or proposed to be the subject of a licence or permit. In an area where no licence or permit existed and where the inspector might suspect that petrol was being sold illegally, he would be prohibited from inspecting such premises, under the amendment, to ascertain whether his suspicions were well founded. As a result of another amendment that has been carried, the inspector will not even be able to ask questions. The amendments will make it difficult to administer the legislation in regard to detecting possible offences.

The Hon. Sir ARTHUR RYMILL: As I believe that a consequential amendment is needed to subclause (4), will the Hon. Mr. Dawkins withdraw his amendment temporarily to enable me to move an amendment to subclause (4)?

The Hon. M. B. DAWKINS: In assisting the Hon. Sir Arthur Rymill to move his amendment, I seek leave to withdraw my amendment temporarily.

Leave granted; amendment withdrawn.

The Hon. Sir ARTHUR RYMILL: I move:

In subclause (4) to strike out "answer a question put to him by an inspector if the answer to that question would tend to incriminate him or to".

I considered this subclause earlier in regard to consequential amendments and I thought at first that it would be necessary to strike it out but, later, I thought it would be unnecessary to do so. If the subclause is left as it stands, it could carry an implication that a person could be obliged to answer questions unless they tended to incriminate him. This amendment is a necessary consequential amendment to other amendments I have moved.

Amendment carried.

The Hon. M. B. DAWKINS: I move:

In subclause (6) to strike out all words after "permit".

The Committee divided on the amendment:

Ayes (10)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins (teller), R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield, J. C. Burdett, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), F. J. Potter, and A. J. Shard.

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (26 to 64) and title passed.

Bill read a third time and passed.

COMMERCIAL MOTOR VEHICLES (HOURS OF DRIVING) BILL

Adjourned debate on second reading.

(Continued from November 21. Page 1853.)

The Hon. J. C. BURDETT (Southern): I support the second reading of the Bill. With some reservations, I support the scheme in the Bill; I certainly support it in so far as it will contribute to safety, although I have some doubts as to how far that may be achieved. I do not think there is any very accurate evidence to suggest that a great number of road accidents has occurred because of weariness on the part of transport drivers, and one reason in particular why I have some reservations about the effectiveness of the scheme to limit the hours of driving is that it appears to me it has not been very effective in other States. In Victoria and New South Wales restrictions on hours of driving have been in force for some time,

I have spoken to transport drivers who have driven in those States and to operators in those States, and the devices for avoiding the provisions of the Acts seem to be numerous and effective. It seems that the schemes have not operated successfully and that hours of driving have not been effectively limited.

The application of the legislation to primary producers concerns me somewhat. They have a good record on the road and probably would not often offend in this way. I appreciate that primary producers from remote areas may be unreasonably restricted by the provisions of the Bill, and I support the suggestion of other speakers that the unladen weight exceeding four tonnes appearing in clause 3 should be changed to an unladen weight exceeding five tonnes; that would be desirable as a means of excluding most primary producers from the provisions of the legislation. Another matter that concerns me relates to transport vehicles carrying perishables, especially in refrigerated trucks. Where refrigeration equipment breaks down there could, in some instances, be an argument in favour of trucks being exempted to enable the vehicle to reach its destination without loss of the freight.

I share the concern expressed by other members that clause 6 (4) provides for penalties not exceeding $500 or imprisonment for six months. While bearing in mind that these are maxima, the fine seems high, but more especially this does not seem to be an offence for which imprisonment is appropriate. Most other matters in the Bill have been covered by other speakers and I do not propose to raise them all, but the retaining of duplicates for such a period of time seems especially inappropriate. It seems quite unnecessary, and I understand from having spoken to some transport operators that, in some forms of operation, the necessity to retain duplicates for such a period of time could cause quite serious storage problems. To enable the Bill to go into Committee, where it can be further considered, I support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the consideration they have given this Bill. One or two questions were raised, and I shall reply to them in a general way, as two Bills are involved. A number of amendments have been proposed to the two Bills, and I remind honourable members that the Bills embodied precisely the recommendations of the committee of inquiry on commercial road transport, which has become known as the Flint committee. That committee had wide representation from all sectors of commercial road transport and from Government authorities. It included experts from the vehicle manufacturing industry and experts in road safety. It received a great deal of expert evidence and made extensive inquiries throughout South Australia and in other States. Some of the amendments proposed are contrary to the recommendations of the committee and on the evidence available to the Government appear quite contrary to the interests of road safety. These the Government does not accept.

Other amendments deal with matters additional to the committee's recommendations although, I am informed, they were considered by the committee, and their omission from the committee's recommendations was a conscious decision based on sound reasons. An example is the proposal for sectional representation on the Road Traffic Board. Favouritism of this type to one sector of the trucking industry is not acceptable to the Government. One area where the Government is prepared to accept some variation is in relation to the penalties prescribed for certain offences under the Bill. The offences to which these penalties relate are very serious, and also it is necessary to consider the penalties for similar offences under other Acts. Nevertheless, the Government is prepared to accept some variation in this area. However, I point out that the amendment that we accept is not that amendment at present on the file.

Another matter to which I should like to refer is the inclusion of the word "or" in the definition of "commercial motor vehicle". There has been reference to the omission of this word in an earlier version of the Bill that was circulated amongst members. I am assured emphatically that this was an error and it was never the intention of the committee of inquiry that made recommendations on this matter or the intention of the Government that an exemption should apply to vehicles used for purposes other than for hire or reward. To reassure members on this matter, I quote the definition that was adopted by the committee of inquiry in its report, which reads:

A motor vehicle constructed or adapted solely for the carriage of goods and includes motor vehicles of the type commonly called semi-trailers or utilities.

From this it can be seen that there was no intention to differentiate in any way between vehicles used for hire or reward and other types of vehicle.

Several honourable members referred to exemptions for primary producers, on the ground that they had a good record. Other drivers have good driving records, too. If a person got knocked over by a primary producer, he would not be any happier that it was a primary producer rather than someone else carrying a different type of goods. So I cannot hold out much hope that the Government will agree to many exemptions.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3 —"Interpretation."

The Hon. A. M. WHYTE: I move:

In subclause (1), in the definition of "'commercial motor vehicle' or 'motor vehicle'", to strike out "4" and insert "5".

The clause mentions a motor vehicle "of an unladen weight exceeding 4 tonnes". I seek to increase that to "5 tonnes" because in many instances vehicles of just over four tonnes would be involved in what I described earlier as the quick turn-around of perishable goods, primary products. By increasing the weight to four tonnes, we relieve the persons concerned with that type of produce of being implicated in this provision.

The Hon. D. H. L. BANFIELD (Minister of Health): The four-tonne limit was proposed by the Committee of Inquiry into Road Transport (which has become known as the Flint committee). The committee's recommendation is in line with similar provisions in Queensland. In both New South Wales and Victoria the provisions apply to vehicles exceeding two tonnes tare weight and, in Western Australia, to all licensed commercial vehicles regardless of weight. The Government's intention is that light vehicles (principally panel vans, station sedans and utilities) should be excluded from these provisions but that all heavier type vehicles should be subject to the provisions. No matter where the line is drawn, there will always be some vehicles that are just above the limit and it will be argued that the limit should be raised so as to exclude them. The Government is not prepared to accept a limit of five tonnes tare weight, and the amendment is, therefore, not acceptable.

The Committee divided on the amendment:

Ayes (11)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, V. G. Springett, and A. M. Whyte (teller).

Noes (6)—The Hons. D. H. L. Banfield (teller), T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone, and A. J. Shard.

Majority of 5 for the Ayes.

Amendment thus carried.

The Hon. M. B. DAWKINS: I move:

In subclause (1), in the definition of " 'commercial motor vehicle' or 'motor vehicle' ", to strike out "or" fourth occurring.

In the original Bill circulated, the definition was as follows:

> "commercial motor vehicle" or "motor vehicle" means a motor vehicle (including an articulated motor vehicle), as defined in the Motor Vehicles Act, of an unladen weight exceeding 4 tonnes—

which has now been amended to 5 tonnes—

> which is used or intended to be used for the carriage of passengers or goods for hire or reward in the course of any business or trade:

In the latter stages of the debate in another place "or" was inserted after "reward". In other words, the definition stated, in part:

> . . . . reward or in the course of any business or trade:

The introduction of this word really means that all private operators are now brought within the scope of the definition. The Bill is to provide for the control and regulation of the hours of driving of drivers of certain motor vehicles, and for other purposes. The main aim of this legislation is to deal with people who drive large trucks for long distances. The word "or" brings all private vehicles into the dragnet of the definition, and includes all private vehicles of five tonnes unladen weight or over.

The main aim of the Bill is to cover what might be called the unsafe driving of people in the transport industry. I believe it is completely unnecessary to bring all private operators within this provision, because in many cases they would not drive for long periods and would not need to use log-books.

The Hon. D. H. L. BANFIELD: My mind boggles at the Hon. Mr. Dawkins's explanation. If the amendment is carried, and two people left from the one destination at the same time, one carrying an identical load for reward and the other being a private carrier, the private carrier would not be subject to the Bill.

The Hon. M. B. Dawkins: He would not be a carrier unless he was carrying for hire or reward.

The Hon. D. H. L. BANFIELD: He could be carrying exactly the same load as the carrier. In fact, he could be driving the same size truck, travelling the same route at exactly the same time and be driving at the same speed. In those circumstances how could we exclude one driver and not another if they were travelling side by side? The effect of deleting "or" from the definition of "commercial motor vehicle" would be to exclude the private operator hauling his own freight, while a commercial operator with the same type of vehicle and loading would be subject to the provisions. This would be contrary to the very purpose of the Bill, which is designed primarily to improve safety on the roads. The Hon. Mr. Dawkins said that the provision was aimed at the commercial operator. In fact, the Bill is aimed at safety on the roads, and I cannot see why we should exclude a private operator simply because he is not getting any reward when it is his own freight anyway. He is doing exactly the same trip as a person carrying for reward. On those grounds, the amendment is unacceptable to the Government.

The Hon. C. M. HILL: While I agree with the Minister regarding the need for road safety, the very title of the Bill relates to commercial motor vehicles. This Bill should concentrate on commercial motor vehicles and the whole comercial trade as it affects road transport, and in that concept the private operator ought to be excluded.

The Committee divided on the amendment:

Ayes (5)—The Hons. Jessie Cooper, M. B. Dawkins (teller), R. C. DeGaris, C. M. Hill, and A. M. Whyte.

Noes (12)—The Hons. D. H. L. Banfield (teller), J. C. Burdett, M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, R. A. Geddes, G. J. Gilfillan, A. F. Kneebone, F. J. Potter, A. J. Shard, and V. G. Springett.

Majority of 7 for the Noes.

Amendment thus negatived; clause as amended passed.

Clause 4—"Hours of driving."

The Hon. A. M. WHYTE: I move to insert the following new subclause:

> (2a) Where the driver of a commercial motor vehicle has at a certain time reached a point within 50 kilometres of his destination, as shown in his log-book, without having driven for more than twelve hours in the period of twenty-four hours immediately preceding that time, then he may, notwithstanding the provisions of paragraph (*b*) of subsection (1) of this section, proceed to complete his journey to that destination.

I stress that my amendment is to permit the completion of the journey shown in the driver's log-book if he is within the distance provided for at the end of the permitted period of driving.

The Hon. D. H. L. BANFIELD: I cannot accept the amendment. In the matter of driving hours provisions, the Government has been willing to accept a variation from similar legislation in other States in that it is willing to concede that time spent on loading a vehicle or on other work associated with a load should not count as driving time. In view of this concession, the Government is not willing to concede that the limit of 12 hours driving in any 24 hours should be exceeded. Normally, it is at the end of a journey that the driver is fatigued, and this is when rest periods are most important. The provisions in the Bill are based on advice that the inquiry committee received from the Australian Road Research Board, and the Government is not willing to deviate from the committee's recommendations in this regard. It takes two or three hours to load a vehicle, and another 12 hours driving is permitted after that. So, a driver may have done 14 hours work in a day. If he gets within 50 kilometres (about 30 miles) of his destination on a journey from Melbourne to Adelaide, he has another hour's run before he reaches Adelaide, and it must be remembered that he will be in a 35 m.p.h. (56 km/h) speed zone. Further, if he is caught in peak hour traffic, it may take him even 1½ hours to get into town. Because this Bill is designed to provide for increased road safety, the Government cannot accept the amendment.

The Hon. A. M. WHYTE: At present drivers are doing what has been referred to without having any breaks; they are continuing toward their destination after they reach a point within 50 kilometres of their destination. In Victoria there is a tolerance of 30 miles (48·3 km) and in New South Wales 40 miles (64·4 km). I know that the Bill provides that loading time will not be included in the driving hours. The driver will try to get home, and I am trying to provide that he will be able to do so legally. Generally speaking, I do not think that this will present a road hazard.

The Hon. D. H. L. BANFIELD: We know that the other States have the tolerances referred to, but those States do not have tolerances in relation to the loading period, which can be a longer period than the period involved in the driver's reaching his destination. The

honourable member has admitted that drivers are at present driving for periods in excess of 12 hours, and it is for that very reason that this Bill has been introduced. A week does not go by without an accident occurring that involves heavy vehicles. I am not saying that the drivers involved were asleep, but in some cases it has not been proved that they were not asleep. If they had not been working for so long, it is possible that some of the accidents would not have occurred. This Bill has been introduced to stop such drivers from being a menace on the roads to others as well as to themselves.

The Hon. C. M. HILL: The debate on this matter is revolving around the question of road safety. There is merit in what the Minister has said, but other points can be brought forward that support the amendment. If possible, we want to avoid a situation where a driver tends to hurry so that he can reach his destination within the 12-hour period.

The Hon. M. B. Cameron: That is the real problem—at the end of the journey.

The Hon. C. M. HILL: Yes. Because the Adelaide Hills constitute a dangerous region and because Adelaide's population is spread so widely, we must be careful that heavy commercial vehicles do not create risks by travelling fast. It is better that a driver does not have the problem of trying to reach home within a limited period; if he does not have this problem, he will drive with greater care. Perhaps this is preferable to his rushing home. If the driver is going to speed at all, it is better that he do so farther from Adelaide. I believe that a degree of tolerance should be provided.

The Hon. V. G. SPRINGETT: I agree with the Hon. Mr. Hill's assertion that this matter should be looked at from the viewpoint of road safety. I am convinced that the danger time for a driver is at the end of the journey, and this has been borne out by statistics throughout the world. It seems to me that, to say to a driver, "We will give you a longer time of rest early in the journey", is not equal to or as safe as saying, "You must cut down after a certain number of hours and not be tempted at a time when you are not at your best to make a run for it and get to your destination." I would rather see the drivers' schedules rearranged so that they rested early in the journey and so that they arrived at their destination when they would feel fresher and be in a more relaxed frame of mind.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill has suggested that the driver should make a dash for it out on the open road.

The Hon. C. M. Hill: No, I didn't.

The Hon. D. H. L. BANFIELD: He said, in effect, that he would sooner see the driver speed up outside the metropolitan area.

The Hon. C. M. Hill: If he was going to speed at all!

The Hon. D. H. L. BANFIELD: Yes. It is well known that more serious accidents happen on wide-open country roads than in the metropolitan area. The Hon. Mr. Hill suggested that there should be the possibility of a serious accident outside the metropolitan area so that the driver could get to within 1½ hours driving time of the metropolitan area, in addition to his 12 hours driving time, at a time when he could endanger other road users. That does not make sense to me. I oppose the amendment.

The Hon. A. M. WHYTE: The 50 kilometres is a maximum tolerance, and it is not envisaged that every truck driver would run out of time 50 kilometres from his destination.

The Hon. R. C. DeGaris: He could be held up in traffic in the metropolitan area.

The Hon. A. M. WHYTE: I believe we should allow some leniency for a driver to reach his destination.

The Hon. C. M. HILL: The Minister must have misunderstood what I said. What I meant was that, if a driver yielded to temptation and speeded more than he ought to speed, I would prefer him to do it outside a radius of 30 miles (48·28 km) from the centre of Adelaide than within the 30-mile radius.

The Hon. D. H. L. BANFIELD: It seems that the honourable member would like the driver to speed up outside the metropolitan area so that he could get the extra 1½ hours driving time in the metropolitan area at a time when he would be most tired. The Hon. Mr. Whyte pointed out that the 50 km is a maximum tolerance. It will be interesting to learn the Hon. Mr. Whyte's attitude when we discuss the maximum penalties the Bill provides. Will he say, in effect, "This is a maximum penalty. Why worry about it?" Will he move an amendment to reduce the maximum penalties?

The Hon. R. A. GEDDES: The purpose of the amendment is to reduce the need for the excessive speed of a heavy road transport getting near the metropolitan area or its destination. The driver is able, within the 12 hours driving time, to plan his speed in a more correct fashion to the situation in, say, the Adelaide Hills or going to or coming from Whyalla so that it would be unnecessary for him to speed excessively during any part of his journey. I support the amendment.

The Hon. T. M. CASEY (Minister of Agriculture): The Minister of Health is emphasizing the need for road safety, but we are overlooking the individual truck driver in this matter. If you ask any truck driver who has gone out of the business why he quit, he will invariably say that he could not take the long hours. Truck drivers stay in the business for a number of years and then leave the industry. I spoke to a young man recently who said that he could not take it any more. He was told to deliver a load from point A to point B within a certain time, otherwise someone else would get the contract. It takes a driver a considerable time to load a semi-trailer, and he is on duty from the time he commences to load the vehicle until he completes his 12 hours driving.

If he is to speed and try to get from point A to point B within 12 hours, he will find that he must exert himself in the early stages of the journey until he reaches his destination. Many country people accept the fact that semi-trailers exceed the speed limit. I believe that 12 hours driving time is a good compromise, compared to the situation in other States. A driver would know that he could not get from Broken Hill to Adelaide within 12 hours. He might be tempted to do this, because he would know where he could and could not speed. I doubt whether a driver of a heavy vehicle could get from Adelaide to Melbourne in 12 hours driving time. We are dealing with individuals, and we are worried about the person who drives for more than 12 hours. That is ample time for a man to be driving a vehicle, especially if he has to drive back the next day, which he can do.

The Hon. A. M. Whyte: There is nothing in this amendment asking him to do that.

The Hon. T. M. CASEY: The Hon. Mr. Whyte is missing the point. Semi-trailer drivers are under contract. They are engaged to do contract work from point A to point B and if they do not accept the work someone else will get the job. They have no option.

The Hon. A. M. Whyte: Do you think this amendment affects that?

The Hon. T. M. CASEY: Yes, because they are being asked to do more than 12 hours driving.

The Hon. A. M. Whyte: No.

The Hon. T. M. CASEY: The honourable member is saying the driver can travel an extra 50 kilometres. I do not agree with that proposition. If the time is extended the whole purpose of the Bill is defeated.

The Hon. C. M. HILL: I was speaking to a truck operator this morning and he made the point that the best way to keep his drivers happy was to give them an opportunity to get home and, as he put it, into the cot. That view is entirely contrary to that put forward by the Minister, who said that this clause would cause drivers to leave the industry.

The Hon. T. M. Casey: They are exhausted and they cannot keep going on the job.

The Hon. C. M. HILL: Someone in the industry has an entirely contrary view.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Whyte said we were not asking these drivers to drive for more than 13½ hours, but we are going further and telling them they will not drive for that length of time, in the interests of safety. The honourable member cannot tell me that owners of semi-trailers will not be asking their drivers to make a dash from Adelaide to Callington and make sure they continue through the night and unload, then reload, ready to get away the next morning. What will the employers do when they have three or four hours leeway? Some employers surely would insist on the drivers doing what I have outlined. It is for that reason we are suggesting they will not be able to drive 13½ hours in a day.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, and A. M. Whyte (teller).

Noes (7)—The Hons. D. H. L. Banfield (teller), T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone, A. J. Shard, and V. G. Springett.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 5 passed.

Clause 6—"As to issue of authorized log-books."

The Hon. A. M. WHYTE: I move:

In subclause (4) to strike out "five hundred dollars or imprisonment for six months, and insert "three hundred dollars".

My intention is to reduce the maxima. The Minister of Health was kind enough to put the words in my mouth during the debate on the previous amendment when he said that the two things were not the same. On that occasion he had an opportunity to negotiate a maximum; I have simply suggested a maximum, and perhaps would have been willing to accept a lesser maximum. The penalty of $500 or imprisonment for six months is far more than is necessary.

The Hon. D. H. L. BANFIELD: I had an idea it was the Hon. Mr. Whyte's amendment that was coming up. He now shows his inconsistency about maxima: it is only a maximum, so why worry about such a thing? The offences to which the penalties provided in this clause relate are of a very serious nature. The Government considers that the penalties for forgery, fraud, or knowingly making incorrect statements should stand as presently in the Bill. The Government could concede a variation of the imprisonment provision and would accept a fine of $300 if the penalty provided also for six months automatic suspension of licence. The amendment as proposed is not acceptable. An amendment on the lines I have suggested could be given consideration.

I point out to the honourable member that this Bill gives no-one the power to search a truck for a second log-book, although I understand that in some States there are powers of that nature and that is one way in which a driver can get around the Act. We have not gone that far but we suggest that, if a servant knowingly commits forgery or fraud or makes incorrect statements, he should be liable to a heavy penalty. The court, of course, would be prepared to consider each case on its merits but other Acts for misdemeanours in this State carry penalties similar to those proposed in this clause. For those reasons, I cannot accept the amendment.

The Hon. C. M. HILL: I remind the Minister that, when he debated the number of tonnes involved in this Bill, he said that one other State had a maximum of two tonnes and another State a maximum of four tonnes, and he opposed five tonnes on the ground of inconsistency.

The Hon. D. H. L. BANFIELD: No; I said we had gone further than other States had, in the interests of leniency.

The Hon. C. M. HILL: But the Minister did make the point that he did not want it in any way to be inconsistent in that regard. I understand the maximum fine (I stand to be corrected if the Minister can give me the official figure) in Victoria is $200. The Hon. Mr. Whyte is here proposing $300, which does not seem to be unreasonable. The two penalties in this Bill (the maximum fine of $500 and the maximum imprisonment of six months) are far too high. I said that in the second reading debate. I hope that before this Bill is passed we can strike lower maxima than those figures. I support the amendment.

The Hon. M. B. DAWKINS: I, too, support this amendment, because these penalties are excessive. The Hon. Mr. Whyte is suggesting a reasonable figure of $300, especially as we now learn that the maximum fine in Victoria is $200.

The Hon. D. H. L. BANFIELD: In the past honourable members opposite have always said they have looked after the little people but now they want to look after the crooks, the forgers, the people who are interested in doing dishonest business. Those are the people they are trying to protect in addition to the little man. What has any person who is observing the law to fear from these penalties? Nothing, if he is not offending against the law. These offences are serious. The penalties prescribed are the maximum and, if a person is not guilty, he has nothing to fear. If members opposite want to protect the forger and law-breaker, let them do it in this way. I suggest that, if they lower the penalties in this case, we may see them lowering penalties in other measures because they are now extending their protection to other people.

The Hon. C. M. HILL: It is all very well for the Minister to talk about the forger and the person who defrauds but what about the driver who says to someone in his cabin, "By the way, put down in the log-book the time when we left after our rest period."? The person alongside him takes up the log-book and enters a time of 6 p.m. For that offence of allowing that man to write the figure "6" in the log-book, the driver is liable to six months imprisonment. If that is a fair go for a man, big or small, I do not know what a fair go is.

The Hon. M. B. DAWKINS: The people that the Minister is trying to accuse are endeavouring not to support the forger but to fix a reasonable maximum penalty. If

the Minister wants to return to the back-bench rabble-rousing that he used to indulge in, that is his business but, if he wants to stay on the front bench, let him show some dignity as a Minister.

The Hon. D. H. L. BANFIELD: I do not object to showing some dignity to those who deserve it but I do not want to show leniency to the person who commits this sort of offence. I make no apology for expressing that point of view to the Hon. Mr. Dawkins, the Hon. Mr. Hill, or to any other honourable member of this Chamber.

The Committee divided on the amendment:

Ayes (11)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, V. G. Springett, and A. M. Whyte (teller).

Noes (6)—The Hons. D. H. L. Banfield (teller), T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone, and A. J. Shard.

Majority of 5 for the Ayes.

Amendment thus carried.

The Hon. A. M. WHYTE moved:

In subclause (5) to strike out "five hundred dollars or imprisonment for six months" and insert "three hundred dollars".

Amendment carried; clause as amended passed.

Clause 7—"Duties of owners of motor vehicles in relation to duplicate pages of log-books."

The Hon. A. M. WHYTE: I move:

In subclause (1) to strike out "three" and insert "one".

The Road Maintenance (Contribution) Act provides that a record shall be kept in a manner similar to what is provided here, so it seems that there will be duplication. It should serve the purpose if the records are held for one month.

The Hon. D. H. L. BANFIELD: A period of one month would be altogether too short for effective administration. For the purpose of being consistent, I am willing to accept an amendment providing for a six-month period, which applies in some other States, but I cannot accept an amendment reducing the period to one month.

The Hon. C. M. HILL: I believe that the returns that must be submitted to the Highways Department under the Road Maintenance (Contribution) Act contain all this information. Representations were made to me that surely such records were sufficient and that there was therefore no need for the records referred to in this provision to be retained for three months. Would the Highways Department have this information in its records? If so, there would be unnecessary duplication.

The Hon. D. H. L. BANFIELD: Offhand, I cannot answer the honourable member's question. However, I do not think that there would be unnecessary duplication; this is separate legislation.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, V. G. Springett, and A. M. Whyte (teller).

Noes (8)—The Hons. D. H. L. Banfield (teller), M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, R. C. DeGaris, A. F. Kneebone, and A. J. Shard.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. A. M. WHYTE: I move:

In subclause (2) to strike out "three months" and insert "one month".

This amendment is consequential on the amendment that has just been passed.

Amendment carried; clause as amended passed.

Clauses 8 and 9 passed.

Clause 10—"Offences against this Act."

The Hon. M. B. DAWKINS: I move:

In subclause (2) after "who" to insert "knowingly".

Subclause (2) has caused some concern to transport operators, as they believe they would be penalized if a driver employed by them drove some additional distance from his base in contravention of the provisions of the Bill without their knowledge or permission. My amendment will make the position completely clear.

The Hon. D. H. L. BANFIELD: Certain complications may arise if the amendment is carried. An operator could claim that he did not know what was going on (although I cannot see how he would not know if his driver travelled between Adelaide and Melbourne regularly, and consistently arrived after the 14-hour period) or that an offence had been committed.

The Hon. M. B. Dawkins: How would he know?

The Hon. D. H. L. BANFIELD: Of course he would know if the driver made the trip regularly. He would know, within half an hour, how long it would take to get into the metropolitan area. If he knowingly allowed the driver to get to Adelaide in these circumstances, I do not think he should be able to escape his responsibilities.

The Hon. R. A. Geddes: He'd be guilty of an offence.

The Hon. D. H. L. BANFIELD: Yes, but he could plead that he did not know that the driver took 16 hours to get from Melbourne on the occasion in question, whereas he might recall that the driver completed the journey in, say, 14 hours on other occasions. However, perhaps I should join with the Opposition and protect some of these fellows: I accept the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (11 to 13) and title passed.

Bill read a third time and passed.

COMMUNITY WELFARE ACT AMENDMENT BILL

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

MOTOR VEHICLES ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It makes several amendments to the Motor Vehicles Act on a number of unconnected subjects. Perhaps the most important amendment consists of the inclusion of a provision imposing a duty on a medical practitioner, optician or physiotherapist to inform the Registrar when one of his patients is found to be suffering from some bodily or mental disease or disability that would seriously impair his ability to drive a motor vehicle. A number of responsible medical practitioners have already felt themselves obliged, in the public interest, to give this kind of information to the Registrar in order to avert the possibility or probability of tragedy arising if a person subject to this kind of disability continued to drive a motor vehicle. This amendment should remove doubts about the legal or ethical propriety of medical practitioners following this course of action. The other significant amendments are as follows:

(*a*) The Bill converts existing measurements in the Act to metric measurements.

(*b*) The Bill provides for a motor vehicle that is registered outside the State to be driven within the State in certain circumstances. This amendment corresponds to the present regulation 38.

(*c*) The Bill provides for the various applications to be made in a form determined by the Minister instead of in a form determined by regulation, as at present.

(*d*) The Bill provides a formula for determining a power weight of a vehicle propelled by an internal combustion engine that is not a piston engine.

(*e*) The Bill increases from $2 to $5 a fee for registering a vehicle to be used in interstate trade.

(*f*) The Bill re-enacts the provision dealing with the registration of a prime mover which is to be used alternately with two or more semi-trailers.

(*g*) The Bill removes the weight limitation that applies where a pensioner seeks registration at a reduced fee.

(*h*) The Bill provides for payment of a *pro rata* fee where a valueless cheque is given in purported payment of registration fees.

(*i*) The Bill increases from $1 to $4 a fee payable on transfer of registration.

(*j*) The Bill enacts amendments consequential on the repeal of the Hire-purchase Act.

(*k*) The Bill provides that a motor omnibus may be driven by a person who does not hold a class 5 licence, in certain circumstances.

(*l*) The Bill provides for the appointment of examiners to conduct practical driving tests by the Registrar.

(*m*) The Bill amends the provision of the Act dealing with the points demerit scheme to cover the situation where a person does not hold a licence when he becomes liable to disqualification under that provision.

(*n*) The Bill provides for a permanent appointment of a nominal defendant.

(*o*) The Bill provides that the Minister may revoke the approval of an approved insurer if the insurer fails to satisfy him that he has sufficient financial resources properly to carry on business as an approved insurer.

Clauses 1 and 2 of the Bill are formal. Clause 3 inserts a new definition of an "articulated motor vehicle" and makes other small amendments to the definition section of the principal Act. Clauses 4 and 5 make metric amendments. Clause 6 provides for the driving of a motor vehicle registered in another State or Territory of the Commonwealth for limited periods within this State. Clause 7 makes drafting amendments to section 20 of the principal Act and provides for registration applications to be made in a manner and form determined by the Minister. Clause 8 makes an amendment consequential on the change in registration procedures effected over the last year or so. Clause 9 metricates the power-weight formula and includes a new formula for determining the power-weight of rotary and turbine engines. Clause 10 makes metric amendments.

Clause 11 increases the registration fee for vehicles used in interstate trade from $2 to $5. Clause 12 re-enacts section 33a of the principal Act in a more satisfactory form. The section deals with the registration of a prime mover that is to be used separately in conjunction with a number of different semi-trailers. Clauses 13 and 14 make metric amendments. Clauses 15 and 16 remove the weight limitation on vehicles for which registration may be obtained by a pensioner at reduced rates. Clause 17 provides for payment of a *pro rata* registration fee where a person obtains a registration label but the cheque given in payment is subsequently dishonoured. Clause 18 makes a metric amendment to the principal Act. Clause 19 provides for registration labels to be in a form determined by the Minister. Clause 20 makes a metric amendment. Clauses 21 and 22 provide for certain forms to be determined by the Minister.

Clause 23 increases the fee for transfer of registration to $4. Clause 24 makes amendments consequential on the repeal of the Hire-purchase Act. Clause 25 makes a metric amendment. Clause 26 provides that a person who does not hold a class 5 licence may drive an omnibus in certain circumstances. This may be necessary where a person is being trained for the purpose of obtaining a class 5 licence or where the omnibus is being serviced or repaired. Clauses 27 to 29 provide for certain forms to be determined by the Minister. Clause 30 provides for the appointment of civilian examiners to test applicants for licences. It is hoped that the Registrar will be able to establish a panel of civilian examiners and so relieve the burden on the Police Department.

Clause 31 provides for a form to be determined by the Minister. Clause 32 is designed to relieve pressure on the Police Department. It provides for the testing of aged drivers to be spread evenly throughout the year. Clause 33 deals with visiting motorists. It permits them to drive within the State provided that they carry a current driving licence or permit. Clause 34 provides for a form to be determined by the Minister. Clause 35 deals with the points demerit scheme. Where a driver does not hold a licence at the time the suspension would normally take effect it is obvious that his licence cannot be suspended because he has none. The amendment therefore provides for a simple disqualification in these circumstances. Clauses 36, 39, 40 and 41 deal with the permanent appointment of a nominal defendant. At present the Minister appoints a nominal defendant as a matter of course for each case in which a claim may possibly be established against him.

Clause 37 provides for the withdrawal of approval for an insurer where he fails to satisfy the Minister that he has adequate financial resources to meet the claims that may be made upon him. Clause 38 deals with the insurance of an interstate driver who is within the State. Section 102 of the principal Act is amended to cover the position of a person who holds a permit to drive rather than a full licence. Clause 43 provides that, where a vehicle is registered in a business name and the principal place of business changes, then notice must be given of the new address of the principal place of business. Clause 44 deals with the duty of medical practitioners, registered opticians, and registered physiotherapists to notify the Registrar of illnesses and disabilities suffered by their patients that may seriously impair their capacity to drive a motor vehicle.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (QUEENSTOWN)

Order of the Day (Government Business) No. 15: Adjourned debate on second reading.

(Continued from October 30. Page 1471.)

The Hon. A. F. KNEEBONE (Chief Secretary) moved: That this Order of the Day be discharged.

Motion carried.

ADJOURNMENT

At 6.29 p.m. the Council adjourned until Tuesday, November 27, at 2.15 p.m.