LEGISLATIVE COUNCIL

Wednesday, October 20, 1971

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

QUESTIONS

WALLAROO HARBOUR

The Hon. E. K. RUSSACK: Has the Minister of Agriculture a reply from the Minister of Marine to my question of September 30 about work in the Wallaroo harbour?

The Hon. T. M. CASEY: My colleague states:

The estimated cost of carrying out all the dredging work proposed for Wallaroo in 1963 was $532,000, including 10 per cent contingencies. The final cost, including all berth dredging, was $182,538. The difference between the estimate and the actual cost was due almost entirely to the use of a trailer suction dredge, which is a much more efficient piece of plant for the dredging of loose sandy material, and also because such a dredge was available at the time from nearby Whyalla. As regards the navigational aids, their provision was estimated at $81,000, including 10 per cent contingencies, but the actual cost was only $57,946, due to the use of a new type of single-stick beacon invented and developed by the Department of Marine and Harbors in lieu of the older multi-pile structures.

POLLUTION

The Hon. C. M. HILL: Has the Minister of Lands a reply from the Minister of Roads and Transport to the question I asked on July 28 about the possibility of the Government's introducing legislation to control exhaust fumes from motor vehicles?

The Hon. A. F. KNEEBONE: As promised, I referred the honourable member's question to the Minister of Roads and Transport and also to the Minister of Environment and Conservation. The reply I have received states that the Australian Transport Advisory Council has approved an Australian design rule to control the emission of obnoxious fumes from motor vehicles. Part A of the design rule is intended to become operative on January 1, 1972, for passenger cars. This part limits the emission of carbon monoxide from the engine of the passenger car, whilst idling, to 4.5 per cent maximum. Part B is intended to become operative for the same vehicles on January 1, 1974, and requires more stringent compliance in connection with the emission of exhausts from the vehicle. Through the Commonwealth Department of Shipping and Transport the motor vehicle manufacturing industry has been invited to comment on this proposal and, subject to agreement in principle, an appropriate regulation will be framed for introduction under the Road Traffic Act.

WEIGHING STATIONS

The Hon. M. B. DAWKINS: Has the Minister of Lands a reply from the Minister of Roads and Transport to my question of last week about weighing stations?

The Hon. A. F. KNEEBONE: I have the following reply from the Minister of Roads and Transport:

Before a weighbridge site is used for checking axle weights or other requirements of the Road Traffic Act, signs are displayed stating "Traffic station 600ft. ahead. All trucks stop" followed by "Weighbridge entrance". All trucks are legally bound to stop but, as in the majority of cases the check is restricted to axle weight only, to minimize delay the assistant to the inspector waves on unladen or lightly laden trucks whenever possible. This is a well established procedure and truck drivers reduce speed to allow the assistant to roughly assess the load being carried. The benefits of this arrangement are mutual and are indicated by the fact that of 35,000 trucks Topped and weighed last year almost 17 per cent were found to be overloaded. With regard to the relocation of the Cavan weighbridge, the scheme for duplication of the Port Wakefield road incorporates the construction of a weighbridge for each lane of traffic in the vicinity of Parafield Gardens and it is anticipated tenders will be called for this work by the end of November, 1971.

CONTAINERIZATION

The Hon. H. K. KEMP: I seek a reply to a question I asked on October 5 of the Minister of Agriculture about containerization.

The Hon. T. M. CASEY: My colleague, the Minister of Marine, has informed me that the drop in tonnage handled through Port Adelaide is mostly owing to a decline in the bulk materials handled, for example, coal, petroleum products, pyritic cinders and coke. We are not being asked to send all our exports by rail to Melbourne. The facts are that 150,000 tons of exports and 75,000 tons of imports out of a total of well over 3,000,000 tons have been forwarded by rail transport—that is, about 7 per cent. Agricultural products such as wheat and barley are shipped in bulk from the bulk loading plant at Port Adelaide and last year about 326,000 tons was handled in this way. Although there has been some small shipment of oats and even barley in containers, this has been possible only because of an imbalance in the container traffic with Japan, which provided the necessary empty containers on the return trip.

The bulk grain loading plant has been in existence at Port Adelaide since 1964, is most modern and has given every satisfaction. The reference by the honourable member to the need for a bulk handling containerization scheme is not understood. As regards the cost of railing the container traffic to and from Melbourne, this is borne by the whole of the Australian trade, not just the South Australian exporters and importers. The amount involved is difficult to assess but an intelligent guess would be about 30c to 40c a ton. In considering this amount, it should not be overlooked that at present traffic volumes it would cost an almost equivalent amount to divert the European container ships into Port Adelaide as this operation would involve each vessel in two extra days' voyage time to Europe, costing about $10,000 a day.

RED SCALE

The Hon. C. R. STORY: I seek leave to make a short statement with a view to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: I read with real alarm that between 20 per cent and 25 per cent of the rejections of citrus for export and for the home market this year occurred because of red scale. There was at one stage an efficient set-up in the Riverland areas under the fumigation system. Legislation was enacted in this Parliament to provide for the setting up of red scale committees. In due course, in many cases they were set up, and in some places they were disbanded. I also read with some interest in a weekly paper circulating in this State that biological control could be obtained up to a 90 per cent efficiency, probably, which is equally as good a result as we got from malathion spraying, and at a cost of some $30 an acre. In view of the acreage planted to citrus in this State, it seems to me that the private enterprise organization that is going to be involved in this work will make fairly hefty profits. Before leaving office, I led a deputation to the Commonwealth Bank, with the object of enlarging the insectory which existed at the Loxton Research Station, where it was hoped we would be able to breed in much greater numbers the predators that live upon red scale. Can the Minister say whether those requests to the bank were followed through, and can he give the Council any other details regarding the firm that is going to breed predators, which will be sold to growers at a cost of $30 an acre?

The Hon. T. M. CASEY: To the best of my knowledge, no more information has come to hand regarding the representations or the outcome thereof. Also, I have not heard of the private company which the honourable member says is going to enter into the biological side of the control of red scale. I realize that red scale is a great problem and that it affects our export fruit. However, I point out that any steps taken in this regard are taken in the interests of the growers who market their fruit, so that that fruit can be free from disease. It is sometimes difficult to ascertain exactly what the growers require in these matters. It is their responsibility to ensure that their fruit is in first-class condition when it is offered on the market. However, if the honourable member will give me more details about this matter, I will certainly take it further for him and try to ascertain exactly what is the situation.

The Hon. C. R. STORY: I seek leave to make a short statement before asking a further question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: At one time the incidence of red scale was brought within at least commercial bounds, but it has got out of control again. I believe this has been partly due to the fact that certain information that was given by the department has not been followed by producers. On the other hand, producers have been gulled (if I may put it that way) by people who have supplied white oil, particularly, and malathion which differed from the formula required by the department for control purposes. Can the Minister say what facilities the Agriculture Department or any other State department has for the actual testing of insecticides and chemicals and whether testing is regularly carried out before a product is put on the market?

The Hon. T. M. CASEY: I do not know exactly what the situation is in other States, but the honourable member will know that tests are carried out at Loxton on this very matter. However, to say the least, this takes a long time. I think the problem is not so much that the formula has changed but that the batches vary. Whether or not the reason is that the formula has changed, I cannot say, and this would have to be tested. I have taken this matter up with the chemical industry generally: I have written asking whether it would co-operate in every possible way in perhaps setting up a research station on the river so

that insecticides could be tested before being released to growers. I believe this is a problem. I have had talks with the growers on the river on this very matter. As I have said, I have not yet received a reply from the chemical industry, and I do not know exactly what the situation is in other States. I will make inquiries and let the honourable member know the position.

AFRICAN DAISY

The Hon. H. K. KEMP: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. H. K. KEMP: I have been informed in the last two or three days that it is proposed that African daisy be taken from the first schedule to the second schedule of the Noxious Weeds Act, although only in relation to the Burnside council. There are large areas in which the control of this weed has been materially abandoned. Indeed, those areas extend far beyond the boundaries of the Burnside council. The Mitcham council (which is responsible for the Coromandel Valley and Upper Sturt areas), the Stirling council (which is responsible for Mount Lofty) and the East Torrens District Council are all equally involved. None of these councils, all of which are bounded to the west by areas in which it is still hoped the weed can be kept under control, can possibly achieve this objective. I believe that, if only one council is to be relieved of its responsibility, the matter should be looked into further. Can the Minister say just how far this relaxation in the Burnside council area will go?

The Hon. T. M. CASEY: What the honourable member says is quite correct. African daisy is a problem, for it has got out of hand and at this stage it is impossible to control it in quite a large area of the Adelaide Hills. I delegated an officer to contact all the district councils concerned about this matter on Monday last. I have not yet received a report from him, but as soon as I do I will let the honourable member know exactly what the situation is. I assure him that this matter is being given very close attention.

PARA HILLS HIGH SCHOOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Para Hills High School.

ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS)

In Committee.

(Continued from October 14. Page 2234.)

Clause 3—"Wearing of seat belts to be compulsory."

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

In new section 162ab after "motion" to insert "at a speed in excess of thirty miles an hour".

When the Bill to amend the Road Traffic Act by providing for compulsory wearing of helmets by motor cyclists was presented to the Council it was agreed by the Council and by the Government of the day that it was reasonable to provide what one might term an escape clause, so that when a motor cyclist was in a situation where his helmet was damaged, lost or stolen, or for some other reason he could not wear it, he should have the opportunity of getting his vehicle back to his place of residence without breaking the law. In this legislation we need a similar escape clause to cover the position where, for one reason or another, a person cannot wear his seat belt. The belt may be broken, perhaps the webbing is faulty, it may have a broken buckle, or there may be other reasons outside the control of the person in the vehicle.

Since the principle has already been included in the Road Traffic Act covering the wearing of helmets by motor cyclists, I believe this amendment should be supported. One could think of many reasons why a person may wish to get himself and his car home, but, because of some difficulty with the seat belt, he technically breaks the law in doing so. The position in that case would be ludicrous, as I think all honourable members would agree. The Hon. Mr. Story related a case (which I know is an extreme one, but nevertheless it points out the same argument as I am putting forward) of a motor vehicle on a ferry crossing the Murray River at a speed of perhaps 7 miles an hour. As I read the Bill (and this is open to argument) the vehicle is in forward motion and any person sitting in it must wear his seat belt. The amendment provides an escape clause to meet such a situation, and other situations I have mentioned.

The Hon. C. M. HILL: What is the position if a person is out at night and his car lights fail? It is a bright moonlight night and he wants to get his car home. He breaks the law if he drives that car at 1 mile an

hour in forward motion. Why should anyone who breaks the law in matters of this kind be exempt in one situation and not in another?

The question of the ferry is one in which our minds can dance with glee in trying to calculate whether or not the car is in forward motion as it travels on the ferry. I suggest it is not the car that is in forward motion, but the ferry. The addition of the words proposed in the amendment "at a speed in excess of 30 miles an hour" would make a mockery of the legislation, which is designed to save persons from being killed or injured. Most accidents occur at relatively low speeds; considerable injury to a motorist's face and head could occur if a vehicle travelling at 29 miles an hour was involved in an accident. If a vehicle travelling at only 10 miles an hour collides with a vehicle travelling at 60 miles an hour, the impact is equivalent to 70 miles an hour for each vehicle. I therefore oppose the amendment.

The Hon. C. R. STORY: I see merit in the amendment, but I believe that it provides for too high a speed. I point out to the Hon. Mr. Hill that, if the lights of a car go out while it is on the road, the car must remain stationary, because it would otherwise seriously endanger other vehicles. I should like the Committee to consider a speed lower than that suggested by the Hon. Mr. DeGaris.

The Hon. A. F. Kneebone: Are you supporting the amendment?

The Hon. C. R. STORY: I am debating it. Many disasters have been caused by brake failure while vehicles moving on to ferries have rammed vehicles in front of them. After the last serious accident connected with ferries, an inquiry recommended that fuel tankers should not be allowed on ferries while any other vehicles were on them. The same rule should apply to semi-trailers. A semi-trailer may have a door open while it is on a ferry to allow a passenger to escape, and an ordinary motor car may have a door open, too, for a similar reason. As soon as I drive my car on to a ferry I ensure that I can open at least two doors, assuming I have a passenger.

The Hon. T. M. Casey: Are you talking about a four-door vehicle?

The Hon. C. R. STORY: That would not matter. It is very dangerous to cram vehicles on to a ferry in such a way that people cannot escape in the event of trouble. The most critical time is when vehicles are actually passing on to the ferry. If a semi-trailer is behind a motor car and pushes the car while it is on the ferry landing, the driver of that car has less hope if he is trussed up in a seat belt than he would otherwise have. So, provision should be made that people travelling at 10 miles an hour in such circumstances should be allowed to undo their seat belts.

The Hon. T. M. Casey: What would happen if the ferry sank and the motorist could not swim?

The Hon. C. R. STORY: The Minister's question reminds me of the case of a small boy who was asked how he had fallen out of a boat; the boy replied, "I did not fall out: it just happened." That kind of reply is similar to the Minister's argument.

The Hon. T. M. Casey: I asked a practical question.

The CHAIRMAN: Order! Everyone will have an opportunity to speak on the amendment, but honourable members must not attempt to speak all at once.

The Hon. C. R. STORY: I believe that the speed of 30 miles an hour provided in the amendment is too high, and I would like to see it reduced to 10 miles an hour to cover the situation I have described. Of course, if a motorist cannot swim he will sink.

The Hon. T. M. Casey: Whether or not he has a seat belt.

The Hon. C. R. STORY: Yes.

The Hon. A. F. KNEEBONE (Minister of Lands): I, too, oppose the amendment. I agree with the previous speaker that the speed of 30 miles an hour provided for in the amendment is too fast. The Hon. Mr. Hill referred to the case of a motorist whose car lights were temporarily out of action, but I point out that a motorist travelling at 30 miles an hour while not wearing a seat belt may lead to his own lights being out permanently. Regarding the Hon. Mr. Story's reference to vehicles on ferries, I point out that a vehicle is not travelling when it is on a ferry: it is the ferry that is travelling, not the vehicle. The Bill provides that, when a vehicle is not in motion, there is no need to wear a seat belt.

The Hon. R. C. DeGaris: But the vehicle on a ferry is in motion.

The Hon. A. F. KNEEBONE: No, it is not.

The Hon. H. K. Kemp: Ferries rarely go backwards.

The Hon. A. F. KNEEBONE: The honourable member is only trying to confuse me. With the legal talent we have in this Chamber, perhaps we could have the legal situation

explained to us, whether or not a vehicle is in motion when travelling on a ferry. We are interested not only in the people who get killed but also in those who get injured. Recently, there appeared in the press a statement by a social worker with paraplegics at the Royal Adelaide Hospital, who said:

In Victoria the most significant factor that has emerged since the introduction of the compulsory wearing of seat belts has been a drop of 35 per cent in the number of people admitted to hospital with injuries that have paralysed them for life. In South Australia, of the last 50 people admitted to hospital paralysed after car accidents, only two wore seat belts. Some people claim it is an infringement of their civil liberty to be forced to wear a seat belt. It is also an infringement of these rights to prevent people from using heroin or driving while they are drunk. The same people expect prior consideration at hospitals for treatment and expect to receive pensions if they do have an accident. Somewhere in Adelaide, there are three people who will become paralysed in car accidents between now and Christmas. Two of them will probably be under 30 and possibly have a young family. I will have to help them with many of their problems that being paralysed for life will bring. I pray to God to be out of a job.

People can become paralysed as the result of an accident when driving at 30 m.p.h. I ask honourable members to oppose the amendment.

The Hon. V. G. SPRINGETT: The Hon. Mr. DeGaris said that, if the speed limit was 30 m.p.h., it would be safe not to wear a seat belt. Then, somehow we got into debate on whether we were on a ferry or on the road. The number of people who have lost their lives on ferries (I do not dispute that some people have lost their lives in that way) as a result of an accident is infinitesimal compared with those who have lost their lives on the road. Although we must legislate as far as possible for everybody, the problem with the seat belt is fundamentally one that concerns the thousands of accidents that occur annually on our roads. There are 2,500 deaths a year, on an average, on Australian roads, and people who work day in and day out, year in and year out, with the consequences of those accidents unhesitatingly say that the number could be reduced by 50 per cent if the present types of seat belt were worn, despite all their imperfections and all the different problems of different types of belt.

The Hon. Sir Arthur Rymill: Do you agree that some people are injured or killed as a result of wearing seat belts?

The Hon. V. G. SPRINGETT: I agree with this, but we must bear in mind that on one side X number of people will lose their lives by wearing seat belts: on the other side, how many people will be saved by wearing them? Are we to say that, because the present-day seat belt and the fittings are not perfect and somebody will lose his life by wearing one of them, we should be a party to the destruction of several thousand people a year on the roads of Australia? It seems to me that the matter of a ferry does not come into it, except in deciding whether a car is stationary in its present environment. Surely the environment is the ferry itself. Therefore, I should say that the car is not moving. I say unhesitatingly that 30 m.p.h. is the speed at which most accidents occur. I think 30 m.p.h. is a ridiculously high speed below which seat belts need not be worn.

The Hon. C. R. STORY: I hope I have not left in the minds of any honourable members in this Chamber the impression that I am talking about stationary vehicles on ferries, because I am not: I am talking about vehicles coming on to the approaches to ferries. Recently, more up-to-date equipment has been provided, but that does not save a car from being pushed severely from behind through the front end of the ferry. This is one of the real hazards of travelling across the Murray River. I do not want anyone to get the idea that I am talking about sitting in a motor car on a ferry with the seat belt fastened.

The Hon. A. F. Kneebone: But at the point of impact, the vehicle is stationary.

The Hon. C. R. STORY: At the point of impact, the vehicle may be moving at 2 m.p.h. but it may be hit by somebody from behind travelling at 15 m.p.h. or 20 m.p.h. I want drivers and passengers to be able to undo their seat belts when they come to the ramp of the ferry, so that at least they will have a reasonable chance of getting the car doors open and scuttling, in those circumstances.

The Hon. G. J. GILFILLAN: I agree with the principle involved in this amendment. I believe that 30 m.p.h. is too high a speed here but, because of the lack of any other figure, I will support the amendment. Many people will be caused great inconvenience if some exemption is not inserted in respect of speed. Many people drive cars or utilities at low speeds: for example, a person driving a car or utility slowly alongside a flock of sheep or herd of cattle. Such a person needs maximum freedom to get in and out of his vehicle at frequent intervals; he needs freedom, too, to signal to dogs that may be assisting him, or to other people. People

inspecting telephone lines, water mains, electricity power lines and so on travel slowly. They need to be able to move around in a vehicle, so they should be exempted, although 30 m.p.h. is higher than I would have suggested.

The Hon. H. K. KEMP: I strongly support the 30 m.p.h. speed limit. However, if everyone on a ferry is required to wear a seat belt, it will be almost a murderous piece of legislation. People travelling on ferries should not wear seat belts. This should apply not only to ferries that cross the Murray River but also to the ferry that will serve Kangaroo Island, as the people who travel on these precarious vessels must be able to take emergency action when necessary.

The Hon. R. A. GEDDES: One could ask what would be a safe speed for a vehicle to travel at in the metropolitan area if it did not have fitted to it a seat belt that could be adjusted properly. I agree with the Hon. Mr. Springett that 30 m.p.h. may be a critical speed for accidents. However, a lower speed limit would be a problem to other moving traffic. The argument in relation to ferries is valid. However, signs are placed at the approaches to ferries stating that the speed of vehicles must be reduced to 15 m.p.h. What would happen if one's belt could not be adjusted? How would one get one's vehicle home? If one was driving one's vehicle home, what would be the sensible speed at which that vehicle should be driven, particularly in the metropolitan area?

The Hon. F. J. POTTER: I have some sympathy with what the Leader of the Opposition is trying to do: exempt people who travel at a low speed in vehicles from the necessity to wear a seat belt. However, I cannot support his amendment, for practical reasons; nor do I at this stage support any speed restrictions, because in this Bill we are providing that one must wear a seat belt and, if one does not do so, one commits an offence. By exempting vehicles that travel below a certain defined speed, we are creating two offences. One would hope that for some time the police would not charge a person with an offence but would draw to his attention the obligations imposed upon him by the Act.

However, the police cannot even approach a driver to warn him unless they ascertain, first, that he is exceeding 30 m.p.h. Would they first have to pace a vehicle to ascertain whether it was exceeding 30 m.p.h. and then see whether the driver was wearing a seat belt, or vice versa? In these circumstances it would be impossible for the police to enforce the law, and the administration of the Act would be almost impracticable. This difficulty could be overcome only by exempting by regulation or by Statute a certain class of vehicle. The Hon. Mr. Gilfillan has referred to certain work in relation to which vehicles are driven only slowly. Such vehicles could be exempted from the provisions of the Act.

In his foreshadowed amendment, the Hon. Mr. Hill is referring not to speed limits but to a person who, in the course of his employment, drives vehicles in excess of 15 miles an hour. It is therefore not a question solely of speed limits but of classes of vehicles. To be exempted, a person must be engaged on a certain class of work and fulfil all the other requirements of the Act. I suppose there would be fewer objections to a speed limit of 10 m.p.h., as it would be obvious to anyone that a vehicle was not exceeding that limit. However, difficulties would be involved even at that low speed.

The Hon. Sir Arthur Rymill: What if it was hit by a vehicle travelling at 60 m.p.h. in the other direction?

The Hon. F. J. POTTER: It is impossible for one to ascertain the speed of a vehicle, so a practical problem is involved. Any complaint laid under this clause would have to state that the person charged was seated in a motor vehicle that was proceeding in forward motion at 30 m.p.h. and was not wearing a seat belt. In other words, three ingredients are involved, two of which could easily be policed. However, the third would be difficult to enforce. For those practical reasons, I cannot support the amendment. I accept that there could very well be a danger in the case of vehicles boarding a ferry, but that is the sort of thing that could be exempted by regulation.

The Hon. C. M. HILL: The Hon. Mr. Potter referred to the policing of this legislation. As we all know, in the metropolitan area the police make regular checks to see that drivers have their licences. It will be at that time that the police will look in vehicles to see whether the occupants are wearing belts. At the same time they will check the age of the vehicle. I think that method of policing is a satisfactory one. Under this amendment, it would not be possible to police this control by that method. The Hon. Mr. Kemp seems to be treating this subject almost as though it was a comic opera, but when we remember that we are aiming to save 60

lives a year ultimately in South Australia by this method, it gets far beyond the realm of comedy.

Another point raised concerns accidents in which vehicles finish up in water. However, I make the point that the occupants of the vehicle are in a far safer position if they are wearing seat belts, in that the seat belt helps to prevent injury in the actual accident itself. Subsequently, if a vehicle becomes immersed in water and the occupants have to take action to get out of the vehicle, they may be semi-conscious or unconscious, their vision might be impaired by blood, or they might be injured in such a way that they are in a state of absolute and complete panic. In such cases they have far less chance of getting out of that vehicle than if they are firmly and safely held in position and uninjured at the time that they must take action to get out of the car.

I think it is important to bear that point in mind. In most instances, if they are injured without their belts they cannot get out of the car, whereas if they are not injured they can take the action necessary to get out; so it is essential in accidents of that kind that belts are worn.

The Hon. R. C. DeGARIS: The Hon. Mr. Potter said that it was not practicable to have a speed limit. However, under this very Act we prescribe a speed limit in regard to a person riding a motor cycle without a safety helmet. Surely the position there is exactly parallel. There may be many reasons why a person cannot do up his seat belt, and he would be stranded and unable to drive his motor vehicle without breaking the law. I do not think this Parliament would like to suggest that that situation should exist.

The Hon. Mr. Hill mentioned a vehicle without lights. However, that situation is entirely different. A person who drives his motor vehicle at night with no lights seriously endangers the life of other road users. How can anyone say that a person driving his vehicle at 30 miles an hour without wearing a seat belt is placing other people in the same danger as is a person driving a vehicle without lights?

I entirely agree with the Hon. Mr. Geddes that the limit of 30 miles an hour is reasonable. It is below the present 35 miles an hour speed limit in built-up areas, but not so far below as to create a danger on the road.

The Hon. G. J. Gilfillan: A person can still wear a seat belt voluntarily.

The Hon. R. C. DeGARIS: Yes.

The Hon. A. F. Kneebone: And a person could always drive faster if he was wearing a belt.

The Hon. R. C. DeGARIS: That is so. The Minister of Lands quoted a person who wrote several letters to the *Advertiser* on this matter. I only hope that the statistics quoted by this person are slightly more accurate than the interpretation she placed on the speeches made by me and the Hon. Mrs. Cooper on this subject. I agree with the statistics put forward by the Hon. Mr. Springett. However, what has that to do with the situation that I have put before the Committee? Every honourable member in this place accepts these statistics put forward by the honourable member. I submit that the arguments I have advanced are reasonable. I suggest also that the speed limit I have advocated is reasonable. If other honourable members consider that I am wrong, they can suggest some different speed limit. I am not convinced by any of the arguments put forward that I should change my mind about my amendment.

The Hon. Sir ARTHUR RYMILL: It is generally admitted that some people (not a great number) lose their lives because they are wearing seat belts. We are urged to condemn these people (as I have said, not many) to death to save what is admittedly a very much greater number of others. Just lately this Chamber has been debating the Capital Punishment Abolition Bill. Because it is thought that one man (one Timothy Evans) may have lost his life through a wrong conviction for murder, we are urged to abolish capital punishment for everyone so that we may save some possibly innocent man, who will not be hanged anyhow because his sentence will be commuted. It just does not add up. We can condemn the innocent, but we must not penalize the apparently guilty. I do not see the logic of it.

An honourable member this morning said to me that he had heard a number of apparently intelligent people talking more nonsense about this Bill than about almost anything else. I do not know which side he is on, but I think there may be quite a bit in what he says regarding both sides of this argument. This is a most controversial matter.

I believe very deeply that the Bill is premature, because the question of a safe seat belt has not yet been worked out. We have not got a simple standard belt to operate. We have regulations that are very hard to construe

and refer us to the Australian Standards Association requirements which, to a layman like me, are totally incomprehensible, yet we are going to penalize everyone because they do not—

The Hon. A. F. Kneebone: The Standards Association stamp is on the belts that are approved.

The Hon. Sir ARTHUR RYMILL: That is so, and I will guarantee I can find several sets of seat belts the honourable member will find the utmost difficulty in getting out of unless he takes a very long time about it. This is one of the many reasons why I propose later to move an amendment, and I will have an opportunity to do that possibly later this afternoon.

As a general view, I have a great deal of sympathy with both sides of this argument. I feel we must amend the Bill to protect the generality of the people. We are asking people to do impossible things. We are asking them to put on seat belts that they cannot work. We are going to penalize them if they get into a car that should be fitted with seat belts and is not; we are going to tell them they cannot take a journey in that car. There will be hundreds of times, if this Bill is passed as presented to us, when people will get into a car, find they cannot work the seat belts or that the belts do not come up to the required standard or are defective, and then they will have a choice of whether to insult their would-be driver by saying they will not ride with him, abandoning their journey, or trying to get other means of transport.

It is completely premature to be forcing people to do things before physical provision is made for them to be effectively undertaken and carried out. I have tried to do my best. I repeat that I always wear a seat belt, and I agree that most of the time seat belts save lives or save injuries, but that is not the totality of the argument. You do not force people to do unreasonable things, and I believe this is what the Bill sets out to do by forcing people to wear a multitude of different types of seat belts some of which are, I think it is generally admitted, dangerous in themselves. Some belts pass near the neck, or the sash part does, and with a side-on collision I guarantee in certain circumstances the person's neck could be broken, yet we are going to force people to wear seat belts.

Even the newspapers do not seem to agree about this, and it is most unusual that the morning daily and the evening daily do not agree on any matter! The whole subject is tremendously controversial. There is no doubt that eventually the compulsory wearing of seat belts must and will be introduced, but do we pass a half-baked private member's Bill—I am sorry, Mr. President, I mean a private member's half-baked Bill—from a private member on a back bench who, of course, is not in a place where he can properly prescribe all the requirements needed in relation to a Bill of this nature? Do we pass it because, if we don't, in the meantime a number of people will refuse to wear their seat belts? After all, their lives are in their own hands. Every time we cross a street we take our life in our hands. Do we try to amend this Bill and get some sort of logic or reason into it? Do we throw it out altogether on the basis that we would like a properly prepared Government Bill and that we would like properly standardized seat belts? Those are the choices confronting members. My own attitude is a compromise. I supported the second reading and I am trying to support suitable amendments and to move one myself. If the Bill is not amended to satisfy me I will find myself obliged to oppose it on the third reading.

The Hon. A. M. WHYTE: I support the amendment merely because I believe it will at some point stop people from breaking the law—good people who wear seat belts at every opportunity. Anything we can introduce into this legislation that will in any way alleviate the position we should accept. The legislation itself is most unnecessary and has no sincerity in it. I will vote against the compulsory aspect of it at every opportunity, but I support this amendment.

The CHAIRMAN: I have an amendment to the motion in the name of the Hon. Mr. Story. This would be an appropriate time for the Hon. Mr. Story to proceed.

The Hon. C. R. STORY moved:

To amend the amendment by striking out "thirty" and inserting "ten".

The Committee divided on the question that the word "thirty" proposed to be struck out stand part of the amendment:

Ayes (9)—The Hons. M. B. Cameron, Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, H. K. Kemp, E. K. Russack, Sir Arthur Rymill, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Dawkins, L. R. Hart, C. M. Hill, A. F. Kneebone, F. J. Potter, A. J. Shard, V. G. Springett, and C. R. Story (teller).

Majority of 1 for the Noes.

Question thus negatived.

The CHAIRMAN: The amendment now reads—

The Hon. Sir ARTHUR RYMILL: On a point of order, Mr. Chairman, in view of the result of the division, I want to move to insert "at a speed in excess of 15 miles an hour" instead of what has been put forward. May I move my amendment now?

The CHAIRMAN: First, we must have a figure that may be amended. I now put the question: "That the word 'ten' proposed to be inserted be inserted." For the question say "Aye", against the question say "No". I think the "Noes" have it.

The Hon. Sir ARTHUR RYMILL moved:

In the amendment of the Hon. Mr. DeGaris to insert "fifteen".

The Committee divided on the Hon. Sir Arthur Rymill's amendment:

Ayes (11)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, E. K. Russack, Sir Arthur Rymill (teller), and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield, T. M. Casey, C. M. Hill (teller), A. F. Kneebone, F. J. Potter, A. J. Shard, V. G. Springett, and C. R. Story.

Majority of 3 for the Ayes.

The Hon. Sir Arthur Rymill's amendment thus carried.

The Committee divided on the Hon. Mr. DeGaris's amendment as amended:

Ayes (11)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, E. K. Russack, Sir Arthur Rymill (teller), and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield. T.M. Casey, C. M. Hill (teller), A. F. Kneebone, F. J. Potter, A. J. Shard, V. G. Springett, and C. R. Story.

Majority of 3 for the Ayes.

Amendment as amended thus carried.

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

In new subsection (1) to strike out "Twenty" and insert "Five".

This amendment deals with the penalty of $20.

The Hon. Sir Arthur Rymill: That is, at a speed in excess of 15 miles an hour?

The Hon. R. C. DeGARIS: Yes. I believe that the penalty of $20 is too high; it should be $5.

The Hon. C. M. HILL: I oppose the amendment. A penalty of $5 instead of a penalty of $20 would not be a real deterrent to failing to wear a set belt. The penalty for standing on a clearway during the period when the restrictions are in operation is between $10 and $20, and under the present regulations, where the penalty is not specifically stated, it is up to $50. Therefore, it seems that $5 would be far too small a fine to be a deterrent. It is not unreasonable to leave the fine at $20.

The Hon. H. K. KEMP: We must be realistic about this. The honourable member has implied that obstructing a clearway is an offence of the same gravity as that of not wearing a seat belt.

The Hon. C. M. HILL: No; I am interested in saving lives, whereas obstructing a clearway is merely a matter of congestion.

The Hon. R. A. GEDDES: The honourable member has used the word "deterrent". That is a danger in this type of legislation. Seat belts should be worn for safety's sake. So often I have heard it said in Victoria "Oh, we must fasten our seat belts to save a $20 fine." Seat belts should not be worn merely for the sake of saving a fine.

The Hon. A. F. Kneebone: But the fine is an effective way of ensuring that seat belts are worn.

The Hon. R. A. GEDDES: I do not think it is an effective way of teaching the public how necessary it is to wear a properly adjusted seat belt (and I emphasize "properly adjusted"). Merely to slip the buckle in and exclaim, "She's right; now we cannot be fined $20" does not give those people a sense of the need for safety. The same applies to the breathalyser. People who drink in hotels before driving do not fear the breathalyser or fines but they do fear losing their licence. When they are drinking, they do not think of what they will do to the public in the way of accidents through driving at speed. I make it clear that the real point at issue here is the education of the public in the matter of wearing seat belts.

The Hon. D. H. L. Banfield: There is nothing like hitting a man in the pocket to educate him.

The Hon. R. A. GEDDES: Be that as it may, that is the way I see it.

The Hon. A. M. WHYTE: I support the amendment because it will have a deterrent effect on the non-wearing of a properly adjusted seat belt. After all, anyone who does not wear one faces the possibility of death. That is a deterrent, whether or not a man's pocket is hit. It seems wrong that a person who may have put a car into gear and moved a few

yards down the road without wearing his seat belt has broken the law and will be fined $20. That does not appeal to me; I think $5 is an ample fine.

The Hon. G. J. GILFILLAN: I sympathize with what the Hon. Mr. DeGaris is trying to do, but a reduction from $20 to $5 is too great. I do not know how the court will assess liability under this provision because a person is either wearing or not wearing a belt. I do not know whether there will be any grading of guilt, perhaps because of other circumstances involved, such as travelling at speed. However, whether or not the maximum fine is always imposed, the same penalty is prescribed in the measure relating to the non-wearing of safety helmets by motor cyclists at speeds over 15 m.p.h. If a certain maximum penalty is fixed in relation to motor cyclists who do not wear helmets when travelling at speeds over 15 miles an hour, it is not unreasonable to provide a similar penalty in this respect.

The Committee divided on the amendment:

Ayes (8)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, H. K. Kemp, Sir Arthur Rymill, and A. M. Whyte.

Noes (11)—The Hons. D. H. L. Banfield, T. M. Casey, G. J. Gilfillan, L. R. Hart, C. M. Hill, A. F. Kneebone (teller), F. J. Potter, E. K. Russack, A. J. Shard, V. G. Springett, and C. R. Story.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. R. A. GEDDES: Mr. Chairman, I have on file an amendment regarding the penalty, which I mentioned at the proper time.

The CHAIRMAN: The honourable member will have to move to have the Bill recommitted after it has gone through Committee.

The Hon. R. C. DeGARIS: I move to insert the following new subsection:

(1*a*) It shall be a defence to a prosecution under subsection (1) of this section that the defendant would by reason of the wearing of a seat belt or the psychological reaction induced thereby, suffer undue fear or mental distress.

The new subsection enables a defence to be made to a prosecution under the section, and the onus is placed on the defendant to prove to the satisfaction of the court that the wearing of a seat belt would create a psychological reaction that could cause undue fear or mental distress. It would take one a long time to list all the psychological reactions, fears and mental distresses that are experienced by some people as a result of wearing seat belts.

Except for the exemption to be given to drivers who travel at speeds less than 15 miles an hour, the Bill is too all-embracing. If a person suffers from a psychological reaction, he must obtain a certificate from his medical practitioner or an exemption from the board, which must be carried by him at all times. That is an unsatisfactory situation, as I am sure the medical profession does not want to judge whether a person has a psychological disability, and it does not want a myriad of people coming to it seeking certificates. Persons who suffer from claustrophobia have a psychological fear of being in a motor vehicle, let alone having to be strapped in such a vehicle by a seat belt, and they must convince a medical practitioner of their condition in order to obtain a certificate.

The Hon. A. F. Kneebone: It will be cheaper to obtain a certificate in the first place than having to go to court.

The Hon. R. C. DeGARIS: That is so.

The Hon. T. M. Casey: What would be the percentage of such people?

The Hon. R. C. DeGARIS: It would not worry me if there was only one. However, I could give a list of such cases, and it is ridiculous to make the people suffering from such disorders go to a medical practitioner to obtain an exemption so that they will not be breaking the law. If a medical practitioner refuses them a certificate, they could be forced to shop around and obtain a certificate somewhere else, because they will get one eventually. Why should a pregnant woman, who may have a fear of wearing a seat belt because of her unborn child, be forced to obtain a certificate from a medical practitioner? Records are available to show that if a person had been wearing a seat belt at the time of the accident he would be dead today. A driver, without a seat belt, could be thrown aside and the steering wheel could be driven into the back of the front seat. If he had remained in his position he would have been stabbed.

Also, there is the case of a person sitting in a soft-top car that rolls over. Sometimes he is saved because he does not wear a seat belt. A person is saved sometimes because he is thrown out of a vehicle. Many people in the community believe (rightly or wrongly) that wearing a seat belt will place their lives in jeopardy. The Bill provides that if a

person does not wish to wear a seat belt he must obtain a doctor's certificate in order to get an exemption. I know of a person who always wears a seat belt but, on a recent long trip, he suffered an acute pain and unfastened the belt, after which the pain disappeared. He did not replace the belt, but under the provisions of this legislation he would be breaking the law. This appears to me to be a ridiculous situation.

The Hon. C. M. HILL: The best person to judge psychological reaction or mental distress would be a doctor or a psychologist. The provision for exemption on medical grounds would cover these conditions without the need for them to be written into the Act. The alternatives are to rely on the exemption by regulation, which will mean a medical officer's certificate, or a court case in which expert evidence would be called and a person's history would become public. The relatively simple procedure of obtaining a certificate from a doctor to cover the situation is preferred. The protection the amendment is trying to give can be given by later provisions dealing with the question of regulations.

The Hon. R. A. GEDDES: Can you, Sir, rule on how I will be able to present my amendment to this clause?

The CHAIRMAN: The honourable member will be able to move his amendment after the present amendment has been decided.

The Hon. V. G. SPRINGETT: A person who is unwell could be mentally as well as physically unwell and, obviously, a doctor will make the decision. However, without having some yardstick to use, it would be possible for anyone, if he did not wish to wear a seat belt, to say that he was frightened, that he became car sick, or that he suffered a backache. In my experience, not many people who have been in an accident do not wish to wear a seat belt after that accident. While sympathizing with people who may consider that they should not wear a seat belt for various reasons, I am sure that obtaining a doctor's certificate is a much more satisfactory procedure. I cannot support the amendment.

The Hon. R. C. DeGARIS: It has been said that it would be easy to obtain a doctor's certificate, but many people in the community would not have this opportunity. What will a doctor do when a patient tells him that because of a psychological disability he cannot wear a seat belt? Will the doctor say, "You cannot get a certificate"?

The Hon. A. F. Kneebone: What will it cost to get a doctor to give evidence in the court?

The Hon. R. C. DeGARIS: That does not matter. What possibility has a person at Coober Pedy or Oodnadatta of getting a doctor's certificate? Views have been put forward today that the services of a trained psychologist may be necessary to obtain such a certificate in the first place. I believe that in practical terms this amendment is justified and necessary.

The Hon. D. H. L. BANFIELD: I am surprised at the expression "practical terms" mentioned by the Hon. Mr. DeGaris. A date will be set for the proclamation of this Bill, and people will know that they have a certain period of time in which to get a doctor's certificate. The Hon. Mr. DeGaris says it is impossible for the man at Coober Pedy to get a doctor's certificate before he is caught, but he implies that, the moment a man gets caught, not only can he produce a doctor's certificate but he can get the doctor to appear in court to substantiate his defence, because that is the only time the defence will be put forward. It will be for the defendant to prove that he is suffering a psychological reaction or undue fear or mental stress. He will have to call the doctor to court.

The Hon. R. C. DeGaris: Not necessarily.

The Hon. D. H. L. BANFIELD: He must prove his defence. If the Leader does not want that to take place in the court then he is suggesting that, as a result of perjury, anyone can get out of this penalty. He cannot have it both ways. To prove his defence a man must have a doctor in court to substantiate his evidence, otherwise we are saying that members of the community may commit perjury and that is sufficient for their defence. The Leader is not reasonable in saying that the man in Coober Pedy cannot get a certificate and then suggesting that he produces a certificate and also has a doctor appear in court. I oppose the amendment.

The Hon. Sir ARTHUR RYMILL: Clause 3 of the Bill provides for the insertion of a new section 162ab, and provision is made that, if a person gets a certificate in advance from a doctor to the effect that because of physical disability or for any other medical reason he should not be required to wear a seat belt, this constitutes a defence; or rather, the person cannot be prosecuted. The Hon. Mr. DeGaris goes a step further and says that if a person has not chosen to get the certificate

in advance, whatever the reason, this defence is still available to him. What is better than a court of law to decide whether the defence is justified? It is not for doctors to be judges and juries of normality. It is for the courts of law to exercise the judicial function, and that is precisely the logical sequence of this.

The Committee divided on the new subsection:

Ayes (12)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, E. K. Russack, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

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

Majority of 5 for the Ayes.

New subsection thus inserted.

The Hon. R. A. GEDDES: I move to insert the following new subsection:

(1b) It shall be a defence to a prosecution under subsection (1) of this section that in the circumstances of the case the defendant was not exposed to danger of injury by reason of contravention of that subsection.

With the inclusion of 15 miles an hour as the minimum speed, possibly some of my objections have been removed, but my intention was, at the time this amendment was drafted, and still is to give some form of protection to people in certain circumstances. As a family man I have been most conscious, during the three-hour trip my family must make from home to the city, that the mother in the front seat of the car cannot attend to the needs of children and babies in the back seat of the car if she is wearing a seat belt. My habit as a driver has been to slow down to a reasonable speed. I have never yet slowed down to 15 miles an hour, but on the open road my aim has been to reduce speed to about 30 miles an hour. If the police find that a passenger in a car was attending to the needs of a child and, consequently, not wearing a seat belt, under the new subsection that passenger has an adequate defence to any prosecution under subsection (1). The Minister of Lands said that the matter would be impossible to assess, but I point out that a case would come before a court only after a person had been prosecuted for failure to wear a seat belt.

The Hon. A. F. Kneebone: How can the danger be assessed?

The Hon. R. A. GEDDES: We must be practical. I want to provide a defence for people in the situation I have referred to who are reported by the police for not wearing a seat belt.

The Hon. C. M. HILL: Any person entering a vehicle is exposed to danger of injury, whether or not he is wearing a seat belt. To assess what danger of injury a person was not exposed to while not wearing a seat belt would involve a study of the minute details of a motorist's actions before and after an accident. As the evidence in this field is sparse, I fail to see how a case can be made out saying that a motorist's action in not wearing a seat belt did not expose him to danger of injury. Whilst I appreciate that the Hon. Mr. Geddes is sincere, I oppose the amendment.

The Hon. R. A. GEDDES: The Hon. Mr. Hill said it would be difficult to assess the minute details involved in an accident. While a car is travelling on the open road without any likelihood of an accident, a passenger may attend to the needs of a child. In such circumstances, the new subsection that I have moved to insert would provide a defence for the passenger if he were not wearing a seat belt. The argument of the Hon. Mr. Hill is not valid.

The Hon. A. F. KNEEBONE: By way of interjection I said that it would be hard to assess the danger involved in the case of a person travelling in a car on the open road. We have heard of all kinds of accidents occurring on clear roads.

The Hon. C. M. Hill: Through mechanical failure.

The Hon. A. F. KNEEBONE: Yes, and the car may run off the road and hit a tree. I cannot accept the amendment because it does not provide a practical solution to the problem that the Hon. Mr. Geddes is trying to solve.

The Hon. Sir ARTHUR RYMILL: The Minister has missed the point of the amendment, the crux of which is conveyed by the last seven words: "by reason of contravention of that subsection". The new subsection provides that it shall be a defence if the defendant proves that he was not exposed to danger of injury by reason of not wearing a seat belt: the new subsection does not provide simply that it shall be a defence if the defendant proves that he was not exposed to danger of injury. Whenever anyone travels on a road he is in danger of injury, but the new subsection provides the defence that the failure to wear a seat belt did not expose the motorist to danger of injury. I therefore believe that it is a perfectly sensible amendment.

The Hon. C. M. HILL: What is the position of motorists travelling at less than 15 m.ph.? When we bear in mind such motorists, we realize that not only those wearing seat belts but also those not wearing seat belts are involved. The generalization is that whenever one steps into a motor car one is exposed to danger; that cannot be denied.

The Committee divided on the new subsection:

Ayes (11)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes (teller), G. J. Gilfillan, L. R. Hart, H. K. Kemp, E. K. Russack, Sir Arthur Rymill, and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield, T. M. Casey, C. M. Hill (teller), A. F. Kneebone, F. J. Potter, A. J. Shard, V. G. Springett, and C. R. Story.

Majority of 3 for the Ayes.

New subsection thus inserted.

The Hon. Sir ARTHUR RYMILL: I move to insert the following new subsection:

(1c) It shall be a defence to a prosecution under subsection (1) of this section that the defendant had genuinely attempted to adjust and fasten the seat belt before commencing the journey in the course of which the offence is alleged to have been committed, but that by reason of unfamiliarity with the seat belt, any practical difficulty in the use of the seat belt, or any defect or deficiency affecting any portion of the seat belt, he was unsuccessful in that attempt.

I regard this as a crucial amendment, because it is embodying in words some of my principal objections to what I regard as the deficiencies of this Bill. I have explained at some length, both in the second reading debate and in a previous debate on this clause this afternoon, my reasons for this. One is that seat belts are not standardized and are hard to operate. Indeed, two distinguished honourable members of this Chamber attempted to operate the seat belts in a car of mine and, although they are both highly intelligent men with mechanical knowledge, they were unable to do so. I proffered them some assistance with the belts that they could not operate, but they still could not fasten them.

It is intended that this new subsection will deal with it. I have enlisted the assistance of Parliamentary counsel to help me draft this new subsection, which is a redraft of what I had originally. Honourable members will observe that there are several elements in this subsection. The first is that the defendant must prove to the satisfaction of the court (those words are not included but that is what it means) that he had genuinely attempted to adjust and fasten the seat belt. So, to provide this defence, he must first prove (and the onus of proof is on the defendant because he is guilty if he cannot prove to the contrary) that he genuinely attempted to adjust and fasten the belt. This would probably exclude immediately the driver (except possibly in the case of a brand new car that he had not got used to) from putting up this defence, because I think he would be hard pressed to prove to the satisfaction of the court—

The Hon. A. J. Shard: How would a driver get on with a new car that he could not handle?

The Hon. Sir ARTHUR RYMILL: I excepted the driver of a new car that he had not yet got used to. In that case, he might be able to prove this. This is really a substitution for my amendment previously on the file limiting the operation of this Bill to the driver only, which I have abandoned because this includes passengers as well.

As I say, there are three elements involved. After having proved that he genuinely attempted to adjust and fasten the belt, he has then to prove one of three other elements: that it was by reason of (1) unfamiliarity with the seat belt; (2) a practical difficulty in the use of the seat belt (and these difficulties do, of course, exist); or (3) any defect or deficiency affecting any portion of the seat belt. It must be remembered that passengers as well as drivers are being rendered liable under this Bill. We have all had the experience of being invited to drive in someone else's motor car and of arranging with friends that we will drive with them. How do we get on if, first of all, the seat belt is defective or, secondly, we do not have much knowledge of it and cannot operate it? How do we get on if the seat belt is non-existent in the car when it should be there? It means that we have the choice either of going on with the journey and thoroughly embarrassing and probably losing a friend or of arriving very late for a pressing engagement: either of those things could happen.

This is a reasonable and proper defence, in my opinion. The defendant must prove to the satisfaction of the court that these elements exist, as they will exist in the great preponderance of cases—for a start, anyway. I have said all the way through that, when seat

belts are standardized to a reasonable pattern and are made so that everyone can operate them and understand how to fasten a single buckle, with a single method of adjusting the seat belts, I will be willing to abandon this provision; but at this stage it is essential, if we are to pass this Bill, that a defence of this nature be included.

The Hon. C. M. HILL: I respect Sir Arthur's views and all that he said earlier in this debate on this matter, of which he has a great depth of knowledge but, if we are interested in pursuing the change to make the wearing of seat belts compulsory, we come up against the real problem that other major States have proceeded with the matter and other small States have the matter of change in train.

At the same time, there is not throughout Australia so far one belt nationally approved in all respects including, of course, the buckle. It is true that difficulties arise with belts that are unfamiliar to some users, and with other problems concerning the harness and the strapping of oneself into a belt. Such difficulties always arise but we must reach a point where the legislation, if we really want it, must either be effective or be such that there are so many let-outs that it becomes weak and poor as new law.

The Hon. M. B. Dawkins: Belts are not even standardized now.

The Hon. C. M. HILL: In the design of a seat belt assembly, certain criteria have been developed to minimize injury. This has resulted from autopsies and examinations of injured persons in hospitals. Also, much research has been conducted overseas and in Australia by the Snowy Mountains Authority into the design and standards of present seat belt assemblies. Much further research is being undertaken to produce even better occupant restraints, and to make them more flexible to individual use where the human body has different characteristics. I believe that a standard form of buckle and release mechanism will have to be adopted for future belt assemblies. The increased use of belts will bring more complaints and pressures for better belts.

At present, it is hard to assess whether one type of buckle release is better than another. Further usage and complaints regarding operation should give a clearer indication of which type of buckle best serves the majority of occupants of motor vehicles in all conditions. It is impossible for one State to proceed with this matter alone, as it is a national matter, and ultimately a nationally acceptable standard for seat belts, incorporating uniformity of fastening, improved adjustability and accessibility, and increased comfort will have to be found, and all States, through the Australian Transport Advisory Council, will have to agree on this matter.

Although efforts have been made to achieve this objective, particularly in relation to buckles, uniformity has not yet been achieved. Pressure will be brought to bear on manufacturers in the future, if seat belt use is compulsory, unless those manufacturers supply a belt that is acceptable to prospective purchasers. Otherwise, the latter will purchase another brand of vehicle. In future, people will choose the type of new car they buy as a result of whether they like the seat belt. When that happens, manufacturers will make every effort to provide a belt that is acceptable to the vast majority of users.

Therefore, the problem is admitted. However, we must either scrap the whole matter or proceed as best we can. What will happen if a person who is caught not wearing a seat belt says that that was the first occasion on which he travelled as a passenger in that vehicle? That would be an immediate defence.

The Hon. Sir Arthur Rymill: No, it would not. It also provides "and that they genuinely attempted to adjust and fasten it".

The Hon. C. M. HILL: They could claim that they tried to belt up and tried to adjust the belt. It is hard to disprove that when a person says that is what the passenger tried to do.

The Hon. Sir Arthur Rymill: I am afraid you misunderstand the situation. No-one has to disprove it: the defendant must prove it to the satisfaction of the court.

The Hon. C. M. HILL: He merely has to say that he tried to do it.

The Hon. Sir Arthur Rymill: The magistrate must then make a decision and, if he cannot decide, that is not a defence.

The Hon. C. M. HILL: In some vehicles a belt must be adjusted each time it is used because different sizes of people use the belt, and that can be used as a defence almost every time. If a belt is not properly adjusted because a deficiency is affecting a portion of the belt, it is easy for one who does not want to wear a belt to give the webbing a strong tug as it comes through the buckle, and immediately there is a deficiency in the mechanism. Then, the person has no incentive to wear the belt and can leave it in that condition for all time.

The Hon. Sir Arthur Rymill: Which is an offence.

The Hon. C. M. HILL: What is the position if the driver himself does that?

The Hon. Sir Arthur Rymill: The driver is obliged to fit proper seat belts.

The Hon. C. M. HILL: But he could claim that there was a deficiency in the belt.

The Hon. Sir Arthur Rymill: Only on a charge of not wearing it.

The Hon. C. M. HILL: In any event, Sir, all these matters are arguable. If this amendment passes, I foresee many problems, although some benefits will accrue if it is applied immediately to a new vehicle, when a person may take some time to become familiar with the belt and its method of adjustment. However, we must impose upon the occupant of a car the responsibility to check his seat belt and ensure that the belt works properly. If a person thinks that he could succeed in an action brought against him, the tendency will be for people not to face up to the responsibility that this Bill imposes on passengers and drivers. In its present broad form, the provision gives too great a let-out for passengers and drivers, and I therefore oppose it.

The Hon. M. B. DAWKINS: I support the amendment. I have on my property four motor vehicles, which were manufactured in 1966, 1968, 1969, and 1971 respectively, in relation to which there are different requirements. Until there is some uniformity of standard, this amendment has much merit. I do not need to have a belt in my 1966 model vehicle, and the same applies to the Chief Secretary, who said during the second reading debate that his 1961 vehicle does not need to have a belt fitted to it. Every day of the week one can see Volkswagen vehicles, which look exactly alike, being driven along our roads. How will the police be able quickly to ascertain which of those vehicles must have seat belts fitted to them? Until there is a more uniform type of belt and catch, we should support this amendment.

The Hon. A. F. KNEEBONE: I oppose the amendment. It seems to me, because of the amendments that have been accepted this afternoon, that no-one will be compelled to wear a seat belt.

The Hon. R. C. DeGARIS: If a person has a doctor's certificate or a certificate from the board he has a clear exemption, but if he does not obtain such a certificate he has no defence against a prosecution. These amendments place the onus on the defendant when he is prosecuted.

The Hon. Sir Arthur Rymill: It is not an exemption: it is a defence that has to be proved by the defendant.

The Hon. R. C. DeGARIS: If a 20-stone man has used a seat belt and an eight-stone woman gets into the seat but cannot adjust the belt, she breaks the law by riding in that vehicle.

The Hon. C. M. Hill: She must adjust the belt: these are approved seat belts.

The Hon. R. C. DeGARIS: I am sure that some of the new types will not work, and there is no defence for the person who genuinely attempts to adjust the seat belt but who cannot wear it. I now move:

In the amendment of the Hon. Sir Arthur Rymill to strike out "genuinely".

The Hon. A. F. KNEEBONE: I object to this amendment, because it confirms my opinion that members introducing these amendments are making a genuine attempt to defeat the purposes of the Bill.

The Hon. V. G. SPRINGETT: We recognize and accept the fact that seat belts may vary, but the value of wearing seat belts has been proved throughout the world, so that it would be tragic if South Australia lagged behind. The more difficult the conditions we provide for this Bill to work the more lives we will be responsible for losing. I accept all that has been said about the difficulties of using and adjusting some seat belts, but I would rather have that on my conscience than people not using seat belts.

The Hon. C. M. HILL: I challenge the Hon. Mr. DeGaris and the Hon. Sir Arthur Rymill to stand up and say that they honestly believe that anyone who takes this clause into court will lose his case.

The Hon. Sir Arthur Rymill: I don't know what that means.

The Hon. L. R. HART: The point members are trying to make is that one would not lightly not wear a seat belt, because one would know that one would have to face a court hearing if charged with not wearing a seat belt. The amendments moved by the Hon. Mr. DeGaris, the Hon. Mr. Geddes, and the Hon. Sir Arthur Rymill are not automatic let-outs: a person has to be charged and, if he is, he is required to defend his case. For many people it would be far better, and more profitable, to pay the fine. As the Hon. Sir Arthur Rymill has

said, one must prove to the court that a genuine attempt was made to wear a seat belt.

The Hon. C. M. Hill: Are you trying to keep people from going to court because of the cost? That is what you inferred.

The Hon. L. R. HART: I am not saying that at all. People will wear seat belts if they possibly can. I do not think there is any great objection to wearing belts. The only person who has an automatic let-out is the person holding a doctor's certificate. I have studied the amendments very closely, I believe they are necessary, and I intend to support them.

The Hon. C. M. HILL: I might not have explained my points clearly. I again challenge the Hon. Mr. DeGaris and the Hon. Sir Arthur Rymill to say honestly that they believe that people who go to court and use this as a defence will lose their cases.

The Hon. Sir ARTHUR RYMILL: I accept the challenge. The question proves to me completely that the Hon. Mr. Hill does not understand this amendment. As for saying it "honestly", I rather resent that. I think honourable members will agree that whatever I say is honestly said. This amendment does not exempt from prosecution people who have attempted to fasten a seat belt. They can be prosecuted and the onus is then on the defendant to prove to the satisfaction of the court that he genuinely attempted to fasten a belt and also that one of those other elements existed.

The Hon. A. F. Kneebone: Do you support the amendment of the Hon. Mr. DeGaris?

The Hon. Sir ARTHUR RYMILL: To be quite blunt about it, I do not think it makes any difference. The word "genuinely" was put in by the Parliamentary Counsel. It must be clearly realized that it is a question of the onus of proof in court.

The Hon. A. F. Kneebone: How does a man prove it if he is the only person in the car?

The Hon. Sir ARTHUR RYMILL: This happens time after time in court cases. If the magistrate does not know whether or not to believe a person then the defendant has not proved his defence and he is guilty. He must satisfy the magistrate that he did make the attempt otherwise he is guilty.

The Hon. D. H. L. Banfield: I thought the defendant had the benefit of the doubt.

The Hon. Sir ARTHUR RYMILL: In the prosecution case, yes. If the prosecution proves to the satisfaction of the court that he was not wearing a belt or that it was not properly fastened that is a *prima facie* case.

The Hon. F. J. Potter: There is really only one answer to the charge: that he was wearing the belt and that it was fastened.

The Hon. SIR ARTHUR RYMILL: Quite, unless this amendment goes through. If the amendment goes through the defendant has the opportunity to affirmatively prove to the satisfaction of the court that these elements existed. If he does not satisfy the court that this happened he is guilty of the charge. This does not mean that the prosecution must prove that he attempted to fasten the belt. That would be impossible for the prosecution to prove. If the defendant cannot prove that he did attempt to fasten the belt he loses his case, and therefore what the Hon. Mr. Hill said is quite off the beam and has nothing to do with what he challenged me to say.

The Hon. C. M. Hill: Putting it another way, do you think anyone is going to be found guilty?

The Hon. Sir ARTHUR RYMILL: I think most people would be guilty. It would be very difficult for a driver to satisfy the court that he did not know how to work his own seat belts if he had had the car for some considerable time. Passengers must prove their case to the satisfaction of the court.

The Hon. F. J. Potter: If this amendment did not go in this could still be put up in mitigation.

The Hon. Sir ARTHUR RYMILL: Yes, but if it is not put in he is guilty. Of course, he can plead these matters to try to minimize the penalty.

The Hon. F. J. Potter: Or even to wipe out the penalty.

The Hon. Sir ARTHUR RYMILL: I have always found that pretty difficult. I think this is a fairly good amendment and I hope I have persuaded more than half the Committee that it is.

The CHAIRMAN: The Hon. Mr. DeGaris has moved to strike out "genuinely" in the Hon. Sir Arthur Rymill's amendment. The question is that the word "genuinely" proposed to be struck out stand part of the amendment. Those in favour say "Aye"; those against say "No". The Ayes have it.

The Committee divided on new subsection (1c):

Ayes (9)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, E. K. Russack, and Sir Arthur Rymill (teller).

Noes (8)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, C. M. Hill (teller), A. F. Kneebone, F. J. Potter, A. J. Shard, and V. G. Springett.

Majority of 1 for the Ayes.

New subsection thus inserted.

The Hon. H. K. KEMP: I move:

In new section 162ab (2) to insert the following new paragraph:

(*ab*) a person while he is seated in a motor vehicle upon a ferry or approaching the point of embarkation on to a ferry and within one hundred yards of that point;

My amendment provides that the wearing of a seat belt will not be compulsory for a person in the circumstances referred to in the new paragraph.

The Hon. A. F. KNEEBONE: I oppose the amendment because it would cover any type of ferry, wherever it might be.

The Hon. H. K. Kemp: That is intended.

The Hon. A. F. KNEEBONE: The *Troubridge* is a ferry.

The Hon. H. K. Kemp: The new paragraph is intended to cover the *Troubridge.*

The Hon. A. F. KNEEBONE: Motorists do not sit in their vehicles while the vehicles are being transported in the *Troubridge.* So, there is no need to cover that vessel. Honourable members have suggested many things that should be covered under new subsection (2), but I point out that all those things can be covered by regulation. Instead of covering in the Bill every aspect that honourable members can think of, it is simpler to deal with such matters by regulations, which come before both Houses of Parliament and are open to the possibility of disallowance.

The Hon. C. R. STORY: Because I have been a member of the Joint Committee on Subordinate Legislation for several years, I know how difficult it is to get regulations amended and how difficult it is for the people drafting the regulations to understand perfectly what is required. I do not think I can cite a better example of such regulations than those made under the Motor Vehicles Act and the Road Traffic Act, where so much has been left to regulation. Because that method can be very confusing and because I believe that the points referred to should be covered in the Bill, I support the amendment.

The Hon. R. C. DeGARIS: The Minister of Lands frequently says that matters can be covered by regulation, but that is not the case. This Committee is considering a Bill that makes it compulsory for motorists to wear seat belts, with some exemptions. Then there is no exemption whatsoever after that, and it is left it in the hands of the Executive to produce regulations, over which this Chamber has no control.

The Hon. A. F. Kneebone: You can throw them out.

The Hon. M. B. Dawkins: We cannot take the initiative, either.

The Hon. R. C. DeGARIS: The Bill makes it compulsory in all cases.

The Hon. C. R. Story: The builders licensing regulations are an excellent example of this.

The Hon. R. C. DeGARIS: Yes, and we would have exactly the same situation with this Bill. If we pass it without the protection that we believe is necessary, we are leaving ourselves open to a situation in which we have the compulsory wearing of seat belts with no exemptions, relying upon regulations.

The Hon. A. F. Kneebone: You have all the exemptions in the world now.

The Hon. R. C. DeGARIS: We did ask for the exemptions to be in the Bill in the first place, but were told, "It will all be done by regulation." We had a similar situation with the points demerit scheme.

The Hon. A. F. Kneebone: This is not a Government Bill.

The Hon. R. C. DeGARIS: No, but the Government has clearly indicated its views, and so has the Minister of Roads and Transport. We all remember the points demerit legislation, when the Council demanded (I think the Minister was in that demand, and so was his colleague in another place) that, unless the whole schedule was in the Bill, it would not go through.

The Hon. C. M. Hill: And it did not go through either.

The Hon. R. C. DeGARIS: When we said, "Let us make sure that these things are contained in the Bill", we were told. "It is better to leave it to the regulations." The Council has taken the only practical course in the circumstances. I wholeheartedly support the Hon. Mr. Kemp's amendment.

The Hon. H. K. KEMP: The Minister referred to the *Troubridge.* That is an apt illustration of the dangers inherent in this Bill. As the Bill would read without this amendment, anyone in a vehicle on the *Troubridge* would have to wear a seat belt, as would anyone travelling on the ferry that we hope will ply one day between Cape Jervis and Kangaroo Island. It would be disastrous if people were asked to wear a confining harness of any kind on such a ferry. It is bad enough on the Murray River. I should have liked to put this in much more positive terms and make it a requirement that the ferry master make sure that people are not wearing seat belts or any other means of confinement. However, I do not think that would have the support of honourable members.

Amendment carried.

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

In subsection (2) *(b)* to strike out "is carrying" and insert "holds".

The purpose of this amendment is to protect people who, on many occasions, would not actually carry with them a valid certificate signed by a legally qualified medical practitioner, although they would hold one. A similar privilege is extended to a person who is not carrying his driver's licence with him when asked for it; he is given 24 hours in which to produce it That privilege should apply here.

Amendment carried.

The Hon. C. M. HILL: I move:

After subsection (2) (*b*) to delete "or"; and after subsection (2) (*c*) to insert the following new paragraph:

(d) a person who is actually engaged in work that requires him to alight from, and re-enter, a motor vehicle at frequent intervals and is not travelling at a speed in excess of fifteen miles an hour;

This amendment is associated with the group of amendments that follow. It was placed on file and then, on the advice of the Parliamentary Counsel, who thought it could be worded in a better manner, I have circulated a further amendment, which I ask honourable members to consider. During the debate, several honourable members criticized the subject of regulations as they applied to this Bill, and the point was made that it was a pity that the Bill did not include some definite exemptions, for the reasons that were outlined a moment ago by the Hon. Mr. DeGaris, which are valid. The situation could arise where regulations were not acceptable to this Chamber and would have to be disallowed. The Act would be proclaimed and would then be law without any exemptions in it. I thought it was necessary for the Committee to consider some definite exemptions without excluding the right of various authorities to introduce regulations, as had been the original intention.

It was then necessary to find out what were or were not reasonable exemptions to be written into the Bill, so I looked at the regulations applying in New South Wales. I took those that I thought honourable members would favour, and my amendment is based on those exemptions in the New South Wales regulations. There have been some minor alterations, the first being the alteration of the wording, which I have just indicated, on the Parliamentary Counsel's recommendation. The second is a change in the Act involving the operation of metropolitan taxi-cabs, compared with the operation of taxi-cabs in New South Wales. It is in an endeavour to meet the wishes of critics who spoke of the need for some definite exemptions to be included in the legislation that I have moved my amendment.

Amendment carried.

The Hon. A. M. WHYTE moved:

In new subsection (2) (*c*) to strike out "is carrying" and insert "holds".

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I should like your ruling, Sir, on whether I should address myself to paragraph (*d*), or to paragraphs (*d*), (*e*), (*f*) and (*g*) of the Hon. Mr. Hill's series of amendments.

The CHAIRMAN: As the Hon. Mr. Hill has moved to insert paragraph (*d*), the honourable member must address himself to that paragraph only.

The Hon. Sir ARTHUR RYMILL: I fully appreciate the honourable member's motives in moving the amendment, as he is trying to do what all members have asked for. However, I think paragraph *(d)* is superfluous now because if a person is not travelling at more than 15 m.p.h. in any circumstances he is not guilty of an offence according to the amendment to section 162ab that has already been carried. I do not know what the words "frequent intervals" mean. This is not a defence: it is an exemption. It is in a different category from the defences that can be advanced, and it means that a person is not guilty of an offence if he is engaged in work that requires him to alight from and re-enter a vehicle at frequent intervals. What are

frequent intervals: every five seconds, every half-an-hour, every 500 yards, or what? This matter is very vague, and it would be less objectionable if a specific offence were stated. Will the honourable member explain this aspect?

The Hon. C. M. HILL: I have taken the wording from the New South Wales Act, and I must leave it to the honourable member to make his own interpretation.

The Hon. Sir ARTHUR RYMILL: I am going to vote against this provision, not because I oppose the honourable member's motives but because I think the new paragraph is rendered unnecessary by the previous amendment.

The Hon. C. M. HILL: I agree that it is irrelevant at present. However, perhaps it would be wise to leave it there if there is to be give and take later in relation to this measure. I do not know whether honourable members will vote against the third reading of the Bill or whether they will be willing to compromise with another place.

The Hon. R. C. DeGARIS: It is not necessary for paragraph (*d*) to be inserted, as the situation has already been covered by a previous amendment.

The Hon. G. J. GILFILLAN: For that reason, I cannot see how the insertion of this paragraph will do any harm. The Hon. Mr. Hill has tried to meet some of the objections that have been raised by honourable members in debate. I said during the debate that this was not a good Bill because so much was left unsaid in it and that all regulations and legislation relating to seat belts should have been repealed and a proper Bill incorporating all these points drawn up, with the exemptions listed. The Hon. Mr. Hill has tried to achieve this by copying the wording of the New South Wales Act. I am sure that this amendment would do no harm, but these details should have been spelled out and categorized in the Bill.

It seems that many present-day motor vehicles have different seat belts and different anchorages. This applies particularly to vehicles which have no centre door pillar. In one case the seat belt fastening was on the sill of the window behind the driver and some distance below the level of an occupant's shoulder. I have always believed that this is one of the worst features, because of the possibility of a fractured spine following an impact. These matters have not been properly investigated, and any attempt to improve the Act is a step in the right direction, although there may be some duplication.

The Hon. E. K. RUSSACK: As the 15 m.p.h. amendment has been accepted, I believe this provision would provide a second safeguard and, for that reason, I support it.

The Hon. A. F. KNEEBONE: I oppose this provision.

Amendment negatived.

The Hon. C. M. HILL moved to insert the following new paragraph:

(*e*) a person who is under the age of eight years;

The Hon. F. J. POTTER: No child under 8 years can be guilty of an offence. He cannot be charged in the Juvenile Court, so that this provision makes no sense.

The Hon. A. F. KNEEBONE: For the reason expressed by the Hon. Mr. Potter, I oppose this amendment.

The Hon. C. M. HILL: A child under 8 years can be involved in the question of aiding and abetting an offence.

Amendment negatived.

The Hon. C. M. HILL moved to insert the following new paragraph:

(*f*) a person, other than the driver of the motor vehicle, who is of or above the age of seventy years;

The Hon. R. C. DeGARIS: I support the amendment.

The Hon. Sir ARTHUR RYMILL: I oppose the amendment, because I cannot understand why this person should be exempted. Why does a person 69 years of age have to wear a seat belt, but a person 70 years of age does not?

The Hon. C. M. HILL: I understand that at some stage a person becomes frail, and that at a certain time special consideration should be given to age. A person reaches an age where he should not have to get a doctor's certificate or go into court to prove his case. As a figure must be fixed, 70 years seems to be a reasonable age.

The Hon. F. J. POTTER: At 70 years of age a person must have a compulsory ocular examination and a driving test but, under this amendment, he would not have to wear a seat belt.

The Hon. Sir ARTHUR RYMILL: Apparently, after reaching the age of three score years and ten a person is expendable. That seems to be the philosophy of the amendment.

The Committee divided on new paragraph (*f*):

Ayes (3)—The Hons. R. C. DeGaris, G. J. Gilfillan, and C. M. Hill (teller).

Noes (16)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. A. Geddes, L. R. Hart, H. K. Kemp, A. F. Kneebone, F. J. Potter, E. K. Russack, Sir Arthur Rymill (teller), A. J. Shard, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 13 for the Noes.

Amendment thus negatived.

The Hon. C. M. HILL moved to insert the following new paragraph:

(*g*) a person who is the driver of, or a passenger in, a motor vehicle being operated as a taxi-cab in pursuance of the Metropolitan Taxi-Cab Act, 1956-1965.

The Hon. Sir ARTHUR RYMILL: Will the Hon. Mr. Hill explain why taxi drivers should be exempt? I see no reason why they should.

The Hon. C. M. HILL: First, this is copied from the New South Wales legislation. Secondly, taxis are not far removed from the small passenger buses of the kind that take tourists to see the city sights. Within this category it is reasonable that both passengers and taxi drivers should be exempt. Thirdly, I understand statistics indicate that the number of accidents and injuries involved with taxi work proportionate to the number of miles travelled is very low indeed.

The Hon. A. F. KNEEBONE: I oppose this. I do not agree with the explanation of the Hon. Mr. Hill. Just because New South Wales has this I do not see that we should have it. It is important that taxi drivers and passengers should be wearing safety belts.

The Hon. C. M. HILL: If this comes down by regulation I expect the Minister to oppose it.

Amendment negatived.

The Hon. G. J. GILFILLAN: I move to insert the following new subsection:

(4) In any legal proceedings, evidence that any person contravened this section shall not be regarded as establishing, or tending to establish, negligence or contributory negligence on the part of that person.

This has nothing to do with exemptions; it is merely to protect from the possibility of losing part of his insurance entitlement the person who may not have his seat belt fastened. Again, I see the position of the mother temporarily unfastening the seat belt to attend to a child. It has been pleaded sometimes by insurance companies in other forms of accidents that a claimant has contributed partly to his own damages. I do not believe it fair that a person's non-compliance with this legislation should be regarded as an excuse to deny his rights to insurance.

New subsection inserted; clause as amended passed.

Title passed.

Bill reported with amendments.

Bill recommitted.

Clause 3—"Wearing of safety belts to be compulsory"—reconsidered.

The Hon. R. A. GEDDES: I move:

To strike out "Twenty dollars" and to insert "Ten dollars".

We have discussed this question at some length already. I think a penalty of $10 is adequate.

The Hon. A. F. KNEEBONE: I am opposed to the amendment. I think $20, which is equal to the penalty incurred by the non-wearing of a helmet by a motor cyclist, is reasonable.

The Committee divided on the amendment:

Ayes (10)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes (teller), H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, G. J. Gilfillan, L. R. Hart, C. M. Hill, A. F. Kneebone (teller), A. J. Shard, and V. G. Springett.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. C. M. HILL moved:

In new subsection (2) between paragraphs (*b*) and (*c*) to insert "or".

Amendment carried; clause as amended passed.

Bill reported with further amendments. Committee's reports adopted.

CIGARETTES (LABELLING) BILL

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

JUVENILE COURTS BILL

Read a third time and passed.

ADJOURNMENT

At 6.6 p.m. the Council adjourned until Thursday, October 21, at 2.15 p.m.