

**LEGISLATIVE COUNCIL**

Wednesday, August 30, 1972

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

**INDUSTRIAL CODE AMENDMENT BILL**

The Hon. A. J. SHARD (Chief Secretary): I have to report that the managers have been to the conference, but no agreement was reached. As honourable members will not be surprised to know, all the ramifications of the amendments to the Bill were known to the managers, who suggested that, instead of arguing the merits of the case again, which have been gone over more than once, they would attempt to find a solution to the problem regarding the main clause, namely, clause 5. After the managers of both sides put their points of view clearly and concisely, it was apparent that there was no hope of reaching agreement. The House of Assembly managers insisted that the Bill, as amended by the Council, was totally unacceptable. The Council managers said that unless the Bill, as amended by the Council, was accepted, they would not be a party to it. After a short deliberation it was clear that there was no hope of reaching agreement between the managers, and no agreement was reached.

The Hon. M. B. CAMERON (Southern): As a manager for this Council, I concur in what the Chief Secretary has said. However, I state clearly that the matter of the sale of red meat on Friday night was brought forward, and it became apparent that even on this matter there was a division of opinion and that the managers of this Council were not willing to allow weekend sales of red meat to be lost to producers. This therefore became another clear point of division. Apart from that, what has been said by the Chief Secretary is a full account of what occurred.

The PRESIDENT: No agreement having been reached at the conference, the Council, pursuant to Standing Order 338, must now either resolve not to further insist on its amendments or lay the Bill aside.

The Hon. A. J. SHARD moved:

That the Council do not further insist on its amendments.

The Council divided on the motion:

Ayes (4)—The Hons. D. H. L. Banfield, T. M. Casey, C. M. Hill, and A. J. Shard (teller).

Noes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris,

R. A. Geddes, G. J. Gilfillan, L. R. Hart, F. J. Potter (teller), E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Pair—Aye—The Hon. A. F. Kneebone.

No—The Hon. H. K. Kemp.

Majority of 9 for the Noes.

Motion thus negatived.

The PRESIDENT: The question now before the Council is that the Bill be laid aside. All those in favour say "Aye", to the contrary "No". I think the Ayes have it.

**QUESTIONS****BREMER RIVER**

The Hon. V. G. SPRINGETT: I wish to ask a question of the Minister of Agriculture, representing the Minister of Environment and Conservation. I understand there is a heavy concentration of copper appearing in the Bremer River, and there is quite a high incidence of dead fish in the same river. First, can the Minister say whether there is adequate control of any copper outflow from the mines at Kanmantoo which may run into the river and cause this concentration, with the resulting death of the fish; secondly, can the matter be investigated?

The Hon. T. M. CASEY: I will refer the honourable member's question to the appropriate Minister and see that he gets a reply as soon as possible.

**ABATTOIR**

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. L. R. HART: It was announced yesterday that about 1,400 employees, members of the Meat Industry Employees' Union, at the Gepps Cross abattoir had been granted increased holiday pay, and it was suggested that in the case of slaughtermen the wages could be increased by about \$50 a year. Since this will mean a considerable increase in costs to the Abattoirs Board, can the Minister say whether it is likely that the board will increase its charges to cover these costs?

The Hon. T. M. CASEY: This is purely and simply the prerogative of the board, which is an autonomous body. However, I will ask for a report and an opinion from the board.

**MOTOR VEHICLES DEPARTMENT**

The Hon. R. A. GEDDES: I recently asked a question of the Minister of Agriculture,

representing the Minister of Roads and Transport, regarding the establishment of branches of the Motor Vehicles Department in country areas. Has the Minister a reply?

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

The justification for the establishment of additional branch offices of the Motor Vehicles Department has been under consideration for some time. Studies undertaken to assess volume of expected business and convenience to the surrounding community indicate that, over the next two or three years, branches could be established successfully in selected country towns. Subject to obtaining satisfactory accommodation and equipment, it should be possible to staff two of these new branch offices in 1973-74.

#### **MINING LEASES**

The Hon. A. M. WHYTE: I seek leave of the Council to make a statement prior to asking a question of the Chief Secretary, representing the Minister of Development and Mines.

Leave granted.

The Hon. A. M. WHYTE: Towards the close of last session I asked a question about the removal of miners from what is known as the Penryn field, about 30 miles south of Coober Pedy. The field has two names: the department refers to it as the June field. The position there is that miners who had registered claims with the South Australian Mines Department were requested to move all their equipment and not return. The reason given by the Commonwealth security people was that they were being moved for their own safety. The field being only two miles from the main Alice Springs highway, which carries quite a volume of traffic, the miners felt that this was hardly a valid excuse. Moreover, the area has been poached frequently since the removal of the legitimate holders of these leases. Since some time has elapsed and no concrete reply has come from the Commonwealth Government, will the Minister ascertain from his colleague the true position there? Are the miners ever going to be allowed back and is it true that they were removed for their own safety, in view of the fact that bus loads of children and tourists go within two miles of that field at all hours of the day?

The Hon. A. J. SHARD: I will refer the honourable member's question to the Minister of Mines, get a report and bring it back as soon as possible.

#### **SHOW SOCIETIES**

The Hon. R. A. GEDDES: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: With the agricultural shows starting again this season in the northern and other areas of the State, already I am receiving correspondence from secretaries and presidents of show societies about the problem of making financial ends meet from the point of view of the increased costs that these show societies are having to meet every year. Will the Minister consider favourably helping to offset some of these costs incurred by show societies by means of a subsidy for their printing costs, a major item of expenditure, so as to ensure that these shows will continue for as long as possible in their present areas?

The Hon. T. M. CASEY: Rising costs for country show societies are a major problem. For some time now, I have had representations from these societies asking for help by way of either a monetary grant or the bearing by the Government of a percentage of their printing costs, as one way of meeting their problems. I am pleased to say that I have already had discussions in Cabinet on this matter, and Cabinet has agreed to give some monetary consideration to these problems of printing costs, which are substantial in some cases. I shall be informing the societies in due course what this contribution will be.

#### **PORT ADELAIDE ZONING**

Adjourned debate on the motion of the Hon. C. M. Hill:

(For wording of motion, see page 775.)

(Continued from August 16. Page 778.)

The Hon. D. H. L. BANFIELD (Central No. 1): In concluding his speech on the motion, the Hon. Mr. Hill said:

Again I stress that some of the information supplied to me may be incorrect. I want to be fair about the matter and give the Government an opportunity to answer some of the points I have made . . .

Surely it would have been much fairer had the honourable member, before repeating the incorrect information, made some very small attempt to check it. It is obvious that the honourable member was not opposing the zoning regulations of the city of Port Adelaide, which regulations were adopted by a large majority of the members of the Port Adelaide council. In fact, those regulations were never appealed against by the Myer organization, which was mainly concerned in this connection. Obviously, the Hon. Mr. Hill moved for the

disallowance of the regulations merely to air his lack of knowledge of them and to seek information on the machinery adopted by the Government to gazette the regulations. Surely the honourable member could have obtained the information by way of question without taking the opportunity to give this Council so much incorrect information. It is also significant that at no stage of the honourable member's speech did he speak against the regulations. However, because the honourable member wants replies to some of the incorrect points he raised, I shall inform the Council of the true position.

On February 24, 1972, at the request of council, interim development control over the area of the city of Port Adelaide was granted to the State Planning Authority, pursuant to the provisions of the Planning and Development Act. Forthwith, upon the making of this proclamation, the State Planning Authority delegated all its powers under section 41 of that Act to the Corporation of the City of Port Adelaide. This meant that consent in writing of the council would be required to a change of existing use of land or any buildings or structures thereon, or the construction, conversion or alteration of any buildings or structures thereon. Interim control was granted after the draft zoning regulations had been provided to the State Planning Authority and it was ascertained that the regulations conformed to the Metropolitan Development Plan. By June 9, the regulations were ready to be gazetted.

At this time the Government was informed that a special meeting of the Port Adelaide council had been arranged with a view to considering a proposal that was not in accordance with the proposed planning regulations. The Government properly came to the view that it was necessary to expedite the gazettal of the regulations urgently to ensure that the procedures and policies of the council's own regulations were followed and that a precipitate decision would not be made by the council for a use of land representing a major departure from the Metropolitan Development Plan and the council's own regulations.

By inference, the Hon. Mr. Hill suggested that the Government acted improperly by taking the necessary steps to ensure, in the public interest, that a decision contrary to the Metropolitan Development Plan would not be taken without proper planning procedures (that is, publication of the proposal of a supplementary development plan with due provision for public

objection and submission of alternatives occurring).

I think it should be said that Cabinet was aware for some time of the conflict of interest between the Myer directorate and the West Lakes directorate over the proposed Queenstown development, and the Government had made it clear at all times that it would not take sides on the issue. However, when the Deputy Premier was informed of the special meeting of the Port Adelaide council referred to earlier, he took steps to contact all Cabinet Ministers available, and it was agreed that a special meeting of Executive Council should be convened to expedite the gazettal of the regulations. Following this Executive Council meeting, a *Gazette Extraordinary* was printed to give effect to this decision. This action is quite normal. The honourable member, who has served as a Cabinet Minister, should know that only two Ministers are required to constitute Executive Council. At one time, more Hall Government Ministers were in London than in South Australia, yet that Government continued to hold Executive Council meetings with such a small number of Ministers.

The Hon. C. M. Hill: That's getting a bit stale.

The Hon. D. H. L. BANFIELD: So were the meetings getting stale.

The Hon. C. M. Hill: We didn't send two Ministers at a time.

The Hon. D. H. L. BANFIELD: Eight Ministers of the Hall Government were away at one time. The Hon. Mr. Hill also suggested that, because information of the decision of the Executive Council was provided at a court hearing later that day, some leakage of information had occurred. This is nonsense, and the honourable member would know this to be so. Decisions of Executive Council meetings are always available to the press as soon as the council meeting is over and prior to publication of the following *Gazette*. Almost every Thursday afternoon, press reports of matters approved at Executive Council meetings in the morning are published.

The honourable member knows this very well and his suggestion that some infringement of the Ministerial oath may have occurred is either mischievous or stupid. This is nonsense, and the Hon. Mr. Hill would know that to be so. Decisions of Executive Council meetings are always available to the press as soon as the meetings conclude and before publication in the next *Gazette*. The Hon. Mr. Hill is completely wrong when he suggests that the

gazetted occurred during the committee's investigations. The Hon. Mr. Hill also suggested that the work of the committee should be speeded up, but it was not at his suggestion that there was any speeding up of the committee's report. A report was tabled in another place yesterday, but I do not want the Hon. Mr. Hill to take credit for that.

The Hon. C. M. Hill: I'm being over-generous today.

The Hon. D. H. L. BANFIELD: Yes. Because the Hon. Mr. Hill did not oppose the regulations as such but merely wanted to give incorrect information to the Council, and as he had no objection to the gazetting of the regulations, which were carried by a large majority of the council and which were not objected to by Myers, I hope honourable members will vote against the motion.

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

#### **CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (HOMOSEXUALITY)**

Adjourned debate on second reading.

(Continued from August 23. Page 941.)

The Hon. R. C. DeGARIS (Leader of the Opposition): As most matters on the question of homosexuality have been fully covered by previous speakers, my contribution to the debate will be relatively short. I am pleased that honourable members appreciate my intention to speak relatively briefly, but I should like to know when Government members will contribute to the debate. In his second reading explanation, the Hon. Mr. Hill researched his material meticulously, even though I believe he may have erred a little on the side of emotion. To debate all the points in favour of and all the points against the Bill would take a long time. Considerable expert research has taken place on this matter and is available for honourable members to study.

In our deliberations in the Council, it is necessary that we deal with this question with sympathy and understanding but, in dealing with the Bill and in adopting any new principles, these new principles must fit rationally into the present framework of the criminal law. The second consideration we must have is that of the general interests of the community as a whole. Some basic points in the Bill need close scrutiny by the Council. If one accepts these basic points, one must seriously question other provisions relating to unnatural offences detailed in the criminal law.

For example, one of the statements made in the second reading explanation (and this

statement has been reiterated by many others, including the Premier) is that the State has no business in its citizens' bedrooms, and the sooner it is completely removed from them the better. If one accepts this as a reasonable basis, what should our attitude be to other questions covered by the criminal law? Incest is one that immediately comes to my mind.. Therefore, I consider that such statements take an emotional attitude, which is no valid basis on which one can base principles in relation to the criminal law.

The Bill before us still holds offences for sodomy under the heading of "unnatural offences"; yet the Bill provides an aura of respectability if the act is committed in private. The Bill contains a definition of what constitutes privacy. At the same time, the Bill provides penalties for procurement, even if that procurement takes place in private. I have some doubts about using the word "homosexual", as this appears to me to create some problems in definition.

What do we mean by a homosexual act? Although I respect the motives that have prompted the Hon. Mr. Hill to introduce this Bill (and I emphasize that one of the roles the Council must always fulfil is to see that minority groups in our society have their viewpoints fully expressed in the Council), nevertheless, I believe that the Hon. Mr. Hill has leaned too heavily on adopting the provisions in the British law. It is my view that, in approaching this question, we should not necessarily respond to the requests of any minority or majority opinion but should be clear in the terms of principle to be adopted. I consider that the Bill seems to state what would be the wisest revision of the law, even though I believe that everyone who has studied this question and everyone who has received deputations from interested people in the community would agree that it is reasonable that there be some revision of the law in this regard.

I believe that some positive recommendations could be made, but a thorough study of what is needed should be initiated so that legislation guided by principles may be introduced. I intend voting for the second reading of the Bill in the hope that in Committee we may be able to find some solutions to the many problems in the Bill as drafted. If no solutions can then be found, I intend to vote against the third reading.

The Hon. E. K. RUSSACK (Midland): It has been said that some people view this situation with a preconceived belief or conviction

and that they are not willing to take into account all the facts and consider the situation. Although I may appear to have definite views on this matter, I assure the Council that I have spent much time considering it. I express sympathy for many of the people involved in the situation with which this Bill deals. Certainly, alterations should be made in certain areas, but at this stage I see a certain amount of confusion. In his second reading explanation, the Hon. Mr. Hill referred to the Wolfenden report. Although in quoting only a portion thereof I may be lifting words out of their context, I consider that they apply to what I wish to say. The honourable member said:

Certain forms of sexual behaviour are regarded by many as sinful, morally wrong or objectionable for reasons of conscience or of religious or cultural tradition.

I believe that to be true. Generally, people can be placed in two categories—those who view the homosexual act in the light of their belief in God, and those who view it in a different light, purely from the physical aspect. What the honourable member said in his second reading explanation is true: some people consider certain forms of sexual behaviour sinful, morally wrong or objectionable for reasons of conscience or of religious or cultural tradition. The Hon. Mr. Potter said:

This Bill is an amendment to an existing law that has been with us on our Statute Books, in one form or another, since the reign of King Henry VIII, the Statute being introduced in the year 1553. Prior to that date, all homosexual offences had been dealt with under English law (the system of law that we know here in this country) by the Ecclesiastical Courts, and they were treated by those courts as offences against the law of God, and not against the law of man.

Many people would accept that any law based on the law of God would be a good law. It would appear that what was once frowned on as wrong is, by an Act of law, made to appear right and accepted by the community.

In summing up the point I have been trying to make in the last few minutes, I commend the Hon. Mr. Whyte on his presentation of this point of view. This is a social Bill. There has been definite evidence that much social legislation widens as time progresses. I stress that I am not opposing all changes that have been made in social legislation: many of the changes have been good. However, these changes go progressively from step to step, and this is a point of which I am fearful in this measure.

One can pick up the daily papers and see headlines such as "Homosexuals to marry legally in 10 years". Even the part of the principal Act that deals with this subject refers

to such acts as "Unnatural Offences". During the past weeks I have received many letters, most of which have been in support of the Bill. However, I noticed that most of them came from people in the metropolitan area. I have also received letters objecting to the legislation. I have made it my business to read books on this subject. Some that have been sent to me have not made me accept this act and type of behaviour but have possibly firmed my opinion that such acts should not be legalized. Then, I become confused by those who would support such legislation. A recent press article stated:

The Bill to legalize homosexual acts in private was criticized at the inaugural meeting of Gay Liberation in South Australia last night. Sydney University lecturers Dennis Altman and Lex Watson spoke strongly against a clause dealing with the procurement or attempted procurement of one homosexual by another in the Bill introduced into the Legislative Council by Mr. Hill, L.C.P.

Mr. Altman, author of *Homosexual Oppression and Liberation*, described the Bill as "totally inadequate and probably even dangerous". Under the procurement provision the range of reasons and situations for possible arrests was virtually unlimited, he said. He regarded the age limit of 21 as "most peculiar", now that both State political Parties in South Australia had agreed to fight a Federal case to have 18 recognized as the age of adulthood.

When people who would accept this behaviour in our community have doubts concerning this legislation, and express them publicly, perhaps at this stage it is not warranted, even on that basis.

In summary, let me say that I have sympathy for people in this situation. I realize that the punishment provided in the principal Act could not be a solution. On the other hand, I am told by members of the medical profession that these people can be assisted only by their voluntarily seeking treatment, and therefore it would not be practicable to have compulsory treatment as, perhaps, a corrective for such indulgence. Because of this, because of standards of morality, and because there are inconsistencies in the Bill (I do not see any reason for the provision relating to 21 years of age when an 18-year-old is considered an adult), I intend to vote against the second reading.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

#### CONSTITUTION ACT AMENDMENT BILL (ELECTORAL)

Third reading.

The PRESIDENT: As this Bill seeks to amend the Constitution and to alter the constitution of the Legislative Council, the third

reading must be carried by an absolute majority of the whole number of members of the Council. I have counted the Council, and there being present an absolute majority I put the question: That this Bill be now read a third time. Those in favour say "Aye", against "No".

The Hon. D. H. L. Banfield: No.

The PRESIDENT: There being a dissentient voice, I call for a division.

The Council divided on the third reading:

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

Noes (4)—The Hons. D. H. L. Banfield (teller), T. M. Casey, C. M. Hill, and A. J. Shard.

Pair—Aye—The Hon. M. B. Cameron. No—The Hon. A. F. Kneebone.

Majority of 8 for the Ayes.

Third reading thus carried.

Bill passed.

#### ROAD TRAFFIC ACT AMENDMENT BILL (COMMERCIAL VEHICLES)

Adjourned debate on second reading.

(Continued from August 23. Page 953.)

The Hon. T. M. CASEY (Minister of Agriculture): This Bill, introduced by the Leader of the Opposition, seeks to do two things, namely, to increase the current permissible speeds of commercial motor vehicles to 35 m.p.h. in built-up areas and up to 50 m.p.h. in unrestricted areas. Whilst it can be argued that the current provisions in the Road Traffic Act relating to the speeds of commercial motor vehicles are unrealistic, the Government considers that before speeds are increased greater safety factors must be provided for. At present the speeds permitted for commercial motor vehicles are set out in section 53 of the Act, which provides:

53. (1) A person shall not drive on a road outside a municipality, town or township a commercial motor vehicle (whether with or without a trailer) at a speed in excess of those hereinafter prescribed:—

- (a) If the aggregate weight of the vehicle and every trailer drawn thereby exceeds three but does not exceed seven tons—forty miles an hour.
- (b) if the aggregate weight of the vehicle and every trailer drawn thereby exceeds seven tons but does not exceed thirteen tons—thirty-five miles an hour.
- (c) If the aggregate weight of the vehicle and every trailer drawn thereby

exceeds thirteen tons—thirty miles an hour.

(2) A person shall not drive on a road within a municipality, town or township a commercial motor vehicle (whether drawing a trailer or not) at a speed in excess of those hereinafter prescribed:—

- (a) If the aggregate weight of the vehicle and every trailer drawn thereby exceeds three but does not exceed seven tons—thirty miles an hour.
- (b) If the aggregate weight of the vehicle and every trailer drawn thereby exceeds seven tons but does not exceed thirteen tons—twenty-five miles an hour.
- (c) If the aggregate weight of the vehicle and every trailer drawn thereby exceeds thirteen tons—twenty miles an hour.

During the previous session of Parliament, the House of Assembly attempted to amend the permitted speeds for commercial vehicles. Although the Government's proposal differed slightly from the proposals within the Bill in that it provided that there should be a maximum speed of 40 m.p.h. for vehicles over 11 tons and 50 m.p.h. for vehicles under that weight, generally speaking the differences between the current Bill and the Government's proposals are not great. However, the important point is that the Government's Bill, which was subsequently withdrawn because of pressures from the transport industry, provided for other safety factors to go hand in glove with increased speeds. These safety factors included adequate braking for vehicles, a regulation-making power for the purpose of restricting the loads that could be carried by commercial vehicles, and a restriction on the hours of driving—all of these factors being regarded as essential safety factors to be considered with the higher permitted speeds.

I had occasion to witness a test that was carried out north of the city several years ago, and I must confess I was most impressed by what I saw then. I came away with the feeling that, unless we improved the braking systems of vehicles and their trailers, we could not in all safety increase the speeds of those vehicles. Many cars were being tested, all of different weights, some loaded and some not loaded, but in many cases I was absolutely horrified at the braking faults on cars revealed at that test and the situation that could arise from them.

The Hon. A. M. Whyte: Cars or trucks?

The Hon. T. M. CASEY: These were trucks.

The Hon. A. M. Whyte: You are repeatedly saying "cars", not "trucks".

The Hon. T. M. CASEY: I beg the honourable member's pardon—I mean "commercial

vehicles". That exercise that I witnessed impressed on me the defects that these commercial vehicles and trailers have when travelling at increased speeds. Curiously enough, they seemed to act more responsibly (if I may use that term) when they were loaded than when they were empty. I suppose that is because they settled down and the braking system could apply more efficiently.

The Hon. G. J. Gilfillan: There would be more friction with the road.

The Hon. T. M. CASEY: That may be the reason but, even so, at increased speeds and bearing in mind, of course, that all these motor vehicles that were provided for the test had braking systems that had been brought up to date, having been checked before going out and being used for this demonstration, I wonder how many vehicles on the roads today have faulty braking systems, particularly commercial vehicles. Only last week in Melbourne, where higher speeds prevail than in South Australia (though many other provisions are involved in Victoria's Road Traffic Act, such as hours of driving and braking systems), a semi-trailer ran amok in a suburb and completely destroyed six vehicles lined up at the side of the road; it was only by a stroke of good fortune that no-one was in those vehicles.

The Hon. R. C. DeGaris: Do you say this happened in the city of Melbourne?

The Hon. T. M. CASEY: Yes. I wonder how many commercial vehicles have faulty braking systems.

The Hon. A. M. Whyte: The instance you have given is hardly an argument against this Bill.

The Hon. T. M. CASEY: Many people outside this place have been saying—and I have had transport drivers approach me on this—"There have never been any fatal accidents involving commercial vehicles in South Australia; if we increase the permitted speed, we shall not increase the fatality rate." This is very poor arguing. The basic problem we have today is how to prevent road fatalities, which means, in essence, that we must adopt some safety features and regulations. I think that this Bill does just the opposite: it increases the hazards on the roads. If it does that, it is defeating the whole purpose of road safety. We are doing this for only a few people and not looking at the situation for the benefit of the whole community. That is how it appears to me. The Bill introduced into another place last year was not proceeded with because of opposition from some sections

of the transport industry, aided and abetted by some members of Parliament, and particularly the Hon. Mr. Cameron, a member for Southern, who did his level best to make a political football in the South-East out of this issue. When people make political capital out of the safety of the general public, it is high time they reassessed the situation.

The Hon. A. M. Whyte: There was no opposition to that part of the Bill.

The Hon. T. M. CASEY: The honourable member cannot have it both ways. The Minister of Roads and Transport has, since the withdrawal of that Bill (and this is very important), had several discussions with various sections of the transport industry, but at this stage the discussions are incomplete, although it is fair to say that the discussions have been fruitful. The Minister has publicly stated on numerous occasions, and indeed has told the transport industry, that he desires to introduce all of these measures at the first opportunity, as the Government believes that improvements are desirable. However, it would be an act of irresponsibility to increase the permitted speeds of commercial vehicles unless concurrently compensating safety factors such as those outlined earlier were adopted. I fully agree with that statement and—

The Hon. A. M. Whyte: You would get into trouble if you did not.

The Hon. T. M. CASEY: If the Hon. Mr. Whyte is in favour of increasing the speeds of commercial vehicles operating in South Australia today without taking into account a better type of braking system and the reduction of driving hours, both of which are, in my opinion, most essential, he is not acting responsibly as a member of Parliament. I make no secret of that.

The Hon. A. M. Whyte: So says the Don.

The Hon. T. M. CASEY: So say all of us. The situation remains that everyone is complaining about fatalities on the roads, and we must be more conscious of road safety. Speed is the greatest killer on the roads today—I think the honourable member will agree with me on that. What are we trying to do about it in this Bill? If the honourable member supports it, as he has indicated he will, and if we increase the permitted speeds of commercial vehicles (and do not let us forget we are talking about weights of up to 13 or 14 tons) without taking into consideration the other factors I have mentioned, we are acting irresponsibly. I ask the Council not to accept the Bill.

The Hon. M. B. DAWKINS (Midland): Briefly, I intend to support this Bill. The speeds cited by the Minister in respect of heavier vehicles are so unrealistic today that they are, in some respects, impracticable, and often transport drivers are virtually forced to break the existing laws, which are unreasonable. I know that in the term of the previous Government some trials were carried out on Heaslip Road, south of Angle Vale, which proved that the introduction of legislation of this type was both necessary and desirable in the interests of properly conducted road transport today. Therefore, I indicate that I have much pleasure in supporting the Bill.

I should like to mention one point, however. The Bill as drafted would, I believe, place these restrictions (as they would then be) upon utilities. In the principal Act a utility is defined as a commercial motor vehicle, and I therefore foreshadow an amendment providing that utilities shall not be covered by this Bill. Because the Bill is necessary and overdue, I have pleasure in supporting it.

The Hon. C. M. HILL (Central No. 2): I support most of the Minister's contentions. I agree that great danger can ensue if this Bill is passed and higher speeds are permitted while large commercial vehicles, particularly trailers, have inadequate braking systems. This Bill should go hand in hand with a Bill providing for adequate braking. I was involved in the demonstrations to which the Minister referred. After those demonstrations the officers involved spent much time in investigating the problem further. Ultimately, they brought forward a proposal that was included in a Bill that the previous Government unfortunately did not have time to introduce.

That Bill, which was the initial Bill of the two Bills that I believe are necessary, provided for adequate braking for commercial vehicles, particularly trailers. Parliament should ensure that adequate braking is provided for, particularly in the case of trailers; further, trailer owners should have reasonable time in which to alter existing vehicles and install adequate braking systems. This matter affects country people. We should ensure that braking specifications are laid down that are comparable to those provided in other States.

I know the problems that some drivers face because of the present speed limits. The great pity is that there was not a carry-on of legislation after the last change of Government. I believe that the present Minister of Roads and Transport is at fault because he tried to

bring together all the changes in one Bill, and he included in that Bill the general subject of hours of driving—a hot subject. Each State has different geographical features and different distances between its major regional cities. Adelaide, unlike other capital cities, is encircled by a range of hills; so, local circumstances must be considered.

I attended conferences that tried to obtain uniformity in connection with hours of driving, but I was not willing to go along on the question of uniformity because I believed that the distinctive features of this State had to be taken into account. If a Government proceeds as the present Government has done and lumps hours of driving in a Bill together with other subjects, that Bill is doomed to failure. However, if a Government approaches these matters judiciously, a better arrangement can be arrived at. I wish to refer to the problem with which the Minister dealt when he criticized the Hon. Mr. Cameron. It was the question of hours of driving that caused a previous Bill to fail.

The Hon. R. C. DeGaris: I do not think that that is quite correct.

The Hon. C. M. HILL: I think it is.

The Hon. R. C. DeGaris: Other points, too, may have caused the Bill to fail.

The Hon. C. M. HILL: This Bill increases the maximum speeds of commercial vehicles, and I join with the Minister in saying that this Council would be acting very improperly if it permitted commercial vehicles to increase their speeds before adequate braking was required by law. Of course, reasonable time must be given to those who have to go to the expense of altering their braking systems. So, I believe the Council is putting the cart before the horse: it ought to turn to the question of braking. Having got that in order, I would wholeheartedly support the proposal to increase the speed limits.

The Hon. A. M. WHYTE (Northern): I support the Bill, although I believe that some facets of it have not been fully explained. Perhaps the Government should amend the Bill to fit the intentions that have been stated. I thought that the tests made on vehicles showed fairly conclusively that the heavy vehicle could pull up in shorter distances in relation to its tonnage than could a motor car.

The Hon. T. M. Casey: That applies only to a fully laden vehicle, and it does not necessarily apply to an unladen vehicle. I have seen a vehicle jackknife when it has had no load.



The Hon. A. M. WHYTE: I, too, have seen that.

The Hon. T. M. Casey: I have experienced it as well. The honourable member cannot tell me anything about this matter.

The Hon. A. M. WHYTE: The position regarding speeds is ridiculous at present. Most operators exceed the speed limits and are often fined for doing so. In some circumstances some people say that any law that is broken to any extent must be altered. The Minister referred to a semi-trailer that may career away out of control when its braking system has failed. I do not know how one would legislate in connection with brake failures. I cannot see how the braking system, having failed, would have any bearing on speed limits. It is a known fact, and it can be substantiated, that, because of the gearing and horsepower of these vehicles, it is impossible to drive them at the prescribed speeds. The speed limits must be altered and I agree wholeheartedly that more investigation should be undertaken with regard to braking. Braking systems could perhaps be updated, and it should be a serious offence to take a vehicle not equipped with adequate brakes on to the road. Some drivers are not trained to the point of efficient operation. I have followed heavily-laden trucks down through the Adelaide Hills and have noticed that the drivers have not changed down but have relied on the braking system. These are points which, if the Minister wants to do something about braking, he should investigate.

The Hon. V. G. SPRINGETT (Southern): I accept that, in order to operate efficiently, some lorries and trailers must exceed the present legal speeds, but I question whether they should be allowed to travel at more than 50 miles an hour. I travel along the roads in the Southern District and see lorries travelling at ridiculously fast speeds, thereby endangering other road users. I am in favour of increasing the speed limits, as the Bill provides, but I should like to see such speed limits enforced.

The Hon. M. B. CAMERON (Southern): I support the Bill, but I utterly reject the criticism made of me in regard to a previous Bill. Whatever I said then publicly about that Bill which may have caused it to be rejected by the Government was said on behalf of the industry in the South-East. If the Minister or the Government believes that my views did not have the support of people in my area they should travel down there and find out. Many drivers are being penalized and

forced out of truck driving because it is impossible to drive a heavy truck at present legal speeds.

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the honourable members who have spoken to the Bill for the points they have raised, many of which merit some attention. As a private member's Bill, I made it clear that there is no intention to try to cover all the matters associated with the lifting of speed limits in the State. As has been said, a Bill was introduced last session that included this very provision and, associated with it, were various other matters that were completely unacceptable to the State's transport industry. In other words, the industry was given a package deal that said, "Take this with all the thorns and prickles, or have nothing." I do not think the present legislation satisfies any honourable member. The existing speed limits are impracticable in regard to the design of modern trucks, because drivers who obey the law are just as big a road hazard at that speed as if they were travelling at the speed of 50 m.p.h. No doubt every person who drives on the road would find that that is so.

The Minister mentioned an accident in Melbourne. I said that that had nothing to do with the Bill, because the speed limit in Melbourne is exactly the same as it is in South Australia, namely, 35 m.p.h. So the Minister's remark was quite irrelevant to the matter we are discussing. If one makes a comparison with the speed limits in other States, it can be seen that South Australia's speed limits are ridiculously low and it is the laughing stock of Australia. I believe that the increase in speed limits is a progressive move for the State to take in relation to the whole of the transport industry. We are so far behind other States in this matter that it is no longer reasonable.

The Hon. T. M. Casey: Incidentally, the speed limit, depending on the tonnage of the vehicle, varies in South Australia. In a municipality, it is 25 m.p.h.

The Hon. R. C. DeGARIS: Yes, but it is 35 m.p.h. in Melbourne.

The Hon. T. M. Casey: You said it's the same, but it's not the same.

The Hon. R. C. DeGARIS: It does not matter. The Minister should pause and think about his statement. I said that the example he gave was completely irrelevant to the case he was making. Whether it is 35 m.p.h. in Melbourne and 25 m.p.h. here does not make any difference. Regarding braking, I examined

this matter before I introduced my Bill and found that it was difficult for a private member to introduce legislation dealing with braking. Unless the Government is forced by a reasonable business such as the transport industry, it will not take any action on braking either; that is the crux of the question. I have on my desk some amendments that will no doubt satisfy the Minister's demands regarding braking in the short term until the Government decides to act.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Repeal of s.23 of principal Act and enactment of other provisions."

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

In new section 53 (3) after "class" insert "but does not include a motor vehicle of the type commonly called a utility".

This amendment ensures that utilities will not be brought under the legislation. It is obvious that the Leader did not intend to include utilities and, indeed, I do not believe that they should be included.

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

Amendment carried.

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

(3a) Notwithstanding anything in this section in the case of a commercial vehicle to which this subsection applies, a person shall not drive that commercial motor vehicle on any road at a speed in excess of 35 m.p.h.

(3b) Subsection (3a) of this section applies to and in relation to a commercial motor vehicle—

(a) that is drawing a trailer having a weight including the weight of the load carried thereon that exceeds two tons;

and

(b) the trailer of which is not fitted with brakes of the prescribed standard.

Under this provision, where a trailer and its load weighs more than two tons and has not been equipped with prescribed brakes, it shall not exceed a speed limit of 35 miles an hour. Therefore, a person who constantly uses a commercial trailer will, if that trailer is fitted with proper brakes, be able to travel at the new speed, but persons who use trailers only occasionally will not have to equip them with an expensive braking system provided they do not exceed 35 miles an hour.

The Hon. R. C. DeGARIS: I have no objection to the amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

## **POLICE REGULATION ACT AMENDMENT BILL**

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Police Regulation Act, 1952-1972. Read a first time.

## **POLICE OFFENCES ACT AMENDMENT BILL**

Read a third time and passed.

## **BOOK PURCHASERS PROTECTION ACT AMENDMENT BILL**

Read a third time and passed.

## **STATUTES AMENDMENT (VALUATION OF LAND) BILL**

Second reading.

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

*That this Bill be now read a second time.*

While this Bill makes extensive amendments to a number of different Acts, its basic purpose is quite simple. It is designed to introduce the complementary amendments that are required as a result of the Valuation of Land Act, which was passed last year. That Act, as honourable members will remember, established a central valuing authority by which valuations for the purpose of rating and taxing are to be made. In addition, to the complementary amendments to the rating and taxing Acts, the Bill makes a few amendments to the Valuation of Land Act itself. These are mainly of a purely administrative nature. As the Valuation of Land Act has come into operation before the introduction of the complementary amendments, it is now necessary to revise the transitional provisions and the Bill makes an appropriate amendment for this purpose.

The Bill also makes a number of amendments to the Valuation of Land Act that are designed to give the Valuer-General more flexible powers in fixing the time from which a valuation comes into operation. This power has hitherto been exercised without any specific statutory authorization and it is, of course, desirable that there should be a secure statutory foundation for its exercise. The Bill also provides that the Governor may make regulations specifying certain fixtures and improvements that are not to be taken into consideration when fixing annual values and capital values under the principal Act. Regarding this matter, the Local Government Act Revision Committee said:

The law relating to valuations upon the basis of assessed annual values is troubled by a considerable number of legal decisions upon the question as to what plant or machinery should be taken into account in assessing the rental value of land and buildings. The committee considers that there should be a basic test to determine the answer to this question. That test should be one whether, if the building were offered for sale, the particular plant or machinery would normally be included with it. Thus, for example, in the case of a house, the kitchen sink and the stove would normally be included in the house as offered for sale, whereas an electric frypan would not.

The Bill will enable these uncertainties to be removed by regulation. It also makes a few minor amendments relating to the form of valuation rolls and valuation lists. Clause 1 is formal. Clause 2 provides that the new Act shall be deemed to have come into operation on June 1, 1972. Thus, the amendments will be retrospective to the date of commencement of the Valuation of Land Act. Clause 3 sets out the arrangement of the Bill.

Part II of the Bill makes amendments to the Land Tax Act. Clause 4 is formal. Clause 5 removes a transitional provision from the principal Act which relates to the assessment of land values. Clause 6 makes an amendment to the provision of the principal Act dealing with the arrangement of its various provisions. Clause 7 amends the definition section of the principal Act. The purpose of the amendment is to tie up the provisions of the Valuation of Land Act with the Land Tax Act. Clauses 8 and 9 make consequential amendments to the principal Act and repeal sections 20 to 30 (inclusive) of the principal Act which deal with assessment of land values. Clause 10 repeals Part V of the principal Act which provides for objections to, and appeals against, assessments of land values made by the Commissioner of Land Tax. These objections and appeals will be dealt with under the Valuation of Land Act by the Valuer-General, and the Land and Valuation Court, respectively. Clause 11 amends section 56 of the principal Act to provide that land tax is to be calculated on the basis of valuations in force under the Valuation of Land Act.

Clause 12 enacts a new section 56a in the principal Act. This new section provides that the Commissioner is obliged, on receipt of a request from a taxpayer, to render an account showing how his liability or land tax has been assessed. Clause 13 amends section 59 of the principal Act to provide that in any pro-

ceedings for the recovery of land tax it shall be presumed, unless the contrary is proved, that a person who is shown as owner of the land in a valuation roll compiled under the Valuation of Land Act is liable for land tax in respect of the land. Clause 14 repeals section 60 of the principal Act. This section empowers the Commissioner to distrain goods and chattels for the purpose of recovering land tax. This remedy is not used, and the provision is accordingly removed. Clause 15 repeals and re-enacts section 68 of the principal Act. The new section provides that the right of the Commissioner to recover tax is not to be suspended by reason of an appeal against a valuation under the Valuation of Land Act. The Commissioner must, however, make a due adjustment of tax if an alteration to a valuation is in fact made under that Act, either in pursuance of an objection or appeal, or otherwise. Clause 16 makes a consequential amendment to section 75 of the principal Act.

Part III contains amendments to the Local Government Act. Clause 17 is formal. Clause 18 amends the definitions in the principal Act to conform with the Valuation of Land Act. A new subsection is added to make it clear that the enactment of the amendments does not affect the adoption of Government valuations in respect of the 1972-73 financial year. Clauses 19 to 21 empower a council to adopt the Valuer-General's assessment of annual value in relation to ratable property within the council area. Clauses 22 to 26 empower a council to adopt the Valuer-General's assessment of unimproved value in relation to land within its area. Clauses 27 and 28 make consequential amendments to the provisions of the principal Act dealing with appeals against assessments.

Part IV of the Bill amends the Waterworks Act. Clauses 29 and 30 are formal. Clause 31 amends the definition section of the principal Act. The Act at present provides for the imposition of rates on "land or premises"; as, under the Acts Interpretation Act, "land" includes premises, it is felt that it would be more consistent with modern drafting practice to refer simply to land, and consequential amendments are made accordingly. Clauses 32 to 44 make consequential amendments to the principal Act. Clause 45 provides for the levying of rates on the basis of valuations in force under the Valuation of Land Act. Clause 46 repeals and re-enacts section 83 of the principal Act. This section provides for the fixing of minimum rates in respect of any land. The rates so fixed may vary according

to the water district in which the land is situated, according to whether water is or is not laid on to the land, and according to whether the land is vacant land or not. Clauses 47 to 49 make consequential amendments to the principal Act. Clause 50 provides that a notice setting out an occupier's liability for water rates may contain a statement of the liability of that same person for sewerage rates. Clauses 51 to 60 make consequential amendments to the principal Act. Clauses 61 and 62 provide for the levying of a construction rate under Part VI of the principal Act on the basis of valuations in force under the Valuation of Land Act. Clauses 63 to 66 make consequential amendments to the principal Act.

Part V amends the Sewerage Act. Clauses 67 and 68 are formal. Clause 69 alters the terminology of the principal Act to provide for the levying of rates on "land" instead of upon land or premises, as the Act is expressed at the moment. Clauses 70 to 87 make consequential amendments to the principal Act. Clause 88 reformulates section 65 of the principal Act which provides an exemption from sewerage rates. Clauses 89 to 91 make consequential amendments to the principal Act. Clause 92 provides for the levying of sewerage rates on the basis of valuations in force under the Valuation of Land Act. Clause 93 provides for the fixing of minimum rates in relation to land. Clauses 94 to 110 make consequential amendments to the principal Act.

Part VI amends the Water Conservation Act. Clauses 111 and 112 are formal. Clause 113 amends the definition section of the principal Act. The powers and functions of the Commissioner of Water Conservation have now been taken over by the Minister of Works and, accordingly, the principal Act is amended to refer to the Minister instead of to the Commissioner of Water Conservation. Clauses 114 to 119 make consequential amendments to the principal Act. Clauses 120 to 124 repeal the provisions of the principal Act that provide for rating. Rates have not been levied under the Water Conservation Act for a number of years and it is not proposed to use this Act in future for the purpose of rating. Clause 125 strikes out the word "Commissioner" wherever it occurs and inserts in lieu thereof in each case the word "Minister".

Part VII amends the Valuation of Land Act. Clause 126 is formal. Clause 127 amends the transitional provisions of the principal Act. This amendment is necessary

because the Valuation of Land Act has come into operation before the commencement of the complementary amending legislation. Clauses 128 and 129 are designed to allow the Valuer-General greater flexibility in fixing the times as from which a valuation will come into operation. Clause 130 makes a consequential amendment to section 17 of the principal Act. Clause 131 strikes out the requirement that the valuation roll should contain a note of the postal address of the owner whose land has been assessed by the Valuer-General. In view of the fact that the valuation roll has been computerized, compliance with this requirement would involve substantial additional expense.

Clause 132 amends section 20 of the principal Act to provide that a valuation list should be available for public inspection. Because of the confidentiality of certain information that may be inserted on the valuation roll, it is not considered appropriate that all this information should be subject to public scrutiny. Clause 133 makes consequential amendments to the provision of the principal Act enabling the Valuer-General to adopt the valuations made by other authorities. Where the valuation is made pursuant to an Act that allows a right of objection or appeal against the valuation then there is no fresh right of appeal under Part IV of the principal Act. Clause 134 enables the Governor to make regulations providing that fixtures or improvements of a specified class shall not be taken into account in assessing annual value or capital value of land where the determination of value is to be used for the purpose of raising, levying or imposing a rate, tax or impost. This new power is intended to allow the Governor to implement the recommendations of the Local Government Act Revision Committee relating to the assessment of annual values.

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

## **CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (PAROLE)**

Second reading.

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

*That this Bill be now read a second time.*  
The two amendments to this Act are based on proposals made by the Parole Board. Under the present Act, persons who are detained because of incapacity to control their

sexual instincts by orders made pursuant to sections 77a or those who are acquitted on the ground of insanity and detained under section 292 are not subject to the authority of the Parole Board. The only action that the board can take concerning them is to recommend to the Governor that they be released. If the release is granted, it can be only unconditional. As orders made under these sections are usually made on the assumption that the detainee will be a danger to other people if at liberty, the board is naturally hesitant to recommend release unless it has some assurance that the danger no longer exists. This can never be established with any high degree of certainty until the detainee's response to life outside the confines of the institution has been ascertained. To minimize the risk in these recommendations and to give the Parole Board more freedom in dealing with these persons, the amendments enable the Governor, on the recommendation of the Parole Board, to release on a conditional licence persons detained under these sections. The parolee would be under supervision for a definite period, and during this period reports would be submitted to the Parole Board. Any other conditions considered necessary by the Parole Board may also be included in the licence. Where there is a breach of any condition of the licence, the person released may be returned to custody.

I will now deal with the provisions of the Bill. Clauses 1 and 2 are formal. Clause 3 makes amendments to section 77a of the principal Act. A person imprisoned under this section is not to be released unless the Governor is satisfied, on the recommendation of the Parole Board, that he is fit to be at liberty, and either terminates his detention or releases him under licence. Terms and conditions of the licence are to be in accordance with the Parole Board's recommendations. When the period of the licence has expired or the Parole Board has reasonable cause to suspect that there has been failure to comply with any of the terms of the licence, the released person may be apprehended by an authorized person and either returned to custody or detained for examination by the Parole Board. Clause 4 enacts a new section 293 a. This section contains provisions similar to those inserted in section 77a and permits the Governor to release under licence persons detained under section 292.

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

### **ROAD TRAFFIC ACT AMENDMENT BILL (SAFETY)**

Adjourned debate on second reading.

(Continued from August 29. Page 1033.)

The Hon. M. B. DAWKINS (Midland): I rise to speak briefly to this Bill, which is basically a Committee Bill and contributes to the improvements necessary for road safety. To that end, I commend the Bill. It has 23 clauses, some of which expand considerably sections of the principal Act and, as a result, repeal other sections that have become redundant or out-of-date. The Bill has been dealt with by four honourable members who have preceded me in the debate. I have examined the Bill and the second reading explanation by the Minister of Agriculture which, I believe, explains the Bill adequately. I have some questions about the Bill but, as far as I can see, they have already been asked by the Hon. Mr. Hill, the Hon. Mr. Whyte and the Hon. Mr. Hart. Therefore, there is no point in my dealing with them again. They can and will be raised in the Committee stage. I commend the Bill generally but reserve the right to raise some queries in Committee. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 14 passed.

Clause 15—"Unauthorized standing of vehicles."

The Hon. T. M. CASEY (Minister of Agriculture): I should like to explain to the Hon. Mr. Hill the points he raised on this clause. It is intended that temporary parking zones will be permitted only where, in the opinion of the Road Traffic Board, it is in the public interest to do so. Therefore, it is probable that public utilities will be the main users of such zones. However, it would not be impossible in certain circumstances for private bodies to obtain permits. The most important provision is that the purpose must be in the public interest. The honourable member will realize that, for example, at the Unley Oval, when a football or cricket match is being played, the Municipal Tramways Trust (I do not know whether it could do so previously) under this new provision will be able to apply for a permit and take a section of the roadway in order to move the public. The same will apply outside the Adelaide Oval.

Clause passed.

Clause 16—"Obedience to ferryman's directions."

The Hon. M. B. DAWKINS: I commend the tidying up of the provision governing driving on to ferries. The penalty for failure to comply with a direction has been increased to \$200. Previously, I think it was \$100. Is this the result of a recommendation of the Government committee dealing with this matter? Why did the Government think it was necessary to double the penalty?

The Hon. T. M. CASEY: I am unable to give the honourable member the reason, but I shall find out and let him know at an appropriate time.

The Hon. G. J. GILFILLAN: Where a ferryman considers that a vehicle is too heavy to take on to his ferry because it would create a hazard, will the Highways Department make provision for that vehicle to get back on to the road again? At most ferry crossings, once a vehicle is near the ferry it is at the bottom of a steep incline and in a confined area. As the Minister would know, it is almost impossible for the driver of a truck that has a trailer to reverse out of such a position.

The Hon. T. M. CASEY: It would depend on the circumstances. In my experience, a driver does not normally stop on a down-grade; rather, he stops on a level part of the road, a short distance away from the "stop" gates. The driver should realize that it would not be in his interests to drive to the point that the honourable member has mentioned. So, it is a matter of educating drivers. The drivers of vehicles that are too heavy for a ferry would not go on to the ferry because they would not be given the signal to do so. Further, they should not get into a position where they cannot reverse.

The Hon. G. J. GILFILLAN: This matter has been raised in the river districts. There is often a line-up of vehicles waiting to go on to a ferry. When the gate is raised and the vehicles are directed by the ferryman into proper positions on the ferry, a truck could easily pass the barrier point before the ferryman became aware that it was too heavy. At some crossings there is a point of no return for some vehicles.

The Hon. C. R. STORY: I support the provision, the object of which is to provide for the very contingency that the Hon. Mr. Gilfillan is worried about. Under this Bill an extra person may assist the ferryman in sorting out the traffic before it reaches the point of no return. It seems rather quaint to me that heavily laden Government and semi-government vehicles should be using ferries when

there are good facilities for rail transport between Adelaide and Barmera. There are often long waits at the Barmera ferry crossing, and the ferryman has no hope of knowing what is behind a line of semi-trailers. Because a ferry can take only a certain load, it is reasonable that an assistant to the ferryman should be provided. Of course, not every ferry service in South Australia will need an assistant to the ferryman, because in some locations the ferryman can readily observe the vehicles in the queue. The safety precaution of having an assistant who can watch for overweight vehicles was recommended by a special committee some time ago. At present some provisions are flouted, and this matter should be carefully considered. Although it is dangerous, petrol tankers occasionally travel on ferries with other vehicles. Also, it is very dangerous to put four motor cars beside long semi-trailers on a ferry. In that situation there is no hope of a person opening the doors of a car in the event of an emergency.

The Hon. C. M. HILL: In view of the stricter control that will be exercised by the ferryman and his assistant, will the Minister ensure that a notice is placed on the ferry so that drivers of vehicles and the ferrymen will know their responsibilities in regard to giving and receiving information about the total weight of vehicles driven on to the ferry?

The Hon. T. M. CASEY: Yes; I have referred that matter to the Minister of Roads and Transport, and I hope he will note what the honourable member said.

Clause passed.

Clause 17—"Windscreen wipers and washers."

The Hon. M. B. DAWKINS: Some vehicles have a windscreen wiper on the driver's side and another wiper on the passenger's side. Further, some vehicles have rear-vision mirrors on both front mudguards, so that the driver can see down the sides of his vehicle. I do not believe that the provision makes it clear whether it will be necessary to have mirrors on both sides of the vehicle and whether it will be essential to have two windscreen wipers and two washers, rather than a single wiper and a single washer. Can the Minister clarify this point for me?

The Hon. T. M. CASEY: Sections 136, 137 and 137a of the Act clearly state the position regarding windscreen wipers and reflecting mirrors. However, they are basically regulatory in nature and, accordingly, it is considered more appropriate that the Act be

amended and that the detailed requirements in respect to this equipment be promulgated by regulation. The proposed amendment, therefore, is so worded as to permit the detailed requirements in respect of windscreen wipers, windscreen washers and rear-vision mirrors to be specified by regulation. Following assent to the amendments proposed in clause 17, it is intended to incorporate in regulations the present provisions in the Act with additional requirements that have been specified in Australian design rules endorsed by all States; these additional requirements will not have retrospective application. The regulations will state which vehicles are to be equipped with other than one mirror, as is the case in the Act.

The Hon. L. R. HART: Many farm tractors fitted with windscreens will be required to have windscreen wipers and washers, I assume. I doubt whether any farm tractor used specifically for agricultural purposes would be equipped, even initially, with windscreen wipers or windscreen washers. I appreciate that section 138b provides the power of exemption, but the vehicle owner must apply to the board, which may grant exemption subject to certain conditions. Can the Minister say whether the board will give a blanket exemption in relation to tractors engaged in certain pursuits, or will the exemption be granted on an individual basis? If granted on an individual basis, would it be for the life of the vehicle while the vehicle was used for a certain purpose, or would the vehicle owner have to apply every 12 months for an exemption?

The Hon. T. M. CASEY: I cannot give a specific answer now. However, I think individual cases will be judged on their merits. I believe that, if the tractor is fitted with a canopy that is totally enclosed, it is fitted with a windscreen wiper, but I do not know about a windscreen washer.

The Hon. L. R. Hart: Not necessarily: some people make their own.

The Hon. T. M. CASEY: True. As I see it, if a farmer wanted to take his vehicle on to the road he would have to conform to the provisions of the Act.

The Hon. L. R. Hart: He might have to cross the road.

The Hon. T. M. CASEY: That is possible. If the vehicle went on to the road it would become a different type of vehicle. Many farms are self-contained, and its vehicles do not have to go on to a main road. I will ascertain whether the permit is granted

annually or for the life of the vehicle, but I do not think that that affects the principle of the provision.

Clause passed.

Clause 18 passed.

Clause 19—"Duty to comply."

The Hon. C. M. HILL: I mentioned previously that, if special permission were given to the Municipal Tramways Trust to register buses whose axle weight exceeded the normal requirement, those buses might, after their normal life with the trust, be difficult to sell. I also said that rumours had been spread that some buses, of more than the regulation width, previously used by the trust were difficult to sell because of the inability of any prospective purchaser to secure a special permit to place such a bus back on the road. This is an important matter because public funds are involved. Has the Minister a reply to the queries I raised in the second reading debate?

The Hon. T. M. CASEY: The information I have received shows that there was no problem in selling these buses after they were no longer required by the trust. These buses, whose width is 8ft. 2in., are cut down to reduce their width.

Clause passed.

Clause 20—"Defect notices."

The Hon. T. M. CASEY: This proposed amendment will empower the Minister to authorize any competent person to inspect a motor vehicle for the purpose of applying or removing a defect notice. The present provision in the Act specifies that defect notices can be applied only by members of the Police Force. The extension of inspections to other authorized persons is in line with the recommendations of the Pak-Poy committee, which considered that it would be prudent to increase the number of on-the-spot inspections.

Clause passed.

Clause 21 passed.

Clause 22—"Seat belts."

The CHAIRMAN: A correction is needed in this clause, namely, in new section 162a (2) after "if" the words "in any respect" should be inserted. That alteration will be made.

Clause passed.

Clause 23—"Regulations."

The Hon. R. A. GEDDES: In my second reading speech I referred to the need to bring the regulations up to date, as did the Hon. Sir Arthur Rymill in a question he asked yesterday. I also suggested that a standing committee of members of this Parliament dealing with motor vehicle safety and other matters

be formed, so that members of Parliament could become more familiar with the problems associated with road safety. Has any consideration been given to that suggestion?

The Hon. T. M. CASEY: I know that the Minister of Roads and Transport has examined the proposal, and I am sure he will consider what the honourable member has suggested. I expect to receive a reply soon.

The Hon. R. A. GEDDES: Will the Minister give me the reply when he receives it?

The Hon. T. M. CASEY: Yes.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

#### **PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (COMMITTEE)**

Adjourned debate on second reading.

(Continued from August 29. Page 1039.)

The Hon. C. M. HILL (Central No. 2): Yesterday, I asked leave to conclude my remarks. I gave my reasons for that request: several of the institutes and associations vitally interested in this Bill were to submit their representations on it, and that information had not been received. I thank the Minister and the Council for that consideration. However, the information is still not at hand, and it becomes apparent to me that other honourable members will want to make their contributions to the debate.

If the Council waits for the information to come to hand, there may be an unreasonable delay, after which other honourable members may wish to speak. Therefore, to expedite as much as I can the passage of the Bill, I intend to wait until the Committee stages before I raise the points that are submitted to me. In the meantime, other honourable members will be able to speak.

I think this is the best procedure I can adopt. I make the point that generally I support the Bill and that I am willing to vote for the second reading. However, I intend to take an active part in the Committee discussion, and I will do my best to support the representations that various people will make in the meantime.

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

#### **PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (BOARD)**

Adjourned debate on second reading.

(Continued from August 29. Page 1040.)

The Hon. R. A. GEDDES (Northern): I rise to support the Bill. As the Minister said

in his second reading explanation, the Planning Appeal Board, which was formed some years ago—

The Hon. C. M. Hill: It was formed back in 1966, and its numbers were increased in 1971.

The Hon. R. A. GEDDES: I thank the honourable member for that information. The members of the board are either in private industry or employed by various organizations, and it is obvious that they are unable to give sufficient of their time to enable the board to function properly and that there must be a change in the board's formation. Full-time commissioners are being appointed to enable continuity of appeals before the board to occur. The figures that the Minister had inserted in *Hansard* show that in 1967 the board sat on 23 days, whereas in 1971 it sat for 126 days and already, in the first six months of this year, it has sat on 100 days. This indicates the difficulties that the members of the board, with their various responsibilities, must be facing, as well as those that their employers must be facing. I therefore speak in general support of the Bill. Its main clause is clause 5, which inserts new section 21aa, subsection (1) of which provides:

In the exercise of the powers conferred on him by subsection (1) of section 21 of this Act, the Governor may appoint such number of full-time commissioners as he thinks fit. New subsection (2) provides:

Each full-time commissioner shall be paid such remuneration and allowances as the Governor from time to time determines.

The board, as set up in 1971, consists of a chairman and an associate chairman, both of whom shall hold judicial office in the Local and District Criminal Court; the commissioners shall be not fewer than two men with practical knowledge and experience in local government, not fewer than two who are members of the Royal Australian Planning Institute, and not fewer than two who are well versed in public administration, commerce or industry. It is these men on whom this work load is being imposed, and it is these men that the full-time commissioners are obviously intended to help.

Whereas the 1971 amendments laid down what sort of qualifications these men should have and what their experience in industry or local government should be, so that any appeals coming before them could be heard in fairness, there is no suggestion in this Bill of the qualifications that the full-time commissioners shall have. I am concerned that the full-time commissioners to be appointed may not have the type of qualifications, experience or training



that the part-time men possess. Even bearing in mind that a part-time man can be appointed a full-time commissioner, the Bill does not provide that every one will be appointed. I am concerned also that the Governor may appoint such number of full-time commissioners as he thinks fit. This is not wise legislation. Indeed, this is a problem that must be examined because, even with all the assurances that the Government may give this Council today, Parliament cannot be sure of what will happen in the future. It could well be that a Government, in years to come, could grant many favours in the appointment of full-time commissioners. It could be that only one full-time commissioner would be looking after the responsibilities of the Appeal Board, or we may have 10, 15, or even 20 men, depending upon the whims and fancies of the Government of the day.

In that light, and in line with that type of argument, I have had placed on members' files a suggested amendment to the effect that the number of full-time commissioners shall be not more than six, so that Parliament will know how many full-time commissioners may be appointed. As the Minister and the Government must be aware, this Council is always amenable in making amendments to Bills and Acts of Parliament should the need arise. If it became necessary to increase the number

from six to some greater number, I am sure the matter would be looked at in a favourable light. I support the Bill, but I ask the Government, for obvious reasons, to consider favourably the amendment I intend to move.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Full-time commissioners."

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

In new section 21aa(1) to strike out "such number of full-time commissioners as he thinks fit" and insert "not more than six full-time commissioners".

In view of my comments during the second reading debate, I feel sure the Committee needs no further argument from me on this point.

The Hon. T. M. CASEY (Minister of Agriculture): I do not want to argue with the honourable member. I am quite happy to accept this amendment.

Amendment carried; clause as amended passed.

Remaining clauses (6 to 8) and title passed.

Bill reported with an amendment. Committee's report adopted.

#### ADJOURNMENT

At 4.45 p.m. the Council adjourned until Thursday, August 31, at 2.15 p.m.