LEGISLATIVE COUNCIL

Thursday, March 13, 1975

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

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, intimated the Governor's assent to the following Bills.

Kindergarten Union,
Public Service Act Amendment (Consolidation),
South Australian Council for Educational Planning and Research,
Underground Waters Preservation Act Amendment.

QUESTIONS

HALLETT COVE

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before directing a question to the Minister representing the Minister of Environment and Conservation.

Leave granted.

The Hon. R. C. DeGARIS: For many years the late Harry Kemp, who was a member of this Council, drew attention in many speeches to the need for protection of the unique geological features in the Hallett Cove area. Since then much pressure has come from local residents in the Hallett Cove area concerning the need to protect these unique features. The Government has taken some action but, in the opinion of many, the action so far taken has not been sufficient to preserve the area. Also, considerable publicity has been given to the availability of Commonwealth funds under the national estate scheme to preserve areas such as this. I believe that no money has come from the Commonwealth Government for the preservation of the area to which I have referred. I understand that, although development has stopped in the area, bulldozers are working nearby. Is the Government satisfied that a sufficient area has been preserved to protect these unique geological features and, if it is not so satisfied, does the Government plan any further action to ensure their preservation?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply.

DENTISTS

The Hon. A. J. SHARD: Has the Minister of Health a reply to my question of March 4 concerning a report in a weekend newspaper about two unemployed dentists?

The Hon. D. H. L. BANFIELD: There is no reason to doubt that dentists may be unemployed in Adelaide. Generally such unemployment is of short duration. The number of dentists presently graduating from the University of Adelaide does exceed the requirement for dentists in this State, but seemingly many graduates go to Victoria and also to Tasmania. Furthermore, there is great mobility with dentists because of oversea and interstate travelling. Only about half the dentists registered in South Australia last year graduated at the University of Adelaide. It follows that an itinerant dentist may find it difficult to obtain casual or short-term work, and so register for unemployment benefits.

FEMALE TITLE

The Hon. Sir ARTHUR RYMILL: I should like to know from the Chief Secretary how my wife is to be addressed in the future by the Government and its departments. Is she now a Ms? In other words, has the Hon. Mr. Dunstan decided that she is no longer a Lady?

The Hon. A. F. KNEEBONE: I think the answer is self-evident. The honourable member's wife is a Lady and will always be a Lady. The Premier made the matter fairly clear. In connection with its records, the Government is no longer interested in whether a woman is married or single; if women want to be addressed as Mrs. or Miss, my understanding of the situation (and it would certainly happen in my department) is that they will be addressed as they desire to be addressed. If women want to be addressed as Ms, they will be so addressed. If this is the only matter in connection with which honourable members think they can put the Government on the spot, they must be running out of ammunition. All one hears on talk-back shows is the Ms issue. Someone rang Neil Adcock yesterday, during a talk-back radio session, and said, "I would like to ask a question about Medibank." Neil Adcock said, "Oh no, we are not discussing that. We are discussing "Ms". It seems that this matter is now taking over from the Medibank scheme, about which the Opposition put on such a display recently. A little matter such as this, which I think of as a non-event, is being blown up into something for use against the Government.

The Hon. R. C. DeGARIS: The Chief Secretary's reply was interesting. My point is that, in the edict issued by the Premier, the instruction is clear. The Premier has announced that State Government departments are no longer to use the prefixes "Miss" or "Mrs."; yet, the Chief Secretary's reply seems to be at variance with the edict.

The Hon. A. F. KNEEBONE: Some women in my department are "Miss" and others are "Mrs." and I am aware of their marital status and address them accordingly.

The Hon. Sir Arthur Rymill: You won't call them "Ms"?

The Hon. A. F. KNEEBONE: No. When I went overseas last year I came up against this problem and met women holding high positions, particularly in the professional services. I came across departments that were headed by women. At first we had some difficulty with the "Ms" business, but we became used to it. Honourable members must be aware of many embarrassing situations such as when someone writes to them and signs "Florence Smith" or "Hilda Brown". How would they reply to such people?

The Hon. Sir Arthur Rymill: We'd better just use their Christian names.

The Hon. A. F. KNEEBONE: I do not use that kind of approach to people who write to me under their Christian names. For instance, I never say, "Dear Flora", but use "Dear Sir" or "Dear Madam". I think that we are wasting too much time on a matter such as this, which I do not consider to be a nation-rocking event. I have been told that on the Neil Adcock programme someone asked whether we would hold a referendum on the matter or whether the legislation had been passed by Parliament. He said that he would be willing to lead a deputation to the Government on this matter. If people are worrying about this unimportant matter today, it must show that the Government is handling the general situation well.

The Hon. J. C. BURDETT: I seek leave to make a statement before asking the Minister of Health a question.

Leave granted.

The Hon. J. C. BURDETT: The Premier has said that, if women who receive bills from the Government under the title "Ms" return them unclaimed, action will be taken to recover the debt. My question is directed to the Minister of Health, because his department probably issues more Government bills than does any other Minister's department. Section 80 (2) of the Local Courts Act provides:

Where the plaintiff is unacquainted with the defendant's Christian name, the defendant may be described by his or her surname or by his of her surname and the initial of his or her Christian name, or by the name by which he or she is generally known (prefaced in each case by Mr., Mrs., or Miss, as the case may require) . . .

When the Minister's department issues a summons to recover money from a woman who has returned unclaimed a bill under the title "Ms", will the department, iri the summons, comply with the law and use the prefix "Mrs." or "Miss"?

The Hon. D. H. L. BANFIELD: I am sure that my departmental officers are aware of the legal position relating to the issuing of summonses.

The Hon. R. C. DeGARIS: Following the Minister's reply, and as the Local Courts Act stipulates that people must be addressed as "Mr.", "Mrs.", or "Miss", will the Premier withdraw the ridiculous edict that he issued on March 10?

The Hon. A. F. KNEEBONE: I will direct the question to the Premier and bring down a reply as soon as it is available.

LOXTON NORTH PRIMARY SCHOOL

The Hon. B. A. CHATTERTON: Has the Minister of Agriculture, representing the Minister of Education, a reply to my question of February 26 regarding the Loxton North Primary School?

The Hon T. M. CASEY: The Minister of Education has informed me that, although a new toilet block was requested by the Principal of the Loxton North Primary School last April, it was decided after preliminary investigation that a new facility was not warranted and that improvements to the existing toilets would be confined to minor works. The school was advised accordingly. An inspection has since been made by an officer of the Public Buildings Department, who agrees that some minor work needs to be carried out, and it is planned to proceed with this work early next financial year.

GAWLER TO HAMLEY BRIDGE ROAD

The Hon. M. B. DAWKINS: I seek leave to make a statement before asking a question of the Minister of Health, representing the Minister of Transport.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to what I would call the main thoroughfare from Gawler to Roseworthy College, on to Wasleys and through to Hamley Bridge. It cannot be called a main road, as I do not think it is in the main roads schedule. Nevertheless, for some years a portion of this road has been upgraded and sealed, and in recent years the Highways Department has had built a new road (part of which, I understand, is now to be sealed) on a new alignment from Wasleys to the Hamley Bridge Road. This is an important road, as it will channel traffic from Hamley Bridge, Balaklava and Owen away from the Main North Road and on to another road for a considerable distance towards Adelaide. Will the Minister ascertain when his colleague considers that the remainder of the new road to be built from Wasleys north to Hamley Bridge (other than the portion that is soon to be sealed) will be completed?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague and bring down a reply when it is available.

DISEASES

The Hon. V. G. SPRINGETT: On February 25, I asked the Minister of Health a question regarding the ecology and the effect on it of mosquito breeding. Has he a reply?

The Hon. D. H. L. BANFIELD: I have a detailed and technical reply to this question, and I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

MALARIA

Although cases of malaria are still diagnosed in all States of Australia these are' imported cases, since Australia has been malaria-free since 1962. Malaria transmission has never been recorded in South Australia, and the malaria-receptive areas of Australia are those north of 19°S latitude. Before 1962, malaria transmission occurred in these areas as they had suitable vectors, for example, various species of anopheline mosquitoes and suitable climatic conditions. In South Australia, only one species of the anophelines, for example A. annulipes, would be a suitable vector. This species is fairly widely spread and has been found along the Murray River and in the Adelaide metropolitan area. However, even in the presence of a suitable vector, malaria transmission would depend on a large number of infected and untreated persons. This situation does not exist, as persons who have become infected overseas receive adequate treatment to eradicate the infection. The Public Health Department, together with the School of Public Health and Tropical Medicine in Sydney, collaborate in the recording of all malaria cases occurring in South Australia and ensuring that the patients receive correct treatment.

A. annulipes is also not regarded as an important vector of malaria, as this species prefers other animals than man for its blood meal. It appears extremely unlikely that malaria transmission would occur in South Australia. The number of persons who acquire malaria overseas and are subsequently diagnosed in Australia amount to about 200 annually; in South Australia there were 25 cases in 1972, 15 in 1973 and 17 in 1974.

SCHISTOSOMIASIS

The human disease termed schistosomiasis is caused by three different types of the blood fluke. Schistosomiasis occurs mainly in Africa, South America and the Far East. Human infection with the blood fluke occurs through the penetration of the intact skin by the larval form of the fluke in persons wading in waters which have been contaminated with schistosome eggs. The eggs reach the water from the excreta of infected persons. Their larvae can develop only in snails of a definite species. Spread of this disease would require infected persons in the community with their excreta reaching water where a suitable snail is present. Cases of schistosomiasis have been very rarely diagnosed in South Australia, and all of them have been infected outside Australia. There have been no cases of schistosomiasis recorded in South Australia for the past 22 years. It is also doubtful whether a suitable snail host is present in this State.

MEDIBANK

The Hon. R. A. GEDDES: I seek leave to make a statement before asking the Minister of Health a question.

Leave granted.

The Hon. R. A. GEDDES: My question relates to Medibank, and I hope I can get a reply to it. If a community or private hospital agrees to enter the Medibank scheme and some of its beds are set aside for that purpose, will the Minister say whether, if the costs of running the hospital are greater than the average cost of running! other hospitals under the scheme, the Medibank scheme will pay for those public beds a rate that is necessary for the hospital concerned to remain viable?

The Hon. D. H. L. BANFIELD: The emphasis is on whether the high costs are unnecessary. If the costs at a

hospital are much higher than the costs at other hospitals, there must be some reason, and the situation would be examined to see why the costs are so much higher. All things being equal, yes, the public ward section of such a hospital would be reimbursed.

The Hon. R. C. DeGaris: In other words, there is no reward for efficiency.

The Hon. D. H. L. BANFIELD: If the costs of a hospital far exceed average costs, it will show up an inefficiency in a hospital.

The Hon. R. A. Geddes:. I asked what would be the position if they were different from the average.

The Hon. D. H. L. BANFIELD: I said that if there was a signification difference the position would be looked at. If the costs can be justified there is no question about their being met. However, if they cannot be justified the position will have to be examined.

BEVERAGE CONTAINER BILL

The Hon. A. F. KNEEBONE (Chief Secretary) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and ordered to be printed.

The Hon. A. F. KNEEBONE moved:

That the Bill be recommitted for consideration by the Committee of the whole Council on the next day of sitting.

Motion carried.

ELECTORAL ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It proposes the adoption of a voting procedure for the House of Assembly elections that may be referred to as "optional preference voting". Honourable members are no doubt aware that, following the enactment of the Constitution and Electoral Acts Amendment Act, 1973, this system of voting applies in Legislative Council elections. In summary, the system provides that while an elector is enjoined to mark his preferences on his ballot-paper his ballot-paper will not be informal if only one preference is marked on it. In addition, the Bill provides that the procedure for making a vote by declaration where the elector's name does not appear on the certified list of electors for the polling place shall apply to Legislative Council electors in addition to House of Assembly electors. This change is now desirable in view of the fact that for practical purposes the same list of electors now applies to both House of Assembly and Legislative Council electors.

Clause 1 is formal. Clause 2 amends section 110a of the principal Act by applying this section to electors claiming to vote at a Legislative Council election whose names do not appear on the certified list of electors for that polling place, but who make a declaration in the prescribed form before the presiding officer at the polling place. This section at present only applies to House of Assembly electors. This clause also amends section 110a to remove the possibility of an elector being defranchised due to his ignorance of his correct subdivision when enrolling.

Clause 3 amends section 123 of the principal Act by providing that in an election for a district for which one candidate only is required (that is, a House of Assembly by-election, the absence of an indication of preferences other than a first preference . will not render the ballot-paper informal). Clause 4 amends section 125 of the principal Act, which is the provision dealing with the scrutiny. The effect of this amendment is to ensure that, even if a substantial proportion of the votes does not indicate a preference other than a first preference, a result of the election can be obtained. The need for the amendment proposed will of course arise only when the scrutiny goes to preferences. In summary, if only two candidates remain unexcluded the candidate with the greater number of votes will be elected.

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

LIMITATION OF ACTIONS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It follows upon recommendations made by the judges of the Supreme Court. Some time ago Mr. Justice Wells submitted a draft to the Government conferring on the Supreme Court a general right in the court to extend periods of limitation. It appeared desirable to the Government that this power should be exercisable by any court entertaining civil proceedings, and accordingly, rather than limit amendment to the Supreme Court Act as had originally been proposed, the Government decided to introduce amendments to the Limitation of Actions Act. The Bill accordingly proposes a kind of synthesis between the proposals of the judges and the existing section 48 of the principal Act. The provisions of section 47 of the Act as it exists at the moment have caused some problems, as it is not entirely clear what is the precise extent of their application. The present Bill therefore repeals and re-enacts sections 47 and 48 of the principal Act with a view to overcoming the existing deficiencies in section 47 and incorporating the wider powers sought by the judges of the Supreme Court. A further provision is inserted enabling the court in appropriate circumstances to dispense with requirements of notice before action. Requirements of this nature can unfortunately prove to be traps for the unwary and frustrate perfectly just claims.

Clause 1 of the Bill is formal. Clause 2 repeals sections 47 and 48 of the principal Act and enacts new provisions in their place. The new section 47 provides that where a limitation period of less than 12 months is fixed for the bringing of an action then, notwithstanding that limitation, the action may be brought at any time within 12 months from when the cause of action arose. The new section will not, however, apply to criminal actions, actions to try the validity of an election or of title to an office, actions to try the validity of an assessment, rate or loan in the sphere of local government, or any other action to the nature or purpose of which the limitation is in the opinion of the court essential. New section 48 enacts a general power to extend periods of limitation. The amendment expands the provisions of the existing section 48.

The new section does not empower a court to extend a limitation of time in criminal proceedings nor does it empower a court to extend a limitation prescribed by the principal Act unless the plaintiff's cause of action arose from facts that were not ascertained by him until after, or shortly before, the expiration of the period of limitation, or the plaintiff's failure to institute the action arose from representations or conduct of the defendant, and was reasonable in the circumstances. New section 49 provides that the new provisions do not derogate from any rules

of law or equity under which periods of limitation may be extended. New section 50 enables a court to dispense with a requirement of notice before action in cases where such dispensation is justified.

The Hon. J. C. BURDETT secured the adjournment of the debate.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

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

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

That this Bill he now read a second time.

It effects metric conversion amendments to the Road Maintenance (Contribution) Act, 1963-1968. The exemption from contribution charges on vehicles of under eight tons load capacity, the rate of charges and various references in the form provided under the Act are expressed in metric terms. The provision relating to penalties is also amended. Clauses 1 and 2 of the Bill are formal. Clause 3 amends section 4 of the principal Act which provides that the Act shall not apply to vehicles with a load capacity of less than eight tons. As the Registrar of Motor Vehicles is to operate in units of 50 kilograms, the nearest appropriate metric figure is 8.15 tonnes. If eight tonnes had been specified the Act would apply to about 250 registered vehicles which are at present exempt.

Clause 4 amends, section 10, which deals with offences and penalties. In line with Government policy, minimum and progressive penalties have been abolished and the maximum penalty has been increased from £200 to $500. There has been no increase in penalty since 1963. A new subsection is added, providing that persons concerned in the management of a corporation may be liable to conviction for offences committed by the corporation. Clause 5 substitutes for the present second schedule a schedule which provides for a rate of .17 cents a tonne kilometre in place of a rate of one-third of a penny a ton mile (that is five-eighteenths of a cent). The figure of .17 cents a tonne kilometre has been agreed upon by the Australian Transport Advisory Council. Clause 6 makes consequential amendments to the form provided in the third schedule. It is not appropriate to amend the reference to 25 miles in section 14 (*b*) of the principal Act, which enacted a transitional provision inserted in the Road and Railway Transport Act.

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

COAST PROTECTION ACT AMENDMENT BILL

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

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

It is intended to broaden the powers of the Coast Protection Board, in particular with regard to acquisition of, and dealing with, land. The need for this expansion of the board's existing statutory powers became evident when the board was asked to assist in the acquisition of an area of particularly attractive dune land in the hundred of Koolywurtie on Yorke Peninsula. It appeared that the board had no power to acquire the land except for what could broadly be described as "engineering" reasons.

As the board will probably be faced with increasing pressure to acquire parts of the coast for retention as open space or for the preservation of its aesthetic value, it is desirable to amend the Act to allow such acquisition. At the same time, the board is to be given the power to deal with surplus land or to put it under the, control of a local council. Provision is also made for the board to share the costs of acquisition with local councils.

Clause 1 of the Bill is formal. Clause 2 amends section 22 of the Act and widens the board's powers of land acquisition. It also permits the board, with the consent of the Minister, to dispose of surplus land or to place it under the care, management and control of the local council. Clause 3 amends section 32 of the Act to allow a council intending to acquire land to be granted up to 50 per cent of the cost by the board. Clause 4 amends section 33 of the Act to enable the board to recover from a council up to half the cost of land acquired by the board within the area of the council.

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

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

Adjourned debate on second reading.

(Continued from March 12. Page 2816.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): In the second reading explanation the sole reason given for this Bill is that it is no longer appropriate that the officers mentioned in the various Statutes set out in the Bill should have their salaries determined in the present way. The rest of the second reading explanation refers only to what the clauses do. Why it is no longer appropriate that the officers should have their salaries determined in the present way is not explained, and I do not know why the Government now deems the present method to be inappropriate. In common with other honourable members, I am concerned about the effect of this Bill, if passed, on the independence of persons holding high Government offices.

Section 8 of the Audit Act provides, in effect; that the Auditor-General shall hold office during good behaviour and not be removable except on an address of both Houses of Parliament. The Auditor-General is a very important Government official who must have his independence preserved if at all possible. That has always been the object of Parliament, and that is the reason why it is necessary to have an address of both Houses to have him removed. This protection enables him to make such criticism as he thinks fit of the Government of the day and other people, including members of Parliament. This tremendously important principle must be fully considered.

Section 16 of the Public Service Act has a similar provision relating to the Public Service Commissioners. Section 9 of the Valuation of Land Act has a provision to the same sort of effect, although it is in a different form. I had always thought that the same applied to the Commissioner of Police, but I cannot find anything in the relevant Statute relating to him. Nevertheless, the fact that his salary is a matter for Parliament provides some protection.

The Hon. T. M. Casey: What protection?

The Hon. Sir ARTHUR RYMILL: I will deal with that. The Bill says that these people will no longer have their salaries fixed by Parliament. Instead, they shall receive such salary as the Governor from time to time may determine. As all honourable members know, under the Acts Interpretation Act "the Governor" means the Governor in Council—in effect, the Cabinet of the day.

This will answer the Minister's question. The salary to be fixed by the Government of the day under the proposed clause is not necessarily a fixation upwards: it could be a fixation downwards. There is nothing to say that the salary cannot be reduced. In the case of all the officials to whom I

have referred, this possibility undermines the protection given to them by the present legislation.

Those who are actually affected by the clause relating to an address of both Houses could have their salaries reduced to such a level that it would be no longer possible for them to hold office. In other words, the Bill completely undermines any protection that might be afforded by the existing Act. The protection is not of course complete, because the Government of the day may have a majority in both Houses and, therefore, the effect of an address of both Houses would be the same as the Cabinet of the day having a say; the effect of a resolution of both Houses being required to alter the salary could in these circumstances be the same, whether it is fixed by Parliament or by the Government of the day. Nevertheless, the present set-up gives the maximum protection that can be given.

I cannot see the reason for the fixation of salaries being removed from Parliament, which sits regularly. Last year Parliament sat until about the end of November. It recommenced sitting in mid-February, and the sittings will continue until nearly the end of March. We will be called together in June, and the Chief Secretary said yesterday that the next session would begin in earnest in July and would probably continue until December. So, there is no reason why the present procedure should in any way be embarrassing in these inflationary times when it might be necessary to amend salaries more often. I see no reason for the Bill: I can only see that it may affect the independence of these people, to whom we ought to give a guarantee of independence. Does the Government intend to do the same kind of thing with judges' salaries? We may guess that that may happen. I see no merit in the Bill, and I oppose the second reading.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (AMALGAMATIONS)

Adjourned debate on second reading.

(Continued from March 12. Page 2816.)

The Hon. C. M. HILL (Central No. 2): This Bill results from a recent local government issue that rocked local government to its very foundations.

The Hon. C. R. Story: It is still rocking local government.

The Hon. C. M. HILL: Yes. The problem has been that the present Minister of Local Government and the present Government itself sought compulsorily to change council boundaries and to amalgamate some councils. The whole process must certainly have been an expensive operation. In reply to questions I had asked in the Council, I was told only this week that the cost of the Royal Commission into Local Government Areas so far had been $49 249 and that the cost of the Select Committee related to the same matter was $2 376. We must also add the considerable cost to which many local government bodies have been put in making out a case stating their objections and in investigating their respective positions in regard to the compulsion they face.

However, the Bill now before us proposes, by legislative machinery, to find a relatively simple method by which some amalgamations might be achieved. Clauses 7 and 8 arc the operative clauses. It is interesting to note that the Bill leaves in the parent Local Government Act the original provisions applying to amalgamations. Those provisions, I think we must all agree, have proved over the years to be cumbersome and unwieldy, yet they have been left in the Act.

Another point of special interest is that the Royal Commission has been retained as an advisory body; indeed, it becomes part of the new legislative process, as referred to in the Bill. The history of amalgamations involves the philosophy of the two principal political Parties in this State. It has always been my view, and mv Party's view, that initiation for changes to local government boundaries and for the amalgamation of local government bodies should be left to the local government bodies concerned. Initiation should be left at the local government level. Fundamentally, it is the concern of local government bodies.

The opposing view to that (and it is the Government's view, as proved by the method adopted in this whole matter) is that local government bodies should be told what is good for them, and that they should be told by a central Government what the future boundaries ought to be and what kinds of amalgamation ought to take place.

We see tremendous contrast in those two approaches. At the same time, and apart from that issue, I make the point that there has been a need for change in local government boundaries. Those of us who have had anything to do with local government would no doubt agree that, in certain parts of the State, there has been an urgent need for change to occur. Between 1968 and 1970, whenever 1 visited local government bodies I made the point that it would be in local government's best interest if changes were to occur, and I always pointed out that the local government bodies concerned were the ones that had to initiate those changes.

However, this did not occur and, although we saw one or two instances of amalgamations and of boundary changes, very little was happening in this whole area. I go so far as to say that I believe that local government in recent years has been at fault in that it did not initiate the changes which were not only desirable but which would also prove in the long run to be essential to it for its very survival.

When it appeared that local government itself was not taking the first step in this proper direction, the present Minister of Local Government stepped in, as we all know, with his Royal Commission and then tried to make councils follow the Commission's recommendations by compulsion. However, public opinion, criticisms, and objections came from all parts of the State as a result of his action, and this caused the Minister to back off from his first stance. Then, in a series of moves he retreated further and further: the basic reason for the retreat was none other than a political reason.

On the platforms throughout the State the Ministers of the Crown and other local members of Parliament were given the clear message that electors in many parts of the State did not want the proposed changes in local government that the present Government was trying to bring about. Faced with political opposition, finally the Minister in another place appointed a Select Committee and, as a result of that committee's findings, in my view the defeat of Big Brother in this whole picture was completed. So, we now have the Bill before us, in which the Minister makes a complete turnabout from his approach of compulsion toward local government.

As the problem of boundaries still remains, it must be approached and overcome, and changes must be made. The Bill attempts to provide machinery to make these

changes and to produce some procedure that will prove to be easier for local government and, indeed, for all concerned to effect the amalgamation of some councils and changes in boundaries of others. Particularly should those councils that favoured some of the Royal Commission's recommendation have the opportunity, through machinery such as in the Bill now before us, to proceed with the minimum of delay and obstruction to change their boundaries as they wish and as the Commission has suggested that they should.

The Bill, therefore, is of special interest to those councils wanting to make a move in this matter soon. My vote for the second reading, and my support for any amendments that may follow, are based on the fact that 1 want to help local government to improve its present position regarding its boundaries; I believe that all honourable members want to do that. If we have any disagreements, basically I think it will be in the actual detail in the Bill concerning the type of machinery the Minister is trying to set up to achieve change. I think (and I say this most respectfully) that we must bear in mind that the most important facet is that we must provide better machinery than exists now for local government to change, and we want to do all we can to help local government over the problems it faces.

The machinery that the Minister proposes to introduce to assist local government with amalgamations begins with the approach that, if two or more councils agree to the proposal, and if the Royal Commission concurs in that agreement, the matter can be sent to the Minister, and it will proceed from that point on. The Minister suggests that any agreement within councils to a proposal should be carried by a simple majority. The method by which objections may be made by individual ratepayers makes it hard for objecting ratepayers to stop the process from that point on.

I can understand the Minister's point of view in this regard. However, any decision made by a council to agree to amalgamation is important and paramount to the council's future. Indeed, in many instances it will be the first step towards the council's complete abolition. This will occur when two councils propose amalgamation and a new council, with a new name, takes the place of the two former councils.

When a council is faced with a decision of that kind, surely the Bill should provide that an absolute majority vote, rather than a simple majority vote, must be obtained. In some small councils there are not many councillors, and on many occasions some councillors may have to be absent because of illness or some other genuine reason. However, a quorum could still be formed, and for a simple majority only to be needed in those circumstances to begin the process of completely doing away with the council as it is then situated seems to be a slipshod way of approaching a matter such as this.

I emphasise that, although after such a decision is made by a council individual ratepayers who object are given the opportunity to have their voices heard, the method of objection is weighted in such a way in this Bill that it will not have much hope of succeeding. Therefore, the most important and basic vote in the whole process is the first vote.

I believe that, if two councils are amalgamating, both councils ought to carry by an absolute majority a resolution to amalgamate, and I intend in due course to move an amendment along those lines. That will make this much more responsible legislation than it is at present.

After two councils agree to amalgamate, the Minister must gazette the proposal and advertise it in the daily press in the areas concerned. Within one month of the publishing of that notice, the Minister can receive objections from ratepayers. The Bill provides that at least 20 per cent of the ratepayers within the affected areas must petition the Minister for a poll and, if 20 per cent of the ratepayers do that, a poll will be held.

Considering general local government practice, the figure of 20 per cent seems to be high. Elsewhere in the Local Government Act it is provided that 5 per cent of ratepayers may petition for a poll; alternatively, in a municipal corporation, 100 ratepayers may in some circumstances petition for a poll and, in a district council, 21 ratepayers may do so. Therefore, it is a considerable increase when we move from the relatively small numbers and the low figure of 5 per cent to a figure exceeding 20 per cent objections before a poll can be held.

I understand that in its report the Local Government Act Revision Committee indicated that it favoured the general principle of requiring 20 per cent for objections. 1 believe that in future we might well increase the original figure of 5 per cent, and a certain relatively small number of objectors, up to near 20 per cent. However, in this Bill the Minister is trying to make that move now.

Although one must strike a reasonable balance between the silent majority who do not rush in to petition for a poll and the not inconsiderable number of people who object and react to propositions of this kind today, I consider the 20 per cent figure to be somewhat high. Nevertheless, I want to do all I can to improve the legislation and to ensure that the best possible machinery is made available to enable amalgamations to occur. On that point, I intend to listen to further debate on the Bill before I finally make up my mind.

The next step in the Bill is that, when a poll is held as a result of 20 per cent of the ratepayers objecting, the ratepayers in the area are asked at the poll to approve of the proposal to amalgamate. That proposal is carried in the affirmative unless a majority of those who vote, and at least one-third of those in the affected area, are against the proposal.

This indicates immediately that a fairly large poll would have to result if the proposal was opposed successfully and therefore defeated. If at least one-third of ratepayers must vote against a measure, and if we can therefore assume that about that number would vote for it, we gain some idea of the probable percentage of people that would have to go to the polls if those who objected to the measure were to be successful. The question also arises regarding the simple majority of those affected being able to vote in the one poll. It has been said that, if a large and a small council are amalgamating, the number of ratepayers in the larger council area could be such that an unfair balance might result when the poll was taken, at the. same time, of the ratepayers in the two council areas. I respect those who take this point of view.

I am inclined to look at the question from the point of view that, if two councils are amalgamating, irrespective of their size, the ratepayers who will go to a poll will tend to look towards the future, when there will be a new council and they will be a part of it. However, it is a matter that has. been raised, and it is a point to which serious consideration must be given.

The alternative approach would be to have two separate polls within those two local government areas on the same

day. That is another matter on which I am willing to hear further debate, although I now indicate that 1 am willing to allow the provision in the Bill to proceed. 1 say that in the knowledge that I would not vote for the initial step being permitted with only a simple majority of the councils concerned.

I believe that, if an absolute majority within each of the councils concerned favoured amalgamation, that should be the most important phase in the whole procedure. 1 do not want to stop anyone from having his democratic right to object, but I believe that, when the elected representatives in local government by absolute majority and with the concurrence of the Royal Commission (that is a necessary stage in the process) make a decision, those who object to it among the ratepayers must be fairly great in number and influential in their power to influence ratepayers at the polls on this issue before their cause should override that of their elected representatives voting on the basis of an absolute majority.

The last point concerns the clause dealing with the Government's power to make regulations. I ask the Minister in his reply to give a full explanation of the Government's intentions regarding the making of regulations. New section 45a (5) provides:

The Governor may make regulations affecting the conduct of a poll under this section.

Then are listed the various headings under which regulations may be made. The problem arises that when Parliament prorogues or adjourns there is a gap during which time Parliament cannot consider such matters. There is sometimes two months between sittings, and it might be possible for a Government (and 1 am not saying that this Government would do this intentionally, but we must look to the future in the long term when we pass these Bills) to gazette regulations and for the poll to be held within the provisions of those regulations before Parliament met again. Any objections that Parliament might have to those regulations would be completely ineffectual, because it would not have the opportunity to vote against them.

When Parliament has not had the opportunity to disallow those regulations, because of the time factor involving an interval sometimes between one or two months, or even longer, I believe that any legislation permitting regulations to create such a situation must be carefully examined in relation to its regulatory powers. Whilst I am not committing myself to vote against those regulations, I require further explanation from the Government on that point. The situation that 1 have described should not be permitted to occur.

In summary, I stress that it is absolutely essential that such a Bill is carried in Parliament at this time so that those councils that wish to amalgamate or initiate change in their own interests (in some instances to ensure their own survival) should be given the opportunity to do just that. My fears regarding the Bill arise from the steps the Minister intends to provide in the machinery to permit that situation.

While the steps he has suggested are much simpler and better than those in the existing legislation, they include some dangerous aspects that should be closely looked at to see whether Parliament or this Council can further improve the measure in the interests of local government generally and those councils that will be directly involved in this matter. I. support the second reading.

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

ROAD TRAFFIC ACT AMENDMENT BILL (INSPECTIONS)

Adjourned debate on second reading.

(Continued from March 12. Page 2818.)

The Hon. C. R. STORY (Midland): This Bill has some unique features in it as well as some good provisions. In his second reading explanation the Minister said:

The principal object of the Bill is to provide for the inspection, at regular intervals, of all buses that operate in this State and all other vehicles that ply for hire or reward. Furthermore, the Act as it now stands applies only to vehicles that carry passengers for a fee or charge. There are many situations in which a bus service is run completely free of charge ... It is obvious that in the interests of the community, all such vehicles ought be subject to regular inspection.

I have studied the Bill in some detail, and I must say that it is a mammoth job to try to go through the Road Traffic Act these days. If the daily press is any indication of the events to come, it is going to be even more difficult. The latest consolidation of the Act was in 1967, and there have been numerous amendments to the Act since then. To try to catch the various amendments since the prinicipal Act was consolidated is most difficult without any research assistance, although honourable members do the best they can. However, if anything happens to get missed, it is up to all honourable members to examine Bills to try to deal with such a situation. I will try, in the course of my remarks, to highlight some of the points that I believe require closer scrutiny. Clause 3 amends section 5 of the principal Act. The definition of "motor cycle" is as follows:

means a motor vehicle that moves upon only two wheels, or where a side-car or side-box is attached, upon only three wheels.

The definition has remained the same for a considerable period. The definition of "pedal bicycle" is to be struck out and the following definition is to be inserted:

"pedal bicycle" means a vehicle designed to be propelled solely by muscular force exerted by a driver or rider upon pedals.

This new concept of motor cycles and pedal cycles is quite different. In the second reading explanation the Minister said in dealing with this subject that it is to catch up with a number of new types of vehicle appearing on the road. I can see the point of that, but the definition in the Act is all-embracing and could apply to either type of cycle in certain circumstances.

The other interesting point in relation to definition, changes is the new definition of "periods of low visibility", which means any time when, owing to insufficient daylight or unfavourable conditions, persons or vehicles on a road are not clearly visible at a distance of 100 metres to a person of normal vision. Although these words were in the Act previously, they were never defined. This definition, when related to other amendments contained later in the Bill, will substantially alter the practice of the Act when it comes into operation.

Another provision, one which is topical at the moment, is the alteration of the definition of a roundabout by adding the words "or junction". This is quite significant when read in conjunction with the principal Act. The only other definition change is one of brevity where "rolling-stock to a level crossing" is to be substituted for "railway rolling-stock to a level railway crossing".

The first major matter to which I shall refer is that clause 5 deals with the power to proclaim a vehicle as a vehicle of a specified class. If this power is used in the way I hope it will be used, it will be most significant. I

always believe that, if discretionary powers are to be included in legislation, they should be of such a nature that the user (whether the Minister or some other person) can take a bold stand and use them to improve the existing situation. The powers are provided in clause 5, which enacts a new section 8a in the principal Act to provide that the Governor may, by proclamation, declare that a vehicle of a certain design or with certain characteristics is to be regarded for the purposes of the Act as a vehicle of a specified class. The Governor may also declare that any specified provision of the Act shall not apply to or in relation to that vehicle. Further, he may revoke or vary a proclamation.

Later in the Bill we see that the new authority to be set up under the legislation will be able to prescribe certain types and classes of vehicle not specified precisely in the Act at present. New section 8a is most significant in relation to the new part of the Bill. Clause 6 provides for the installation of traffic control devices, and this provision is most interesting because much, of the Bill is taken up with changes to the section relating to such devices. In this clause, after the word "maintain" appearing in section 17 we will add the word "alter" or "alteration", according to the sense in which it is used. This will give the authority set up under the Bill the right to charge not only for maintenance but also for alterations to any sign or control device, which could mean anything from flashing lights and stop lights down to a simple "stop" sign or a "give way" sign. Much money could be involved.

The Hon. C. M. Hill: Does that include the installation of new lights?

The Hon. C. R. STORY: Yes, as well as existing lights.

The Hon. C. M. Hill: It could involve a considerable sum of money.

The Hon. C. R. STORY: A considerable sum indeed. Clause 8 amends section 19 and continues with the use of the word "alteration" so that people will also be netted under this provision. Paragraph (e) provides for the insertion in section 19 of a new subsection, as follows:

(5) The cost of installing, maintaining, altering, operating or removing a traffic control device—

(a) the purpose of which is to regulate, restrict or prohibit the parking of vehicles;

arid

(*b*) which has been, or is to be, installed by a council or other authority in pursuance of powers conferred by statute,

shall (except where the traffic control device is a device of a class declared by regulation to be a class of traffic control device to which the provisions of subsection (2) of this section apply notwithstanding this subsection) be borne by that council or other authority.

That must be extremely clear to the average motorist! It is what I would call (speaking in the most sarcastic tone I can get into my voice) the epitome of clarity. It is just a lot of mumbo-jumbo, and I am sure it is not necessary for it to be phrased in that way. All that is required is to take a little more paper and a little more time and spell the thing out, instead of referring people through a maze of words from one section to another. The net result is that the expense will be borne by that council or authority; that is the import of all that wording. Clause 9 amends the principal Act by the insertion of a new section 19a, subsection (1) of which is as follows:

(1) Where—

(*a*) a person carries on a business or other activity beside or near a road;

and

(*b*) the Minister is of the opinion that the installation, maintenance, alteration or operation of a traffic control device is required in view of the nature and extent of the business or activity, and the volume of traffic generated by the conduct of that business or activity,

the Minister may cause to be served personally or by post upon the person by whom the business or other activity is conducted a notice requiring him to pay to the authority in which the care, control and management of the road is vested such amount, or periodical amounts, as may be specified in the notice towards defraying the cost of installing, maintaining, altering or operating the traffic control device.

If it is being set up to inhibit people from developing businesses, I cannot imagine why. In other words, a person might have to pay a penalty for becoming a success. A person might be in business in only a small way, but deliveries of goods into and out of his factory could create a bottleneck on the road. In such a case the Minister might decide that a traffic control device was necessary. In that event the person, who might have only a small business, might be called upon to provide that traffic control device.

Provision is made for an appeal to the Supreme Court, which may, "upon the hearing of the appeal, vary the requirement in such manner as it considers just in view of the extent to which the business or activity conducted by the appellant renders the installation, maintenance, alteration or operation of the traffic control device to which the requirement relates necessary or expedient." As far as 1 can see, there is no defence in connection with other considerations which ought to be taken into account; for example, the public service rendered by the person. If the amount the court awards is not sufficient to cover the installation of the traffic control device, the appropriate authority will be called upon to pay for the deficiency. The appropiate authority may be the Commissioner of Highways, the local council, the owner of the property involved, or a combination of them.

If, in the future, a large subdivision or shopping complex is to be established, before the plans are approved the organisation should be told that it will probably be required to supply the necessary traffic control device. The organisation will then know where it is going and it can budget for the cost of the device. Under the arrangement that the Bill provides for, a notice may be served on a new business following the opening weeks of the business, during which period people may flock to the area. However, six months later the need for a traffic control device may not exist; this point needs to be considered.

New section 23, dealing with "stop" signs at roadworks or pedestrian crossings, is good. I have always been worried when I have seen unauthorised people using makeshift "stop" signs to stop traffic; such people do not appear to be very well trained in the job they are doing, and they sometimes do more harm than good. New section 23 provides that such people must be authorised to carry out such a duty. New section 23 (3) is a sound provision. New section 25 (5) provides:

Subsection (4) of this section does not apply to a traffic control device where the authority in which the care, control or management of the road is vested is not liable for any portion of the expense of installing, maintaining, altering, removing or operating that traffic control device.

I agree entirely with clause 12. Recently when I was returning on the Port Wakefield Road from a country meeting, I came to some "stop" lights. Until I had almost reached the "stop" lights I thought there was a green -light, but actually it was a green light placed directly behind the "stop" lights, and it was higher than the signals themselves. It was very confusing, and I can understand that, if people are tired, they can easily go through a red light as a result

of their being confused by other lights. Clause 12 empowers the board, by notice in writing, to require the owner of a light, device, sign or advertisement to take such action as is specified.

The Hon. C. M. Hill: Neon signs near intersections are dangerous.

The Hon. C. R. STORY: Yes. Clause 13 changes "a question" in section 42 (2) (*b*) of the principal Act to "any questions". Clause 14 amends section 43 of the principal Act:

(*a*) by striking out from subsection (5) the passage "fifty dollars" and inserting in lieu thereof the passage "one hundred dollars".

This provision relates to the duty to stop and report an accident; it is a good provision. The Bill strikes out the $50 penalty and inserts in lieu thereof $100. The Bill provides that, if a fair estimate of damage is less than $100 and that if life has not been endangered, it is unnecessary to report the accident in the normal way. Another provision deals with the splitting up of two sections that are somewhat confusing. I refer to clause 18, which amends section 75 and which deals with two facets. Driving a vehicle is one set of circumstances. That is prescribed in paragraph (*a*), whereas paragraph (*b*) is a specific pedestrian provision involving a separate penalty.

I have noticed recently that the light marked "Walk" which comes on at intersections remains on for a sufficient time to enable pedestrians to get at least half-way across the road if they start at the correct time. I have noted also that, provided the green light for motorists is still showing, pedestrians will often leave the kerb and hope that they will get across safely. Many such pedestrians have been knocked down. Furthermore, pedestrians not crossing quickly enough upsets the traffic flow. The penalty for disobeying the provision is $100.

New section 76 (1) tightens up the situation in connection with "stop" signs or "no right turn" or "no left turn" signs, which indicate that both right and left turns are prohibited. In some cases, there is also a "no turn" sign. In this case, if anyone disobeys the new provision he may look forward to a maximum fine of $100. Clause 23 amends section 82a of the principal Act by striking out from subsection (1) the passage "Notwithstanding the proviso to subsection (1) of section 82 of this Act a council" and inserting in lieu thereof the passage "A council".

This means that councils which have had the right hitherto under section 82 of the Act to promulgate by-laws with regard to angle parking have lost the power under that provision. They will no longer be able to introduce a by-law unless the Road Traffic Board has approved it. This seems to be centralising more and more the activities of road traffic control in the board. 1 do not mind, if it is done in the interests of safety, but there is a great inclination, with complete Government support, for departments to try to obtain control and exert it over local government. We have seen much of this lately, and the Honourable Mr. Hill referred to it in his address earlier today. My criticism applies to the Highways Department and to the Road Traffic Board, and this is a most realistic matter.

Clause 24, which amends section. 83a of the principal Act, deals with the roadside seller of moccasins, fruit, vegetables, etc. At present, the board may issue permits to people enabling them to carry on their business, provided that they can show that their activity does not restrict the carriageway, and the board may impose other conditions, too. The amendment means that a person or persons of a specified class may be exempted from the provision. This is slightly different from the present situation, because this specified class will be prescribed in the regulations in much the same way as are various other classes. As I see it, we are going over more and more to control by regulation.

Clause 31 repeals sections 111 to 118 of the principal Act and inserts a new section 111. Sections 111 to 118 deal mainly with lights and reflectors on vehicles. New section 111 provides:

A person shall not drive a vehicle or cause a vehicle to stand in a road if in any respect the vehicle or its load (if any) does not comply with the requirements of the regulations relating to lamps or reflectors. Penalty: One hundred dollars.

This is the first major departure, and this procedure is followed in several places in the Bill. This highlights the pattern we can expect in future legislation. I believe that this is a test case and, if the Council wishes to do anything about the situation, it should do it with this measure. If it wants the substance of the law written into the Act, it should make its protest now. Under the Bill, all matters relating to lights and reflectors on all types of vehicle will be covered by regulations. Although in itself this is not a terribly bad thing, one wonders just how many people will know that the regulations exist, especially when one considers how many regulations relating not just to the Road Traffic Board but also to other Government instrumentalities are issued.

Of course, the Act is not amended often in relation to a matter such as lights on motor vehicles. However, amendments to regulations can be a fortnightly affair. I believe that, when action is taken to remove matters from Parliament's province and to place them into the subordinate legislation sphere, the Government should notify the public accordingly in the daily press. It is all right for the Government to shelter behind the idea that the buyer must beware and therefore exonerate itself in these matters. However, if people are ignorant of the law regarding, say, "stop" signs, they can kill people in the process.

It is therefore not simply a question of protecting people from prosecution but of telling them if the law is changed and brought into operation as quickly as was the amended law regarding one's having to give way to all traffic at "stop" signs. If all these things are to be done by regulation, the Government or the Road Traffic Board should have to notify the public through the medium of the press. It is all right for the Government to talk about the *Government Gazette,* but people do not have time to obtain and read a copy of that publication each week.

Clause 37, another provision that relates to the regulations, amends section 141 (2) by striking out the passage "from half an hour before sunrise until half an hour after sunset" and inserting in lieu thereof the passage "between sunrise and sunset". That, coupled with the new definition to which I have already referred, is the new law relating to the period of low visibility. In other words, if a person is driving a certain type of motor vehicle between sunset and sunrise and in weather conditions in which he is unable to see clearly for a distance of 100 metres, he commits an offence. As the old reference to "from half an hour before sunrise until half an hour after sunset" is being struck out of the Act, a completely new concept is involved.

Those honourable members who are interested in primary industry should examine closely clause 38, which inserts in section 147 a new subsection (2a) relating to maximum weights. We have experienced much trouble in the last two

or three years regarding braking systems on commercial motor vehicles and axle loads. In this respect, provision has been made for exemptions to be granted under the Road Traffic Act and the Motor Vehicles Act. Unfortunately, however, few exemptions have been granted. Indeed; I believe that the Minister and the board are concerned about the effect of certain amendments which were passed recently, and that the time of operation of those amendments has been extended to June 30 to enable some of the problems involved to be ironed out. New section 147 (2a), to which I have already referred, provides:

The weight on two or more axles of a vehicle must not exceed the aggregate of the maximum weight each of those axles may bear as determined in accordance with subsection (1) or subsection (2) of this section.

That provision was previously contained in the Act but was repealed by the 1973 amendments. I am not sure why it is now being reinserted. However, this will not benefit primary producers: I think it has been put back in the Act to make it easier for convictions to be obtained. This matter should be examined and read in conjunction with people's experience and knowledge of their own area.

Section 159 of the Act is repealed by clause 39, and clause 41 amends section 162ab of the Act, which will affect many people. It relates to the compulsory wearing of seat belts. In future, a person not wearing a belt for certain medical reasons will have forthwith to produce a certificate from a doctor if called upon by a member of the Police Force to do so or, if it is not in his possession, the certificate will have to be produced to a police station within 48 hours. That is a new provision.

Another interesting provision is the amendment to section 162c of the Act, which relates to safety helmets. This is a fairly confusing matter. In future, the design of safety helmets and standards relating thereto will be laid down by regulation. The regulations will prescribe specifications as to the design, materials, strength and construction of safety helmets for use by persons driving or riding on motor cycles. The Governor may, by regulation, also prescribe any other matters or specifications relating to safety helmets. Once again, this is being done by regulation, and I have no doubt that it has been undertaken on a national basis. I am pleased that we can get together with other States to have one common standard in respect of helmets, but this seeking of national uniformity should never be taken to the extreme of conforming to the practice in other States merely for the sake of uniformity, because such changes inflict great expense on the community, and they are often unnecessary, because of the different conditions prevailing in each State. The standards that will apply in respect of safety helmets is a matter than can be dealt with by regulation. Clause 43 is the most interesting clause in the Bill. A new Part IVA is provided under which is the heading "Central Inspection Authority." New section 163a provides:

(1) There shall be an authority entitled the "Central Inspection Authority" (in this Part referred to as "the Authority").

(2) The Minister may, by notice published in the *Gazette,* declare that any person, body or department of Government shall constitute the authority, and the authority shall be constituted accordingly.

Those provisions need close scrutiny. One is entitled to ask, as any prudent person would ask when he is looking at an article and thinking about buying it, how much it will cost. As this provision must be sold, it is necessary to look at its cost and equate the cost with benefit that will accrue from the establishment of a central inspection authority. There is nothing new in this so far as my Party is concerned: it is the policy of my Party, and we have gone to the people with this in our policy speech on at least two occasions.

The Hon. D. H. L. Banfield: Where did it get you?

The Hon. T. M. Casey: Is this the same policy enunciated in another place?

The Hon. C. R. STORY: If I took the honourable Minister's interjection to its logical conclusion I would oppose the legislation: I presume it means that the legislation cannot be any good if we put it up. For a long time we have believed in having an inspection authority, or some form of it. We have especially believed in it since the fatal accident that occurred near Wasleys early in 1970. My Party has believed in the establishment of such an authority because, as every thinking person knows, if lives can be saved by taking reasonable precautions, those precautions should be taken.

However, I do not know, and no-one else seems to know, just what this central authority is. All we know is that "The Minister may, by notice published in the *Gazette,* declare that any person, body or department of Government shall constitute the authority, and the authority shall be constituted accordingly". We have no idea what that really means.

The Hon. C. M. Hill: I hope it will not be an extension of the Government Motor Garage.

The Hon. C. R. STORY: According to the Minister's second reading speech, I think the Hon. Mr. Hill will be most disappointed, as that is what is suggested in the second reading speech. The Minister said:

The Bill proposes to establish a central inspection authority for the purposes of inspecting all omnibuses and all vehicles that ply for hire or reward, at intervals of six months. It is intended that the Government Motor Garage will perform the functions of the central authority, as it already has the expertise and equipment necessary to carry out the required work.

The Hon. C. M. Hill: That's real Socialist policy. The Government has no faith in private enterprise.

The Hon. D. H. L. Banfield: People have been accepting this for years. They have been voting for it for years, too.

The Hon. C. M. Hill: This is a new measure.

The Hon. D. H. L. Banfield: You're saying it's Socialist policy. I am saying that people have adopted this policy for years. It has kept you people out of office for a long time.

The PRESIDENT: Order!

The Hon. C. R. STORY: There appears to be a certain amount of conflict in the Minister's speech. Early in the speech the object appears to be to examine all the buses that operate in South Australia. However, further on in the speech it looks as though the measure deals only with omnibuses and all vehicles that ply for hire or reward. Further on again in his speech the Minister said that new section 163c would specify the vehicles to which this Part applied. New section 163c (1) provides:

This Part applies to—

(*a*) an omnibus;

(*b*) any vehicle that plies for hire or reward (other than a taxi-cab that is licensed under the Metropolitan Taxi-Cab Act 1956-1972)—

and the following paragraph is the one that really has a sting to it—

(*c*) any other vehicle, or vehicle of a class, that may be prescribed.

That will be dealt with not by regulation but by proclamation, and I refer to the provision at the beginning of the Bill concerning the declaration of any other class of vehicle. There can be no doubt that all omnibuses will be examined at least once every six months or even more frequently, but the object is to have an inspection once every six months.

The sum of $7 will be the fee charged for an inspection and, having examined the definition of "omnibus", I find that it means every motor vehicle that is capable of carrying more than six passengers. That would include a seven-passenger vehicle (a driver and six others). Whether vehicles are owned privately or are run for hire or reward they will all be brought under this measure. However, the Minister may exempt any class or any vehicle that he desfres from any charge for the inspection. It is also provided that any driver who drives an omnibus after the coming into operation of this Bill in certain circumstances will be guilty of an offence. Not only will the driver be guilty, but the owner of the vehicle will also be guilty, and the penalty provided in this instance is $100.

The certificates to be issued under this Bill are to be displayed on the vehicle. It is all very well for the Government to want the Government Garage as the authority, but I cannot see how, with the existing facilities at the garage, it will be able to cope. It seems fairly busy at the moment with the work it has. At present, the police are doing much of this inspection work. In the country several people are doing inspection work on buses, and provision is made for the authority to delegate its power. I take it the authority will consist of the Manager of the Government Motor Garage and perhaps one or two other people, and they will have power to delegate, as long as the Minister agrees. The only power of delegation the authority will not have is the power to delegate its delegation powers.

The Hon. D. H. L. Banfield: That can be arranged if you put it in the Bill!

The Hon. C. R. STORY: It is not beyond the bounds of possibility, I am sure. What outside body would be involved, I do not know. However, like the Hon. Mr. Hill, I do not think it will be private enterprise. I am apprehensive that we will need more buildings in a most expensive part of Adelaide to extend the Government Motor Garage but, if that should be the case, the second reading explanation would look a bit of a sham and a mockery. It would be most expensive to extend the Government Motor Garage. I do not know whether it is capable of inspecting all the omnibuses in the metropolitan area.

The Hon. C. M. Hill: Perhaps they intend to take over the M.T.T. depot.

The Hon. C. R. STORY: That is a thought. At first I thought the work would be given to private enterprise, but now I do not think that will be done, in view of the explanation. I see the building up of a big inspectorial staff.

The Hon. M. B. Dawkins: Another army of public servants.

The Hon. C. R. STORY: Yes. We are told that it is intended that the Government Motor Garage will perform the functions of the central authority as it has the expertise and the equipment necessary to carry out the required work. It would appear that everything is there, but f do not think it is as simple as that, and I think it will cost a large sum of money. I should like some idea of what this inspectorial service will cost. Surely no-one would venture into such an undertaking without some idea of the cost. Secondly, is it contemplated that the authority will delegate its power so as to have some form of contract inspection? Finally, will the Government consider the suggestion I have made for some better form of notifying the public of regulations, rather than have people getting into trouble in the way they do at present? I do not think it can be called safety if we change regulations without telling the public. The public should be given better information on what happens when regulations are made. At the moment, I am merely seeking information; in Committee I shall deal with the subject in more detail.

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

SHEARERS ACCOMMODATION BILL

Second reading.

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

That this Bill be now read a second time.

The minimum standards of shearers' accommodation have not been reviewed since 1967. Changes in conditions since then and improvements in the standards required by law in other States indicate the need for the determination of new standards that are now appropriate. The legislation which is currently in operation was first passed in 1922, and has been the subject of five subsequent amendments. Although it is not a long Act, it has become quite unwieldy, with some of the amendments virtually as long as the original Act itself. To compound the problem, we have a situation where some of the conditions of accommodation are set out in detail in the Act while others are contained in regulations. There is no logical reason for this and the net effect of all these factors is to make the present Shearers Accommodation Act cumbersome and difficult to follow: in fact, it resembles a patchwork quilt because of the many amendments.

Since April, 1972, a full-time inspector of shearers' accommodation has been employed to make regular inspections of sheep stations throughout the State. With the appointment of the first full-time inspector a systematic programme of inspections has been undertaken. This has revealed the necessity for there to be a complete revision of the requirements laid down by the legislation. Clearly the details of the type of accommodation required are more appropriate for prescription by regulation, so this new Act has been drafted as an enabling Act that authorises the prescription of details of accommodation to be made by regulation. I hope that the regulations will provide both station owners and managers with a clear idea of the amenities which will be required of them in the future.

Clauses 1 to 5 are formal. Clause 6 limits the applicability of this Bill to situations where there is no alternative accommodation available and where four or more shearers are accommodated at the same time. In certain circumstances, the Minister is empowered to dispense with the requirements of the legislation. Clause 7 deals with the appointment of inspectors which include certain members of the Police Force. Clause 8 refers to the inspection of buildings used for accommodation and includes a penalty for obstructing an inspector.

Clause 9 sets out the inspector's obligation to give notice to the manager or owner of any property that the accommodation provided is unsatisfactory and he can require that this be rectified within 12 months. Any such notice must be specific so as to leave the employer in no doubt as to his obligation. Clause 10 requires that offences under the Act be dealt with by magistrates or justices of the peace. Clause 11 empowers the making of regulations under the proposed Act. They are broadly expressed and all the substantive requirements of amenities and accommodation will be made under this clause.

The Hon. R. A. GEDDES secured the adjournment of the debate.

TEACHER HOUSING AUTHORITY BILL

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

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

It provides for the establishment of the South Australian Teacher Housing Authority. The authority will be an incorporated body consisting of three members, representing the Minister of Education, the South Australian Housing Trust, and the South Australian Institute of Teachers. The functions of the authority will be to acquire land and acquire or construct houses for teachers or officers of the Education Department and the Further Education Department. The authority will have no power of compulsory acquisition. The requirements for improved standards of secondary education have resulted in higher enrolments and, together with a reduced pupil-teacher ratio, brought about a 25 per cent increase in the number of teachers employed by the Education Department since 1968. This has caused an unprecedented demand for teacher accommodation, both married and single, particularly in country areas. In addition, easing of the teacher bonding system has made it necessary to improve conditions of country service to retain teachers in these areas.

Finance is a limiting factor at present, and Loan fund allocations provide only for some 30 replacement or new houses for teachers each year. The authority will be paid Loan funds which are at present allocated to the Public Buildings Department for teacher housing and maintenance, and will also have power to borrow money to carry out its functions. At present, the Education Department, the Further Education Department, Lands Department, Public Buildings Department and the South Australian Housing Trust are involved in providing accommodation for teachers. It is considered that an independent teacher housing authority would be able to make better use of the resources of the various departments and the trust. Action has also been taken in other States in connection with housing for teachers and public servants. In Western Australia, for instance, the Government Employees Housing Authority was constituted under an Act of Parliament, proclaimed on August 2, 1965. The authority was created for the specific purpose of providing adequate and suitable accommodation for Government employees stationed in country areas. The Victorian Education Department examined the scheme operating in Western Australia, and subsequently recommended a teacher housing authority to deal with housing for teachers. The Victorian Teacher Housing Authority, which was approved by the State Parliament on December 22, 1970, is an independent statutory body under the Ministry of Housing.

Clauses 1, 2 and 3 are formal. Clause 4 provides a number of definitions necessary for the purposes of the new Act. Clause 5 establishes the authority. Clause 6 deals with the membership of the authority. Clause 7 deals with the appointment and the term of office of members. Clause 8 provides for allowances and expenses of members to be paid out of the fund to be set up under the Act. Clause 9 deals with the conduct of meetings of the authority.

Clause 10 is a saving provision. Clause 11 enjoins disclosure by members of conflicting interests and forbids a member who has an interest in a contract to take part in deliberations concerning that contract. Clause 12 confers a power of delegation on the authority. Clause 13 sets out the powers and functions of the authority. These include the acquisition of houses and land, construction of houses, provision of services, subdivision of land, fixing of rents (on criteria to be approved by the Minister) and the making of inquiries into matters affecting the business of the authority.

Clause 14 provides that the authority may accept gifts. Clause 15 provides for the transfer by the Minister of houses and land which are held by him for the purpose of supplying housing for teachers. Clause 16 provides that the authority shall make available houses for teachers at the request of the Minister, and that the authority may let to persons other than teachers any house which is not required immediately for teacher housing. Clause 17 deals with staff. Under this clause the authority may make use of the services of officers of the Public Service or the South Australian Housing Trust. Clause 18 confers a power to borrow money under the usual conditions.

Clause 19 establishes the Teacher Housing Authority Fund. Clause 20 provides that the authority shall present estimates of revenue and expenditure to the Minister as soon as possible after the commencement of the Act and then annually. Clause 21 confers a power of investment on the authority. Clause 22 provides for accounts and audit. Clause 23 provides that the authority shall submit an annual report, with audited accounts, to the Minister. Clause 24 provides that the Minister may pay the authority a sum in lieu of rent if a house becomes vacant, for instance, through the transfer or resignation of a teacher. Clause 25 confers a power on the Governor to make regulations. In particular, he may regulate the terms of leases between the authority and teachers.

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

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL (RETIREMENT)

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

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

That this Bill be now read a second time.

This short Bill, which arises from a recommendation of the trustees of the Savings Bank of South Australia, proposes certain modifications to the scheme of retirement benefits provided for officers of the bank who joined that institution before 1958 and who did not elect to participate in the contributory scheme made available under the Superannuation Act for all new entrants after that date. Briefly, the scheme proposed to be somewhat improved is a non-contributory scheme that provides for a month's salary for each year of service spent by the participant on the fixed establishment of the bank. Honourable members will recall that last year a new method of calculating the month's salary was provided for.

The Bill proposes two changes to ensure that the retirement benefit provisions applicable to the pre-1958 officers are, taking into account that it is a non-contributory scheme, roughly comparable with that applicable to their counterparts who joined the bank after that year. First, it proposes that where an entitled officer dies in service or retires on account of age or invalidity the lump sum payable be increased by 15 per cent. Secondly, it proposes that, should the proposed recipient so elect, this lump sum, as increased, can be converted into a pension with a pension cover for a widow. This pension will be subject to cost of living increases in the same manner as the pensions payable under the Superannuation Act.

This, then, is the substance of the measure in outline. However, in view of the importance of the measure to the bank officers affected, it seems desirable that the only

operative clause in the Bill, clause 2, be subject to a detailed examination. Clause 2 repeals and re-enacts section 20 of the principal Act. Subclause (1) is formal.

Subclause (2) provides for a 15 per cent increase in pension for officers, clerks or servants who retire having attained the age of 60 years or who are invalided out of the service. Subclause (3), in effect, provides only a "standard" lump sum, that is, one not subject to the 15 per cent increase for officers, etc., who retire other than on account of age or invalidity after 20 years service on the fixed establishment of the bank. Subclause (4) re-enacts an existing provision as to the calculation of the lump sum which was passed by this Council last year and which has been adverted to earlier. Subclause (5) provides for a lump sum payment, subject to a 15 per cent increase, on the death of an officer, clerk or servant. Subclause (6) is formal and self-explanatory, as is subclause (7). Subclauses (8) and (9) provide for the payment of a pension in lieu of the lump sum payment. Subclause (10) is formal.

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

MOTOR VEHICLES ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from March 12. Page 2819.)

The Hon. C. R. STORY (Midland): I support the Bill.

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

MANUFACTURERS WARRANTIES BILL

Adjourned debate on second reading.

(Continued from March 12. Page 2821.)

The Hon. R. C. DeGARlS (Leader of the Opposition): I do not know whether I support the Bill or not, but 1 support the remarks made by the Hon. John Burdett in opening the debate yesterday. On examination, I believe the Bill is unnecessary, and I should like to know from the Government what it will remedy in the present situation, because I believe it will remedy nothing. Secondly, I believe that the Bill may lead to abuses that are not discernible in the community now. This Government has been hell bent on passing through the Parliament massive volumes of legislation which, in many cases, is quite useless and unnecessary.

I am not a lawyer, and I am finding it extremely difficult to read the Bill in context with some hundreds of pages of consumer protection legislation that we have already passed. I believe that this legislation may in some way conflict with legislation we have already passed. When the Government rolls up this kind of legislation (and 1 assure you, Mr. President, that it is extremely complex to read the Bill in conjunction with legislation already passed in previous sessions) and a mistake occurs, the Government never takes the blame. It says, "We have a Legislative Council; why doesn't it look after that?" We have a difficult task in assessing the effects of this Bill, which I believe is unnecessary, on existing legislation. I believe that its provisions could conflict with section 71 of the Restrictive Trade Practices Act, and I ask the Government to examine that provision. It could also conflict with the Weights and Measures Act and the Food and Drugs Act, and it certainly conflicts with the standards set by the Standards Association of Australia. It could also conflict with the Second-hand Motor Vehicles Act.

The Hon. Mr. Burdett dealt with certain matters, particularly the interpretation clause, and I will touch briefly on that matter as well. The definition clause provides that "consumer" means any person or any body corporate. I believe, as with other consumer legislation we have passed (and if one goes back one will find that what I am saying is correct), that the Bill should not extend beyond an individual person. By providing suddenly in this Bill that a consumer is a body corporate, we are taking things further than we have in any other consumer legislation we have passed. This is one of the areas in which I believe there will be much confusion regarding the legislation.

I consider the definition of "express warranty" to be too wide. I ask the Government how a manufacturer could be held responsible for verbal statements made by retailers. How could a manufacturer be responsible for a retailer's advertisement? Yet, I believe that the definition of "express warranty" places that responsibility on the manufacturer; that a verbal undertaking given by someone over whom he has no control can be taken back to the manufacturer, and he is made responsible for it. The Bill also contains a definition of "manufactured goods" which, I believe, could catch the manufacturer for warranty on secondhand goods. Is. it fair and reasonable that a manufacturer should be responsible in his warranty for goods sold secondhand, when there is no evidence about who has used them? It may be the second or third time around, but the warranty still stands, and there would be no evidence of how the goods had been handled. "Manufacturer" is defined as the manufacturer performing the last operation on the goods. He is responsible for the article. If one studies this matter, one can see that the manufacturer is responsible for the standard of goods over which he may have no control. I also believe that persons holding patent rights or a trade mark that appears on the goods is also liable for any warranty.

The definition of "to sell" includes to let out on hire. A person may have a machine let out on hire that has been used by between 30 or 40 people; yet, the manufacturer still has to stand to his warranty irrespective of the abuse the machine may have received from the various people who have hired it. Here again, I believe that the interpretation goes too far. I believe that written warranties should apply only to the first sale and the first user.' Once one goes beyond that, there are a number of difficulties that one faces with this Bill. I ask whether all warranties, be they written or statutory, should go beyond the first sale. A number of phrases are used in the interpretation section. For instance, goods must be of merchantable quality. What does that term mean? Also, should legislation contain any references to statutory warranties?

No time limit is being placed on manufacturers' liability. Although they seem to have an unlimited liability, manufacturers are not protected from misrepresentation by an agent, a matter to which I referred earlier when dealing with the interpretation clause. It has been suggested to me that clause 5 should contain a subclause providing that it will be a defence against an action if the manufactured goods have been used in a manner and for a purpose for which they were not designed. At least that would be a reasonable protection.

I now refer to something that one can often see if one looks about. The failure of some electrical goods has been caused by either too low or too high a voltage. There should therefore be a provision that the warranty shall be null and void if the goods in question have been used in a manner or for a purpose for which they were

not designed. The regulation-making powers seem to leave a tremendous amount of the operation of the legislation to regulations. I remember a recent case when, in relation to credit legislation, it was provided that type-written documents must be in at least 10 point. Although that type is common in legal offices, it is rarely used in commercial business. When one sees the penalty of a $500 fine for contravention of legislation, one can see the ridiculous application of some things that are being written into legislation.

It is obvious that most legislation is dreamed up by lawyers who have not been involved in the commercial scene and, for legislation to provide that all documents must be in at least 10 point, when the machine or typewriter required to produce that type is seldom used in commercial operations, illustrates what I am saying: that we are passing much legislation, which, in the long run, merely passes added costs on to the consumer without providing him with much protection. 1 have read the Bill closely and, although I do not say that I oppose it, I agree with the Hon. Mr. Burdett that it is unnecessary.

Having read the Bill, I believe that certain things will need to be amended if it is to pass, and that certain parts of the Bill could impinge upon legislation that has already been passed in this Parliament as well as on Commonwealth legislation that is already on the Statute Book. Tn this respect, I refer to the Restrictive Trade Practices Act. I will probably support the second reading, although 1 reiterate that, by and large, I believe the Bill is unnecessary.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

ABORIGINAL LANDS TRUST ACT

Adjourned debate on the resolution of the House of Assembly:

That this House resolves that pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1973, a recommendation be made to the Governor that those pieces of land being sections 553 and 565, hundred of Adelaide, be vested in the Aboriginal Lands Trust.

(Continued from March 12. Page 2822.)

The Hon. A. M. WHYTE (Northern): I have very little to say about this matter. However, I should like to seek clarification regarding the transfer of this land to the Aboriginal Lands Trust. The trust owns much land in South Australia. I do not know whether it is empowered to sell some of that land to make better use of other land that it owns. The Colebrook Home site is indeed a valuable one. The Chief Secretary and I were among a group that had the pleasure of seeing the home when it was operating. Many of our best respected citizens spent a period of training at this institution, and it is indeed a pity that the structure of the building was such that it had to be demolished. However, the United Aborigines Mission has a smaller building elsewhere in Blackwood.

The trust will now try to ascertain from Aborigines throughout the State what use sections 553 and 565, hundred of Adelaide, which are vested in the trust and which until now have commonly been known as the Colebrook Home site, can be put. The Aborigines have this prerogative to assist the trust. The three trust members appointed by the Minister and those elected by the Aborigines themselves will now be able to decide for what purpose this land will be used. I wonder whether the trust is empowered to sell this land, because I know it could make good use of the funds that would be obtained from such a sale.

I believe that this site is not just what the trust wants, but that it would be able to make good use of the funds obtained from the sale. The trust controls much land, and the funds from the sale could be channelled, for example, into the Wardang Island project, which appears to be sadly lacking funds and support. I have no objection whatever to this transfer being made, but I sometimes wonder what use these people can make of all the land being granted to them. I have no objection to their gaining land, provided they can make good use of it.

The Hon. A. F. KNEEBONE (Chief Secretary): I thank the Hon. Mr. Whyte for his contribution to the debate. He asked whether the trust could sell the land. The Act provides:

(5) The trust may—

(a) with the consent of the Minister, sell lease, mortgage or otherwise deal with land vested in it pursuant to this Act; or

(b) develop such land subject to compliance with the provisions of any Act or law relating thereto, as it thinks fit: Provided that neither the trust nor any lessee or assign of the trust shall depasture any stock on any lands situate within the pastoral area of the State as defined in the Pastoral Act, 1936-1960, and vested in the trust without the approval of, and upon such conditions (including the number of stock to be depastured on any such land) as may be specified by the Pastoral Board. The Minister shall not withhold his consent unless he is satisfied that the sale, lease, mortgage or dealing fails to preserve to the Aboriginal people of South Australia the benefits and value of the land in question: Provided that no land vested in the trust may be sold unless both Houses of Parliament during the same or different sessions of any Parliament have by resolution authorised such sale.

The Hon. A. M. Whyte: It requires the approval of Parliament?

The Hon. A. F. KNEEBONE: Yes.

Resolution agreed to.

LISTENING DEVICES ACT AMENDMENT BILL

The following reason for disagreement to the House of Assembly's amendment was adopted:

Because the amendment of the House of Assembly affects an important principle, namely, that it derogates from the protection of the privacy of the individual.

STATUTES AMENDMENT (JUDGES' SALARIES) BILL

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

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

It is designed to alter the manner in which the salaries of the honourable Chief Justice, Their Honours the judges of the Supreme Court, the President and Deputy Presidents of the Industrial Court, the Senior Judge and other judges of the Local and District Criminal Court, and the Chairman and Deputy Chairman of the Licensing Court are determined. Instead of the salaries being adjusted by amendment of the several Acts involved, it is intended that they be adjusted by determination of the Governor. This would allow adjustment in terms, for example, of the rise in the cost of living wage, without the necessity of the full legislative processes being involved.

The Bill amends the Supreme Court Act, the Industrial Conciliation and Arbitration Act, the Local and District Criminal Courts Act, and the Licensing Act, with similar amending provisions in each case. Generally, the amendments give effect to the following principles:

(1) The salaries of members of the Judiciary involved are determined by the Governor.

(2) The salaries as determined may not be less than the "prescribed minimum salary". A definition of this phrase is added to each Act and is commended to members' attention. Traditionally, the Judiciary has been protected from the vagaries of the Executive and Legislature in relation to tenure and salary, and these provisions give legislative effect to that tradition.

(3) Provision is made for possible retroactivity of salary determinations to enable judicial salaries to be adjusted with effect from the same day.

(4) Until the first determinations are made under these amendments, salaries are to be paid at the level at which they are now set.

Clauses 1, 2 and 3 are formal. Clause 4 amends the Supreme Court Act, and clause 5 is formal. Clause 6 amends the Industrial Conciliation and Arbitration Act, and clause 7 is formal. Clause 8 amends the Local and District Criminal Courts Act, and clause 9 is formal. Clause 10 amends the Licensing Act.

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

ADJOURNMENT

At 5.10 p.m. the Council adjourned until Tuesday, March 18, at 2.15 p.m.