

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**WEDNESDAY, 25 OCTOBER 1961**

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Mr. SPEAKER (Hon. D. E. Nicholson, Murrumba) took the chair at 11 a.m.

**QUESTIONS****DIRECTORS OF MOUNT ISA MINES LIMITED**

Mr. MANN (Brisbane) asked the Minister for Justice—

“(1) Has a meeting of Mount Isa shareholders been held recently? If not recently, has a meeting ever been held?”

“(2) If so, where was it held and how many shareholders were present?”

“(3) Has a vote of Mount Isa shareholders ever been taken?”

“(4) Would such vote be necessary seeing that American Smelting and Refining Co. own 50·04 per centum of the shares?”

"(5) What say do the people of Australia have in the operation and control of Mount Isa Mines?"

"(6) Why is not the voting power of the Mount Isa shareholders given in the Sydney Stock Exchange Investment Service?"

"(7) What are the names of the directors of Mount Isa Mines?"

"(8) Will stock exchanges in Australia list companies who do not give information regarding voting power of shares?"

**Hon. A. W. MUNRO** (Toowoong) replied—

"(1 to 8) The Annual Return of Mount Isa Mines Limited was lodged with the Registrar of Companies, Brisbane, on January 24, 1961. This return shows that an Annual Meeting of the company was held on November 8, 1960. The Directors of Mount Isa Mines Limited are recorded in the Office of the Registrar of Companies, Brisbane, by a Return of Directors filed on August 17, 1961, which shows the following:—Fisher, George Read, Mount Isa Mines Ltd., Mount Isa, Queensland; Kruttschnitt, Julius, care of Mount Isa Mines Ltd., Brisbane, Queensland; Paterson, John (alternate for J. Kruttschnitt), 41 Coonan Street, Indooroopilly, Queensland; Gross, Klem Bassett, 166 Whitehorse Road, Balwyn, Victoria; Pace, Fred (alternate for K. B. Gross), Westminster Road, Indooroopilly, Queensland; Laycock, George Francis, Adelaide House, King William Street, London, E.C.4; Foster, William Robert Brudenell, Adelaide House, King William Street, London, E.C.4; Stevens, Sir Jack, K.B.E., C.B., D.S.O., E.D., 10 Lancaster Gate, 38A Fairfax Road, Bellevue Hill, New South Wales; Foots, James William, Mount Isa Mines Ltd., Mount Isa, Queensland; Buttfeld, Archie Montague Carey, 146 Middle Harbour Road, Lindfield, New South Wales; Groom, Sir Thomas Reginald (Kt.), Craigston, 217 Wickham Terrace, Brisbane, Queensland. As regards the other matters traversed in the question I would suggest to the Honourable Member that his enquiries might more appropriately be addressed either to The Manager of The Brisbane Stock Exchange or The Secretary of Mount Isa Mines Limited."

#### CAPITAL EXPENDITURE, BRISBANE AND TOWNSVILLE HOSPITALS

**Mr. AIKENS** (Townsville South) asked the Minister for Health and Home Affairs—

"(1) Was he correctly reported in 'The Courier-Mail' of September 13, 1961, as saying, inter alia, that since the present Government assumed office £600,000 had been spent on capital works at the Brisbane General Hospital?"

"(2) If so, how much has been spent in the same period on capital works at the Townsville General Hospital?"

**Hon. H. W. NOBLE** (Yeronga) replied—

"(1) Capital expenditure at the Brisbane General Hospital since the present Government took office would be approximately £575,000."

"(2) During the same period approximately £270,000 has been spent at the Townsville Hospital. Might I suggest to the Honourable Member that when considering these figures he keep in mind the relative populations of the areas served by these Hospitals, and also the daily average number of patients in each."

#### NEW NURSES' QUARTERS AT AYR HOSPITAL

**Mr. COBURN** (Burdekin) asked the Minister for Health and Home Affairs—

"With reference to the proposed new matron and nurses' quarters and the conversion of junior nurses' quarters to sisters' quarters at the Ayr General Hospital, has finality been reached in regard to plans and specifications and, if so, when does he anticipate that construction of the buildings will be commenced?"

**Hon. H. W. NOBLE** (Yeronga) replied—

"The sketch plans submitted are not considered satisfactory by the Works Department and have been returned to the Hospitals Board for submission by the Architects of amended sketch plans to meet that Department's requirements. When sketch plans are approved by the Works Department approval for preparation of working drawings and specifications will be considered. The date of commencement of work on the projects will depend on how soon the Works Department's approval of the sketch plans can be obtained and working drawings and specifications completed to enable tenders to be called."

#### HOUSING COMMISSION PROJECT AT GAYTHORNE

**Mr. HANLON** (Baroona) asked the Treasurer and Minister for Housing—

"(1) Can he advise whether the land at Gaythorne on which twenty-one homes are to be erected for the Army by the Housing Commission is owned by the Queensland Housing Commission or by the Department of the Army?"

"(2) If the Commission owns the land, was the land purchased from the Department of the Army?"

**Hon. T. A. HILEY** (Chatsworth) replied—

"(1 and 2) Following urgent request from the Commonwealth in March last for the erection of further houses for Service personnel under an arrangement whereby the Commonwealth provided a £420,000 special loan advance, arrangements were made with the Commonwealth Department of Interior for the purchase of approximately 11 acres of land at Gaythorne. This land which was under the control of the

Army was subdivided and developed into forty-one allotments by the Housing Commission. It could not be transferred to the Commission until legal formalities were met. Advice was received on 10th instant from the Chief Property Officer, Department of Interior, that the papers are being forwarded to the Deputy Commonwealth Crown Solicitor for finalisation at the purchase price agreed in March last."

#### ISSUE OF ART UNION PERMITS AT TOWNSVILLE

**Mr. TUCKER** (Townsville North) asked the Minister for Justice—

"In view of Townsville's isolation from Brisbane and the fact that it is now the second city in Queensland, will he give every consideration to allowing certain officers of his Department in Townsville to issue permits for art unions, fetes, ham wheels and such like things in order to avoid the irritating procedures and delays which presently beset hard-working honorary secretaries of schools and charitable organisations in that city?"

**Hon. A. W. MUNRO** (Toowong) replied—

"The Regulations under The Art Union Regulation Acts presently provide that Clerks of Petty Sessions may issue permits for the conduct of raffles and guessing competitions where the gross proceeds do not exceed £50 (Regulation 35). One of the principal objects of the Acts and Regulations is to ensure that there is uniformity as regards the grant of permits for art unions, wheels, fetes, &c., the assessment of fees and audit of Returns. An important check before issue of such permits is to ascertain if the applicant organisation is registered or exempted under The Charitable Collections Act, the records of which are necessarily kept in Brisbane. There are sound reasons for the existing practices. However, I am prepared to have enquiries made as to whether it may be practicable to make administrative arrangements for some further measure of decentralisation."

#### POSTERS AND PAMPHLETS IN CONNECTION WITH HEALTH WEEK

**Mr. BROMLEY** (Norman) asked the Minister for Health and Home Affairs—

"(1) What was the area of distribution of the 1,000 posters and the 140,000 pamphlets used during Health Week, October 15 to 21, 1961?"

"(2) Where were these posters and pamphlets printed and what was the cost?"

"(3) What was the total cost of advertising, &c., and any associated spending in connection with this recent Health Week?"

**Hon. H. W. NOBLE** (Yeronga) replied—

"(1) One hundred and fifty thousand pamphlets and 5,000 posters were distributed. Ninety-three Local Authorities out of

131 participated in National Health Week. The areas of distribution covered as far west as Cloncurry and Boulia, as far north as Douglas and as far south as Balonne, Stanthorpe, and Gold Coast; but not including the City of Brisbane (for the first time since the inception of Health Week in 1952). The method of distribution was through Local Authorities, Schools (State and Denominational), Youth Clubs, Church Groups, Ministers of Religion, Boy Scouts and Girl Guides, Doctors, Dentists, Chemists and Health Inspectors."

"(2) All printing was done by the Government Printer. The cost was £812 3s. 3d. The literature issued to Local Authorities is made available at approximately half the cost. To others it is distributed by the Queensland Health Education Council free. The recovery from Local Authorities will be £441 11s."

"(3) The Queensland Health Education Council does not contract for advertising space. All media, press (country and city), radio, television and theatres have given free time or space which the Council has gratefully acknowledged. The only other expenditure on Health Week was the cost of posting circulars and literature and the railage of parcels. The postage costs amounted to £136 2s. 2d. and the railage approximately £90."

#### CONSTRUCTION OF FENCE AT EAST BRISBANE POLICE STATION

**Mr. BROMLEY** (Norman) asked the Minister for Public Works and Local Government—

"(1) What was the name of the contractor who erected the fence at East Brisbane Police Station?"

"(2) What was the contract price and the actual cost of the erection of this fence?"

"(3) Did he receive a quote for the contracting work for comparison with the cost by day-labour from the Public Works Department?"

"(4) In view of the dismissals that have taken place from the Public Works Department under this Government's administration, why was not this work together with other work of a similar nature and otherwise, that has been performed by contract, carried out by the Department of Public Works and so provide employment and prevent dismissals?"

**Hon. H. RICHTER** (Somerset) replied—

"(1) Mr. W. A. Jamieson."

"(2) £122."

"(3) Yes."

"(4) It is the general practice of the Department of Public Works to invite quotations for the supply and erection of tubular steel and chain wire fencing. This practice was followed in having the fence erected at the East Brisbane Police Station.

Employment is provided whether work is carried out under contract or by employees of the Department. Extra employees were engaged by the Department of Public Works during the second half of 1960 to accelerate school building works to provide additional accommodation for the commencement of the 1961 school year. It was necessary to terminate the services of extra employees engaged after the school buildings were occupied. Even though dismissals did take place under my Government's administration there were 2,221 tradesmen and labourers employed by the Department of Public Works at June 30, 1961, compared with 1,742 employed at June 30, 1957, under the previous Government's administration."

#### INCREASE IN LAND VALUATIONS IN CITY AREA

**Mr. NEWTON** (Belmont) asked the Minister for Public Works and Local Government—

"What is the average rise and relative percentage increase in the most recent valuation of land for (a) the inner city area and (b) the city area as a whole for each city in Queensland?"

**Hon. H. RICHTER** (Somerset) replied—

"(a) The inner City Areas of Cities in Queensland are not specifically defined and no separate valuation figures are available.

(b)—

City	Previous Valuation		Existing Valuation		Total Increase	Per Centum Increase
	Effective Date	Total Rateable	Effective Date	Total Rateable		
		£		£	£	
Brisbane .. .. .	30-6-52	63,168,634	30-6-57	67,899,505	4,730,871	7.49
Bundaberg .. .. .	30-6-53	1,755,102	30-6-58	2,549,294	794,192	45.25
Cairns .. .. .	30-6-54	2,644,789	30-6-59	4,359,465	1,714,676	64.83
*Charters Towers .. .. .	.. .. .	31,190	30-6-59	233,768	202,578	649.49
Gold Coast .. .. .	30-6-55	6,570,007	30-6-60	27,729,140	21,159,133	322.05
*Gympie .. .. .	.. .. .	236,344	30-6-56	931,237	694,893	294.02
Ipswich .. .. .	30-6-55	3,839,167	30-6-60	6,459,529	2,620,362	68.25
*Mackay .. .. .	.. .. .	756,315	30-6-60	4,785,393	4,029,078	532.72
Maryborough .. .. .	30-6-54	1,599,180	30-6-59	2,014,673	415,493	25.98
Redcliffe .. .. .	30-6-54	2,046,873	30-6-59	3,398,210	1,351,337	66.01
Rockhampton .. .. .	30-6-54	4,816,828	30-6-59	6,641,055	1,824,227	37.87
Toowoomba .. .. .	30-6-54	6,277,768	30-6-59	8,488,640	2,210,872	35.21
*Townsville .. .. .	.. .. .	3,601,690	30-6-58	7,512,842	3,911,152	108.59
*Warwick .. .. .	.. .. .	272,689	30-6-57	1,013,844	741,155	271.79

City marked \* not previously valued by Valuer-General."

#### SAFETY OFFICERS, ROCKHAMPTON RAILWAY WORKSHOPS

**Mr. THACKERAY** (Rockhampton North) asked the Minister for Transport—

"(1) Have any safety officers been appointed permanently or temporarily at Rockhampton Railway Workshops?"

"(2) If these safety officers were appointed only in a temporary capacity, does he intend calling for permanent safety officers through the 'Weekly Notice?'"

"(3) If the answer is in the affirmative, when will applications for these positions be called?"

"(4) What are the duties of these officers, and will any remuneration be given over their trade calling?"

"(5) Is any specialised training required for these positions?"

**Hon. G. W. W. CHALK** (Lockyer) replied—

"(1) No."

"(2 to 5) See answer to Question (1)."

#### HOUSING COMMISSION RENTAL HOMES AT ROCKHAMPTON

**Mr. THACKERAY** (Rockhampton North) asked the Treasurer and Minister for Housing—

"(1) How many Housing Commission homes at Rockhampton are under construction for (a) rental and (b) sale purposes?"

"(2) What is the estimated rental of the present homes under construction?"

"(3) How many applications have been received for the purchase of these homes and what is the estimated deposit required?"

**Hon. T. A. HILEY** (Chatsworth) replied—

"(1 to 3) Four houses are under construction and work has not commenced on four houses which form part of a contract. Of the eight houses one is being erected for a purchaser who selected a particular site and design of house and paid £413 deposit, and applications to purchase have been received for four on which the required deposit is £250 each. The remaining three, if not sold, will be rented, one at approximately £4 18s. 6d. and two each at £5 0s. 6d. per week."

MINISTER'S STATEMENT ON OPEN-CUT  
COALMINE AT SCOTTVILLE

**Mr. DONALD** (Ipswich East) asked the Minister for Development, Mines, Main Roads and Electricity—

“(1) Has his attention been drawn to the report which appeared in ‘The Queensland Times’ of October 20, 1961, claiming that he said by way of an interjection, ‘Tell them to go back to work and I will close the open cut tomorrow.’”

“(2) If he has been correctly reported, will he meet the Executive of the Queensland Colliery Employees’ Union and make the same offer to them, because, if his answer is in the affirmative, I will be pleased to arrange the meeting and assist him in having his offer accepted?”

**Hon. E. EVANS** (Mirani) replied—

“(1) I have read the report in ‘The Queensland Times.’ The owners of the Bowen Consolidated Opencut Mine and the Miners’ Union members all know that there is a long-standing decision that when coal production from the two underground mines is normal, the quantity of opencut coal which can be sold is controlled and restricted, so as to ensure a measure of stability of employment in the underground mines. It seems strange therefore that a section of the former employees of the State Coal Mine, in respect of whose unemployment there have been such loud outcries, appear to be resisting even the initial steps for the reopening of a second underground mine in accordance with the law of the land and resumption of underground production, which, when the normal rate is attained, would absorb most if not all of those requiring employment.”

“(2) The interjection is not recorded in ‘Hansard’, but it was made to bring to notice the position as set out above. The matter of employment at the renamed ‘Dacon’ Mine is one for the new owners and I have no intention of interfering, nor do I intend to restrict the output of opencut coal required by consumers unless and until underground production is such as to ensure that consumers get the coal they require. Discussions between myself and the Executive of the Miners’ Union on this subject could serve no useful purpose.”

PAPERS

The following paper was laid on the table, and ordered to be printed:—

Report of the Queensland Health Education Council for the year 1960-1961.

The following papers were laid on the table:—

Orders in Council under the Southern Electric Authority of Queensland Acts, 1952 to 1958.

Order in Council under the State Electricity Commission Acts, 1937 to 1958.

DAYS ALLOTTED TO SUPPLY

**Hon. G. F. R. NICKLIN** (Landsborough—Premier): I move—

“That, during the remainder of this session, unless otherwise ordered, the House may, on the days allotted for Supply, continue to sit until 10 o’clock p.m. Each of the periods between 11 o’clock a.m. and 4 o’clock p.m. and between 4 o’clock p.m. and 10 o’clock p.m. shall be accounted an allotted day under the provisions of Standing Order No. 307. Three allotted days shall be allowed for the discussion of the Estimates of a department. At the termination of the period so allowed the Chairman shall put every question necessary to decide the Vote under consideration, and shall then proceed to put the question for the balance of the Estimates for that department; all such questions to be decided without amendment or debate: Provided that, if the discussion of the Estimates of a department be concluded before the expiry of the three days so allowed, the period remaining shall be allocated to the discussion of the Estimates next brought before the Committee. All provisions of Standing Order No. 307 shall, *mutatis mutandis*, continue to apply.”

Motion agreed to.

PICTURE THEATRES AND FILMS ACTS  
AMENDMENT BILL

INITIATION

**Hon. H. RICHTER** (Somerset—Minister for Public Works and Local Government): I move—

“That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Picture Theatres and Films Acts, 1946 to 1958, in certain particulars.”

Motion agreed to.

LOCAL GOVERNMENT ACTS  
AMENDMENT BILL

INITIATION

**Hon. H. RICHTER** (Somerset—Minister for Public Works and Local Government): I move—

“That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Local Government Acts, 1936 to 1960, in certain particulars.”

Motion agreed to.

## TRAFFIC ACTS AMENDMENT BILL

## SECOND READING

**Hon. K. J. MORRIS** (Mt. Coot-tha—Minister for Labour and Industry) (11.22 a.m.): I move—

“That the Bill be now read a second time.”

I should like again to express my pleasure at the manner in which the Bill was received by hon. members on its introduction. There was little or no criticism of its objects or principles. I also appreciate the constructive suggestions made by virtually all hon. members and, following my usual practice, all those suggestions have been noted and are being examined. Those that are desirable will be implemented in due course.

A minor amendment will be moved in Committee. It is merely a machinery amendment to make thoroughly clear a matter that was not completely clear in the Bill.

I want to refer to an allegation by the hon. member for Townsville South. He suggested that the death and accident rates in Queensland had sky-rocketed since the increases in maximum speed limits to 40 miles an hour in built-up areas and 60 miles an hour in other areas. The speed limits were increased from 24 July, 1961. The latest figures available to me for the two months prior to 24 July, and the two months subsequent to that date, for the years 1959, 1960 and 1961 in regard to road deaths—I shall not go into detail for all accidents—reveal that in the period from 24 May to 23 July there were 73 deaths in 1959, 54 in 1960 and 66 in 1961. That is two months prior to the change in the upper speed limits. For the period from 24 July to 23 September this is the position. In 1957 there were 73 deaths, in 1960, 58 deaths and in 1961, that is when we were operating under the increased speed limits, there were 57 deaths. That is an even smaller number than in the previous year. In the metropolitan area for the same period, that is, two months prior, and two months after, there were 22 deaths in 1959, 12 in 1960 and 18 in 1961. For the latter period, that is, the period corresponding with the increase in the speed limits, in 1959, there were 15 deaths, in 1960, there were 19 deaths, and in 1961, during the period of operation of the increased speed limits, there were 15 deaths. In my opinion, those are remarkable figures particularly when we remember that broadly speaking there are 20,000 vehicles registered each year, and therefore, over the period I have been referring to, notwithstanding the yearly increase of 20,000 vehicles, the number of deaths has been less, over the corresponding period since the variation in the speed limits.

**Mr. Aikens:** But the deaths are still averaging roughly one a day.

**Mr. MORRIS:** I have said, on very many occasions, that so long as one person is

killed on the road, that is one tragedy, and I think it is the responsibility of all of us to try to reduce the number of deaths.

I must say that I am rather proud of those figures because our record is better than the record of any other State. That speaks volumes for the population of Queensland.

I gave a very detailed explanation of the contents of the measure on its introduction and consequently I do not intend to traverse the same ground again. Briefly, the measure deals principally with increased penalties for drunken driving, the making available of information concerning motor-car accidents to interested parties, the establishment of a system of parkatarea parking, and provision, in principle, for the establishment of a scheme for the employment of what might be called civilian traffic officers at school crossings. While I do not intend to go into a great deal of detail, I wish to refer to one or two happenings of the last few weeks. Firstly, I should like to refer to an article that appeared in the “Telegraph” of 29 September, 1961. I should like hon. members to be aware of this because it is a matter which we are all responsible for and is of interest to all of us. There appeared in the newspaper this article headed, “No danger in three small tots. New View on Drink Driver,” and then there is the introduction to the article by Paul Bruer, from London, which reads as follows:—

“The Royal Society for the Prevention of Accidents says that there is no danger for the average man if he drives after drinking 1½ pints of ordinary beer, or two glasses of sherry, or three small tots of spirit.”

**Mr. Aikens:** That would be English beer.

**Mr. MORRIS:** I want to develop it more fully than that.

Most of us realise that many newspaper readers are headline readers. Frequently they read only the headlines and not the full text of an article. If they read the part I have quoted and overlooked the article, they would quite justifiably be left with the opinion that it is all right to have a few drinks if they are going to drive. I am very sorry to say that that is a complete misinterpretation of the article quoted. As soon as it appeared in the Press my department got in touch with Queensland's Agent-General in London and asked for a copy of the pamphlet referred to. It is headed—

“Fit for the Road—Searchlight on Drink.”

and it goes on—

“It is difficult to advise anyone about the question of drink. People hold firm opinions on the subject and do not take kindly to advice. It is a personal thing.”

It goes on in that strain for a little while and then it reads—

“On the other hand, drink does cause death and injury on our roads and the problem must be faced from both the public and the private point of view. A searchlight is needed to show clearly the measure of public control that is necessary and so to light the way that each man and woman can make a responsible decision on the matter.

“Here then is the RoSPA’s policy statement on the subject. It is largely based “(and this is very important)” upon the report of a Special Committee of the British Medical Association in the B.M.A. booklet, ‘Relation of Alcohol to Road Accidents’ and whose most important conclusions are accepted by RoSPA and reproduced in italics at the head of each section below.”

It is only a small booklet, comprising 10 pages, but it is a very authoritative one. I should like to quote a few extracts from it. The first is this—

“The official returns for accidents caused by drivers who have taken alcohol underestimate very considerably the number of accidents due to this cause.”

It goes on to give figures.

The second extract refers to the blame that should be attached to pedestrians. To quote a little of it—

“In a high proportion of accidents in which pedestrians have received fatal injuries, it has been found that the victim has taken alcohol. Motorists, in particular, and motor cyclists, to a lesser extent, are pilloried if they have an accident due to drink. It is quite right that they should be, because they are in control of lethal weapons and therefore have great responsibilities. What is not always appreciated is that drunken pedestrians can, and do, cause accidents. In fact, a drunken pedestrian can literally get away with murder: he can reel out of a pub and cause a sober motorist to swerve, crash and kill himself.”

The next extract refers to the concentration of alcohol. All of it is very good and very relevant. I do not want to take up too much time in reading all of it but there are a few parts that I must read. It is headed—

“No, you don’t drive better when you’ve had a couple.”

“Relatively low concentrations of alcohol in the tissues cause a deterioration in driving performance and increase appreciably the likelihood of accident.”

“In many ways this is the crux of the drink and driving problem. Many like a drink at night when they get home from work. They feel better for it and their cares seem to drop away. This is one of the genuine and perfectly honest reasons

why people like having a drink. Unfortunately some develop the idea further and say they always drive better when they’ve had a couple. Anyone who says this is, in fact, hiding the truth both from those to whom they may be speaking and from themselves.”

The section concludes by saying—

“A drink may make him feel better, but he will, in fact, be driving less safely.”

That is more or less the message of the whole booklet. It builds up to a climax, which is printed in very big letters and reads—

“If driving, do not drink: If drinking, do not drive.”

Nobody who read that pamphlet soberly and carefully could come to the conclusion that it is perfectly safe to drive after having two or three drinks, because every part of it emphasises the gravity of such action. I think it is a great pity that an article such as the one to which I referred should have been published and should perhaps have caused a misapprehension in the minds of some people. If we value the lives that can be saved, we must not take the problem at all lightly.

I repeat that this booklet was prepared in England and distributed by the RoSPA. We are members of that organisation, and I should add, perhaps, that we are members because of our interest in the principles of industrial safety. Because we are members, having received two of these booklets, we have now written and asked for more. Although we have only two, I think the subject is so important that I propose tabling one copy and making it available for hon. members to look at. I hope we shall receive many more copies. If we do, they will be distributed.

I went to some trouble to give lengthy extracts because I believe that on this question it does not matter whether we are Government or Opposition members, or whether or not we are members of Parliament. I hope that we are all deeply concerned about this problem and that we are all trying to reduce the toll of the road. I have said very frequently that, although I believe we must use our police force in an endeavour to reduce deaths on the road, even if we had 100 times as many police as we have today we still could not deal with this problem effectively without the co-operation of the people of Queensland. It is a problem that can be overcome only with the assistance of all members of the public. I repeat, whether we are in Government or in Opposition, whether we are in Parliament or not in Parliament, we all carry an equal responsibility. I know that that responsibility is recognised by all hon. members, irrespective of the side of the House on which they sit or the party to which they belong.



I read in this morning's newspaper another extract that I think is relevant to the question, having in mind that I believe that education is the vital necessity—much more important than any other single factor. In this morning's "Courier-Mail" there is an article headed, "Road Safety 'Is Christian Duty'." Part of the text of the article reads—

"Hundreds of teenage Christian workers will launch a campaign this week to teach their fellow teenagers road safety."

Groups of teenagers are joining together in this way, forgetting their politics and all the other divisions that concern them from time to time. They are trying to initiate an educational approach to the problem. Having studied the subject most deeply I am bound to say that I am certain that if we could get that sort of move operating amongst all the people, because it is beyond Governments and individual organisations, the accident rate and death rate on the road would be reduced dramatically. As far as I can see it is the best and most effective way of overcoming the problem with which we are faced. I will not take up the time of the House by quoting further from that booklet, but merely repeat that the one golden rule contained therein is, "If driving, do not drink; if drinking, do not drive." If people will not learn that lesson we must prosecute them with the full force of the law. Penalties are increased by the Bill. All I can say is that I hope, when the Bill becomes law, and much more severe penalties are invoked, that no one in a responsible position in Queensland will fail to implement the stronger provisions. I table a copy of the booklet referred to.

Whereupon the hon. gentleman laid the booklet on the table.

**Mr. DUGGAN** (Toowoomba West—Leader of the Opposition) (11.43 a.m.): The Minister was good enough to acknowledge that at the introductory stage all who took part in the debate had been helpful in offering constructive suggestions, that he had jotted down some of the suggestions, they would be examined by his officers, and if deemed desirable would be given effect to progressively from time to time. I assure him that at the second reading stage the Opposition adopt the same view. Their approach is not motivated by considerations of party advantage. We are in agreement that the Bill is a very important one. We should accord it the consideration that its importance merits.

I have one or two general observations to make about the principles of the Bill. The Minister has already referred to the speed limit. As an Opposition we have not considered the matter, but speaking personally, I think it was a very progressive step to increase the speed limit both in the inner city area and on the open road. In my opinion, with the modern cars on the road today, it would be quite foolish to restrict

people to 50 miles an hour on the open highway. Generally speaking the engineering standards of roads have been progressively increased; certainly the engineering standards of motor cars have been increased greatly, both from the steering safety point of view and braking capacity. In my opinion it was a very sensible move. I think that the greatest danger we have to consider today arises from the frustrated motorist—the motorist who feels that the law is unreasonable, and because he elects to determine whether it is a reasonable law or not, immediately begins to break it. He does that by going over the speed limit of 50 miles an hour which was recently amended. It is at that point that I think the danger occurs. If a person knows that 60 miles an hour is the limit—and I think it will be admitted it is a reasonable speed—he will be more inclined to observe it.

I have driven cars for many years. Some people may say that I drive at a fairly fast rate, but I do not. As a matter of fact, knowing the Toowoomba road as well as I do, I suppose there would not be many drivers in Queensland who would brake less frequently than I do between here and Toowoomba. I know the road. If anyone should brake suddenly there is a concertina effect but in very few cases do I find it necessary to brake at all. I maintain a fairly high average speed. I do not exceed 60 miles an hour unless—I hope there are no policeman about—in an emergency to pass somebody. I am quite content to keep a cruising speed of 60 miles an hour on the open road.

I think the police should be first concerned—particularly in the inner perimeter areas—with the persons who go too slowly. They cause a tremendous amount of congestion.

**Mr. Morris:** I could not agree with you more.

**Mr. DUGGAN:** I never blame the person who is going slowly but, if he has no intention of passing the car in front of him he should leave sufficient distance between that vehicle and himself to allow somebody else to pass.

One frequently sees instances of people going to some gymkhana, or car racing at Lowood, or some race meeting, and, for 5, 6 or 7 miles, because the driver of the second car is not leaving sufficient distance between his vehicle and the one in front and the third one is doing the same, it is not long before there is a definite risk in getting out of line to pass any of them. Before very long 20 or 30 cars are lined up and that is where the frustration that I mentioned earlier begins to operate and constitutes a danger.

**Mr. Morris:** There is no doubt about that.

**Mr. DUGGAN:** I do not mind a person's getting behind a heavy vehicle or a truck and remaining there for a-quarter of a mile. It is when they stay behind for long periods that some action should be taken.

**Mr. Hughes:** Is not the inconsiderate driver who does not keep to the left-hand side of the road an equal hazard?

**Mr. DUGGAN:** Yes, there are a number of features. I happened to be going to Festival Hall on Monday night and there were two sergeants of police there who acted with considerable tact and discretion, I thought, in relation to a young man who drove a vehicle, not at 60 miles an hour or even at 40, but, in my view, dangerously. There were many people about and he drove past at an unnecessarily high rate of speed. I think the degree of culpability should be determined on the way one is driving, recklessly or dangerously, rather than on the speed. The hon. member for Toowoomba East has a very powerful car and is a very skilful driver. I feel safer driving with him at, say, 70 miles an hour, than I would with many drivers travelling at a much slower speed. It rests largely on the ability of the driver to handle his vehicle.

**Mr. Thackeray:** Would you say the hon. member for Lockyer was as good a driver?

**Mr. DUGGAN:** I could not answer that. All I can say is that I have only seen him pass me. He has gone out of view too quickly for me to determine his ability.

**Mr. Chalk:** I am driving the sort of car you used to drive when you were speeding.

**Mr. DUGGAN:** I am not talking of the type of car one drives. I am talking more about driving habits.

On the other question the Minister raised, road safety instructions, it is very hard to assess the value of this work. I do not think statistics can be provided to show that any educational programme has produced good result. All we do is hope. I do not consider that I have many driving disabilities but one that I had a predisposition to commit at one stage was in attempting to pass before the peak of a hill was reached. I confess that immediately I became associated with the Road Safety Council and realised the danger and saw evidence of the results of this foolish practice I stopped doing it and I have never since attempted at any stage to pass a vehicle unless the visibility is adequate. That is a further point that should be taken into account. In regard to the education programme, I have been very much in favour of education and enforcement of the law to bring about safety on the roads. I think we should appeal to people to act in a reasonable and sensible manner. If the appeal is disregarded, heavy penalties must be imposed on the person who does not co-operate.

On the matter of high speed and the factor of road safety, I mention that originally the road between Brisbane and Toowoomba was designed by the Main Roads Commission for a speed of 30 miles an hour. Some sections of it are still in that condition. The

curvature and visibility of those places are bad. One of the greatest hazards is lack of adequate visibility. It is all very well to provide by regulation that the visibility must be of a certain distance before a motorist can overtake another car. It is difficult for the motorist to know where that precise distance operates, and not a great number of people can estimate a distance accurately or say with certainty it is 300, 400 or 200 yards. The matter is decided by the motorist on what he knows his car can do and on his competence in driving and overtaking.

Road standards have been progressively improved. I do not know the present minimum visibility. I think today it is 1,200 or 1,600 feet, but at one stage it was only 600 feet. The latter distance would be quite inadequate having regard to the speeds at which cars are operated today. Consequently the minimum distance would have to be reconsidered if the speed limit was pushed very much higher than it is today. I do not think there is much need for a higher speed. Irrespective of further development and improvement of cars, I think 60 miles an hour is a reasonable speed. I would not go so far as to prosecute a person who was driving in excess of that speed if he was travelling on an open highway with a good surface and with no other traffic on the highway. I do not believe in a persecution campaign merely because a person may be travelling at more than 60 miles an hour in those circumstances.

**Mr. Morris:** Particularly on a divided highway.

**Mr. DUGGAN:** Yes. Some discretion and common sense should be exercised, and I think generally speaking that is the position. Of course, the person in those circumstances who technically commits a breach of the law by exceeding the speed limit exposes himself to the risk of being charged with it.

The Minister on the last occasion the Bill was under discussion referred to the breath analyser and indicated that he was not going to deal with it at the present time. Wisely, in my opinion, he has decided to refrain from dealing with that particular subject at the moment. I notice that the Bar Association of Victoria has unanimously objected to the use of the breath analyser in that State. I think of the order of 1,500 or 1,800 practising solicitors and barristers in Victoria came to that decision. If that number can come to a unanimous decision on the subject we have very strong evidence of the undesirability of using this means to secure a conviction. They were not as much concerned about the scientific accuracy of the breath analyser as they were about the fact that the person charged has to co-operate for the purpose of convicting himself. They think the onus of convicting a person should be on the Crown. The matter in my opinion should be left in abeyance.

The attitude of the Opposition is that we will not oppose the Bill at its second reading stage, although there are one or two clauses that we will oppose. We think a genuine attempt has been made to improve a very difficult situation. It involves other factors apart from speed, which the Minister has been anxious to emphasise. The subject is tremendously important. No-one could deny the importance of safety on the roads. Other related matters are the economic loss to the community from accidents and the high cost to the community of caring for persons in hospitals. The tremendous economic loss, damage and the high cost of motoring are related factors that have to be taken into account.

Although my next point is slightly irrelevant, I shall take only a few seconds to deal with it, Mr. Speaker. The Government will have to face up courageously to the effect of higher rates for third-party insurance cover. It adds greatly to the cost of motoring. I mention this matter because parkatareas come into consideration, and they mean higher costs for the motorist who now has to pay high registration fees, petrol taxes, and insurance apart from third-party insurance.

**Mr. Davies:** And licence fees.

**Mr. DUGGAN:** Licence fees. All those things are increasing and make it more expensive for a motorist to operate his vehicle as a private conveyance. Evidence is available throughout the world of public transport getting into the red because of the tremendous development of private transport. We should face up to this problem. I hope the Minister will use his influence in Cabinet to see if some means cannot be devised to alleviate the tremendously high burden imposed on motorists, particularly with third-party premiums. I do not wish to develop this theme at present because strictly speaking it is not relevant to the Bill.

**Mr. Windsor:** Could not much of it be brought about by the drivers themselves?

**Mr. DUGGAN:** Even if that is so, the other driver may be quite innocent. There may be only one guilty person, although sometimes both parties are responsible for the accident. Sometimes a Court will award £24,000 or £25,000 by way of damages. Nothing can compensate a man for suffering, and the loss of his faculties. In a factory there is a limit of £3,200, but in a motoring accident unlimited damages may be awarded. In either case the same disability and suffering may be encountered. I believe that ultimately there will have to be an upper limit placed on the amount of damages that may be awarded, and this will have to be made known to the judges.

**Mr. Hughes:** Is there not a limit imposed by the Government, for railway accidents?

**Mr. DUGGAN:** That has been removed.

**Mr. Windsor:** Workers can take a civil action to get more compensation.

**Mr. DUGGAN:** Yes, that is so.

A sensible limit should be imposed. There is a tendency to give higher and still higher damages when it is realised that an insurance company is behind the person who is being sued. The jury think it is all right to award £15,000 or £20,000. The hon. member for Ithaca looks a very affluent and wealthy man, and heavy damages would be awarded against him. However, if it was a member of the Opposition, I feel sure people would be very reluctant to press for these large amounts to come from the individual's pocket. I think you have been very tolerant with us, Mr. Speaker; we have gone far enough into this matter.

The Opposition are greatly concerned with the parkatareas and with all due respect to the Traffic Engineer I recently saw an article in the Brisbane "Telegraph" which was headed "Not meters, just money boxes. Leitch explains parkatarea system." Quite apart from the headline the article continued that Mr. Leitch had claimed that the new parkatareas were not parking meters, but really just money boxes, so we cannot really blame the "Telegraph" for putting that headline on the article. Money boxes indicate that someone is looking for revenue. That is the way we look at this matter. The Minister has said quite frankly that it was intended to apply the revenue obtained from this to the elimination of certain bottlenecks which, in my opinion, is very commendable indeed. No-one knows more than I the difficulty encountered in trying to get money for these purposes. That was one of my reasons for not being tremendously in favour of the appointment of a Traffic Commission because there was insufficient money to implement its recommendations. I did not believe it was undesirable. I was very keen about it, but I believed we should not appoint a body of people, keen to accomplish something, who would find that the money could not be obtained to enable the proper measures to be undertaken. Everyone knows that there is tremendous need to eliminate bottlenecks.

Without being out of order at this stage, I should like to state that the present Minister for Development, Mines, Main Roads and Electricity has been very unfair to people living in the densely populated area of the State in the matter of main roads. It is a shockingly inadequate allocation of funds for areas where the density of traffic is great. I am not saying that people are entitled to have reimbursed in their own area the amount of money that they pay in the form of registration and licence fees. There has been a tremendous drying up of money allocated in the south-eastern and south-western parts of Queensland that has not been evident in the Minister's own electorate.

**Mr. Evans:** It is on the Bruce Highway. Why don't you tell the truth?

**Mr. DUGGAN:** If the Minister will accept my invitation, I should like to find out how much money has been spent on the several shires in the Darling Downs area compared with his own electorate.

**Mr. Evans:** You spent all the money there and I am spending it on the by-ways.

**Mr. DUGGAN:** The Minister is the only one who has ever done anything for the State! He always thinks on a State-wide basis! He is the man who can do no wrong!

**Mr. Coburn:** He is doing a good job on the Bruce Highway.

**Mr. DUGGAN:** I am not against that. I am all in favour of seeing sealed highways. All I am asking for is adequate provision for the south-eastern and south-western parts of the State. One has only to go out to see the traffic congestion. On Monday morning last I came down from Toowoomba and I had to travel in low gear from the other side of Yeronga almost until I reached the South Brisbane railway station.

**Dr. Delamothe:** In parts of the northern highway, the Bruce Highway, we still have the dirt road.

**Mr. DUGGAN:** I am well aware that it is a tremendous problem. I am not unduly critical about the gazettal of more roads. So many gazetted roads now are not metalled and sealed. At any rate, I hope I am not being unduly critical. I am only asking that there should be a reasonable recognition of the balance. Give the motorists paying the fees some reasonable return. I am not unmindful of the fact that they must make some contribution for the benefit of those in isolated areas. But I think it is time the balance was set more equitably between the various interests.

By way of interjection the hon. member for Bulimba asked the Minister how much he expected to get from the parkatareas and he replied that he could not calculate it. Then when the hon. member for Bulimba interjected would it be £100,000 he said it would be more than that.

**Mr. Morris:** No. He asked would it be £10,000, didn't he? And I said I thought it would be more.

**Mr. DUGGAN:** I do not want to be unfair to the hon. member or to the Minister. I have not marked the passage in "Hansard".

**Mr. Morris:** I think the figure was £10,000.

**Mr. DUGGAN:** I beg the Minister's pardon. I am afraid my bifocal glasses have misled me.

**Mr. Morris:** I would not like to mislead you. It could be very much more. I want to make that quite clear.

**Mr. DUGGAN:** I honestly thought the figure suggested was £100,000. I find that

it was £10,000 so I amend my comment accordingly. During this debate or on some other occasions the Minister has mentioned the huge sum that would be involved in removing the bottleneck at the Story Bridge and the hundreds of thousands of pounds it would cost to remove the bottleneck at the Normanby. Add to those the cost of the project for the removal of congestion at Petrie Bight and the figure runs into millions of pounds. So this expectation to the order of £10,000 is only a fleabite. In any case, there are two angles to it. If it is a big figure it is an unnecessary and unfair impost on motorists. If it is not a big figure, which can be beneficial in helping to remove by engineering, hazards that exist at the present time, why worry about the matter?

**Mr. Morris:** I should like to make it clear that I think it would be well in excess of that figure but I cannot calculate it.

**Mr. DUGGAN:** I realise the difficulty. However, if it is a considerable figure it must be examined in the light of being an additional impost on motorists. If it is not a considerable figure I do not think, in view of the attendant alterations, it is worth it. So, whichever way you look at it, whether it is small or large, it is not advantageous.

When the registration of tobacconists and so on was mooted the Treasurer told us that the costs of collection would be greater than the revenue to be derived. According to the traffic engineer a police officer will have to go round every night to each individual meter and turn the key to let the two-shilling piece drop into the "purse" below. The Minister said quite frankly and bluntly that it will be a moneybox and that to some extent the honour system will operate. He said that if someone parks for less than a day and goes away an incoming motorist taking his place runs a risk of being detected if he does not pay. We read at times of motorists being caught putting washers in parking meters. There is always the risk of breaking regulations.

To summarise our attitude to parkatareas, I admit the difficulties the Minister points out. He was fair enough to say there were arguments for and against the proposal. I agree with that. I can make arguments for it and I can make arguments against it. On the balance of evidence available I think we should reject the idea of parkatareas. The nuisance angle, of course, is that at present people cannot get out of their properties without a great deal of difficulty and they cannot reasonably use the space in front of their homes because of the number of cars parked there. Admittedly that is a problem as well in some of the narrower streets in Kangaroo Point and Spring Hill, and I think that people are entitled to complain about it. I said at the introductory stage that I thought it was reasonable that if someone obstructs the

approaches to a person's dwelling he should be subject to a heavy penalty. I think it is unreasonable that a person should have the driveway into his home obstructed by a parked vehicle when he wants to drive his own vehicle in there. The Minister did not tell us what the ratio would be of parking areas to free areas, loading zones, and so on. As I and other hon. members on this side of the House pointed out, there is not much advantage in having that system, because it is not the type of service that the people living in the street require. If the bread delivery man comes along, he has to deliver bread to virtually every house in the street. A doctor may not know which particular resident in the street requires his services, and he may find that it is a person living at the end of the street a long way from the loading zone or the free area.

**Mr. Ramsden:** What do you suggest should be done?

**Mr. DUGGAN:** As I said, I can see that there are arguments both ways, not only one way. I should like to mention one or two other arguments that I see against the proposal. Let us forget for a moment the disabilities of the people living in the area and speak of the motorist who parks there and of the contribution that he makes. It is obvious that if he parks his vehicle outside the city, away from the heavy flow of traffic, he will be reducing the intensity of traffic in the centre of the city to some extent. If he parks at Spring Hill or Kangaroo Point, for example, and does not come into the traffic at the Valley, he is helping to lessen the congestion and tangle that now occurs. Every vehicle that is removed from the congested stream of traffic in the inner city makes a contribution to the smoother flow of traffic, and I think that is desirable.

Generally speaking, the workers who go to these places park as near as they can to a terminal where they are able to catch a bus or a tram. This contributes to the revenue of public transport. If a man has the money to bring his vehicle into the city near his place of employment, it would not cost him much more than the 2s. a day in petrol to bring it right into the city, thus adding to traffic congestion. If he is charged 2s. a day for parking, he is being made to bear an unfair burden because he is using those facilities.

The hon. member for Merthyr asked what I would do. I think there should be some provision to ensure that the entrances to houses are not blocked.

**Mr. Hughes:** A matter of policing them.

**Mr. DUGGAN:** Yes.

**Mr. Ramsden:** Again, that would be bound up with the question of finance.

**Mr. DUGGAN:** If we are to have a number of free areas in the proposed scheme,

they must be policed if they are to be of any value. If they are not policed, what is the use of paying 2s.?

**Mr. Morris:** They will be policed all right.

**Mr. DUGGAN:** If they are policed it adds to the cost of administration.

**Mr. Ramsden:** There will be some revenue coming in to meet that.

**Mr. DUGGAN:** The charge will be fairly heavy if costs of administration have to be met. The law of diminishing returns will apply. If the charge is too high, many people will not use them and others with money will have a party. As I pointed out, I can see no difference in principle between this proposal and the use of ordinary parking meters. Parking meters were never introduced for the sole purpose of producing revenue. They were introduced in an endeavour to give motorists an equitable share of available parking space. If the Government say that someone can afford 2s. a day, or whatever the charge is, at a particular place, there is no reason why the managing-director of Finney Isles, for example, should not get someone to go out and put sixpences in the meter until he has paid 8s. for a full day, or whatever the charge may be. The only difference really is the capacity of a person to pay. As a matter of fact, in Sydney a well-known character paid a couple of hundred £1 fines as a result of tickets left by the Brown Bombers.

The important consideration is that there will not be more parking areas in the near city; rather will there be fewer. The people who now park in those areas will have to go to a fringe area farther out, thus causing them inconvenience and difficulty. I do not know the views of the Minister or Mr. Leitch on this matter; their ideas might coincide with mine. I think that there should be only a reasonable profit from that source—reasonable remuneration to enable an extension of the principle. There should not be profit making in the sense of a private parking organisation that is trying to get the highest possible profit on the capital invested. The use of parking meters should be encouraged rather than try to make them extremely profitable installations that are too expensive to use. Frankly, I consider that some of the parking charges of the Brisbane City Council are too high for the average motorist. I may be wrong in that. They would not be so bad if the facilities were offered in a more convenient place in the city, but people have to walk up that hill. Because of the heavy charges imposed I think motorists are more likely to look for alternative parking areas. With whatever funds are available appropriate facilities should be provided at bus and tram termini. It is a matter that the Minister might well have the Traffic Commission look at.

**Mr. Hughes:** Don't you think that the bulk of the revenue now derived by the Brisbane City Council from parking meters should be spent on road improvement schemes rather than off-street car parks?

**Mr. DUGGAN:** I do not know that I would agree with the hon. member. I would not be dogmatic about it. I leave him to the tender mercies of the hon. member for Bulimba.

There is another matter on which I should like the Minister to express an opinion. Under the previous arrangement the traffic engineer or Traffic Commission could advise councils on what they may or may not do about parking areas. Of course, it is proposed now to give the traffic engineer the authority to make the decision. He can remit to the Council as apparently was done recently in the case of the Toowoomba City Council. I should like some explanation from the Minister before we determine our attitude to the matter, but not because it concerns Toowoomba. Quite frankly I concede that the personnel of the Traffic Commission would have a greater general knowledge of the overall problem of parking and related factors than perhaps anybody in the community. They are specialists. I would not pretend to have the same knowledge of the parking problem as Mr. Leitch. I do not think any hon. member would have his knowledge, nor do I think that generally speaking any alderman would have his knowledge. But it is quite impossible for one man to have at his fingertips, even with the benefit of advice and an inspection of an area, all the knowledge necessary to decide the best method for any particular place. Going back 20 years I can recall the thousands of names on a petition dealing with angle parking in Toowoomba. I tried every possible way to move the Commissioner in those days. The Commissioner of Police had the right to determine whether it should be angle parking or parallel parking. My appeals to successive Commissioners were without avail. One day I had a stroke of inspiration. When the then Premier, Hon. W. Forgan Smith, was dealing with the Police Estimates I said that it was a pity that a man of his ability had been lost to the Department of Health and Home Affairs, or the Department of Labour and Industry, whichever was controlling the Police at the time. I paid him a warm tribute which paid dividends. He accepted the responsibility of making the decision about angle parking in Toowoomba. It was the best off-the-cuff speech I have made for getting quick results. I may mention that there were thousands of names secured because they were dissatisfied with the system of parking. As the hon. member for Toowoomba East and the Minister for Transport know, if the original scheme suggested by the Commission were put into operation in Toowoomba it might facilitate the flow of traffic. I am not doubting that at all but it would certainly reduce

tremendously the availability of space for the parking of cars. The matter needs to be further looked at. For instance, you cannot park a vehicle within so many feet of a post-box. I am told that in Toowoomba the post-box is cleared four times a day. It takes one minute to clear that box. That is four minutes a day that the P.M.G. vehicle would be parked there collecting the mail yet it takes up that amount of space, whatever it is, 20 or 30 feet, for the whole of the day. If it is only a question of that small amount of time involved, it might be better to have that vehicle double parked for less than a minute four times a day, to clear the postal box, than to immobilise that space for the greater part of the day. It is very nice for the P.M.G. or a Minister to be able to get space. I used to appreciate it when I was a Minister. I do not appreciate it now when I have to go round the block half-a-dozen times to get parking and then pay for it. I suggest that that sort of thing could well be left to the local authorities who are able to weigh the measure of public inconvenience.

After all, Mr. Leitch may be, and probably is, very easy to approach. I have not had any dealings with him except purely of a social nature. He has been very agreeable in that atmosphere but at the official level I have not had any occasion to deal with him. He may be the most co-operative man in the world, but I do not think a public servant sitting in Brisbane is as sensitive to public reaction as a local alderman who knows what everyone is saying and doing. It may be all right for the Traffic Commission but I should like the Minister to be a little more specific in saying under what circumstances the local authority can determine these matters.

**Mr. Morris:** I do not know whether I can deal with that specifically, but in my reply I shall give a general answer. In the Estimates I will deal with it much more fully.

**Mr. DUGGAN:** There are one or two matters such as the definition of animals and so on that I will leave to the hon. member for Bulimba and others to deal with.

Another matter with which one of our members may deal in greater detail is driving under the influence of liquor. A differential penalty is provided. The Minister mentioned the case of a driver who is not actually behind the wheel driving the car but who decides to take a nap before attempting to drive. Some very alarming information was given to the Labour Party Caucus as to the actions of irresponsible policemen who ask people where their cars are and who, even though they may be 200 yards down the road, wait for drivers to get into them.

**Mr. Morris:** We are differentiating.

**Mr. DUGGAN:** I am not stating whether that is the case. I have no personal knowledge of what I say but, if any such facts

can be substantiated by the hon. members through whom the information came to me, I think it is most improper that police should be dishonest in securing convictions of that kind. As I say, I do not know whether they are doing it but, if so, it is certainly undesirable.

With differential fines, some persons might feel it is better to take the risk of driving a vehicle and getting away than having a snooze in the back seat. A person drinking in a hotel might come to the conclusion that it is a risk to drive because of the heavier penalty he might have to pay. In such case he might go back and drink until he gets to the stage where he decides the other way and goes out and drives. I know it is a difficult problem but if a person is convinced that there is some risk in his driving a vehicle and takes reasonable steps not to expose himself and others to the damage that would occur from his operating the vehicle, he should be helped, rather than penalised. That is the attitude we should adopt in this matter, and very heavy penalties will not do that. If he goes ahead and commits the offence we are all for heavier penalties. There is no defence for the drink-driving driver at all.

The Minister will appreciate that when attending social functions in any city many people leave their cars at home and go to the function and home again in taxis. That is prudent, because they are anticipating they could have too much to drink at these places. They are prudent and should be encouraged and helped. I have been assured that in some cases a policeman comes along and says, "Where are you going? Which is your car?"; and immediately the person says, "This is it.", he is charged with being in charge of a vehicle while under the influence of liquor. I think that practice is very improper and wrong. It may be denied officially and I hope there is justification for the denial, but it has been represented to us that such things happen. We can elaborate on that matter later.

We will deal at the Committee stage with one or two other minor matters. Generally speaking I recognise that an honest attempt has been made to improve the situation. Although I disagree with the proposal for parkatareas, I am prepared to admit that the matter cannot be treated lightly. The Minister indicated the pros and cons of the proposal, but we think the arguments against it have more weight than those in favour of it. We are not ridiculing the proposal as stupid and fantastic, but we think it is undesirable.

I could give further general comments, but I think I have said enough at this stage. Other hon. members on this side of the Chamber will speak in greater detail. At this point I indicate we will not oppose the second reading of the Bill but will oppose certain clauses of it.

**Dr. DELAMOTHE** (Bowen) (12.22 p.m.): As a police surgeon for many years, involved in the examination of many drunken drivers, and as a private surgeon, attempting to patch up the surviving victims of drunken drivers, the part of the Bill in which I am particularly interested is the new attempt to control drunken driving. This is a very important problem not only in Queensland but also in all of the western world and even the eastern world.

To pinpoint the problem as it affects Queensland, I want to give a few figures, if hon. members will bear with me. Road traffic accidents in Queensland for the year ending 30 June, 1961, stood at 17,506. The numbers killed were 90 in Brisbane and 263 in the rest of the State, and the number seriously injured in Brisbane was 2,659, and the rest of the State 4,948. Those figures are taken from the records of the Commonwealth Bureau of Census and Statistics. An interesting point is that the records cover also those accidents in which alcohol is a significant factor. They are put down as only 3 per cent. of the total, and deaths in which alcohol was a significant factor are given as 12 per cent.

Unfortunately these causation statistics are based nearly always on the opinion of the policeman at the spot where the accident occurs, and in the majority of cases the cause given is the immediate driving fault. Just to show how that happens, I will quote from a report by a police surgeon who points out that the difficulties of the statistician may be shown by the following three examples:—

"(1) A vehicle skidded from the middle of the road into a post, the driver's wife being killed. An 'unofficial' blood alcohol estimation showed a level of .278 per cent. The statistical cause was: 'Car skidded on tramlines and driver lost control.'

"(2) A pedestrian with a post-mortem blood alcohol level of .18 per cent was hit and killed by a driver with a blood alcohol level of .15 per cent. The statistical cause was: 'Careless walking and careless driving.'

"(3) A driver was gaoled for six months for drunken driving. His blood alcohol level was .214 per cent. and as a result another motorist was killed. The statistical cause was: 'Other causes.'"

There are many reasons why alcohol is overlooked both as a prime and antecedent cause. Death or injury in an accident almost always precludes any mention of alcohol because of the inability of the person to carry out the euphemistically described "sobriety tests". However, we do get a line from the Victorian public hospitals statistics which show that about 33 per cent. of all people with traffic injuries, brought to the casualty section of the hospitals, admitted to having drunk more than a little.

The metropolitan fatal accidents for Brisbane in the year 1960-1961 amounted to 89,

with 90 deaths. The autopsy findings, which are accurate, show that in 37 per cent. of the accidents alcohol was a major factor, resulting in 38 per cent. of the deaths. Those figures are very different from the statistical figures given of 3 per cent. and 12 per cent.

The alcohol factor runs pretty true to form throughout Australia. In Perth, a published paper on autopsies between 1950 and 1957 shows that 39.4 per cent. of road deaths were due to a major alcohol factor, and in Melbourne a similar paper published for 1951-1956 gave a figure of 53 per cent. An interesting sidelight in Victoria was that the published statistics indicate that in 75 per cent. of fatal accidents occurring in the country on straight roads where only one vehicle is involved—either by rolling over, or hitting guideposts, or a tree, or something like that—alcohol was a major factor, and Queensland's figures would be comparable.

If this carnage on the roads was inevitable, some resigned acceptance might be excusable. Death and injury could be markedly reduced by a successful attack on the alcoholic sector. The figures I have given, show that in four out of every ten deaths in Brisbane in the last year, alcohol was a major factor. It seems that an intelligent approach to the subject is necessary to make a determined attack on this sector which forms such a high proportion of the total.

Drinking is a wilful act. In a very real sense, therefore, the deaths and maimings on the road that result from drinking can be regarded as almost deliberate. Most drivers in trouble for drinking and driving in Victoria, whether arrested for drunken driving, or seen at a collision, or admitted to hospital, are good experienced drinkers and all seem to practice assiduously at drinking.

Experiments and investigations overseas have shown that drunken drivers are ten times more likely to be involved in an accident than non-drinkers. The increased penalties for second and subsequent offences contained in this Bill will be of no avail unless the drinking driver is apprehended, proved guilty, and subsequently increased penalties inflicted. The salutary effect, of course, of the surety of penalty, is well illustrated by this graph that I will table. We see at the top that the traffic deaths in the year 1957-1958 were very high, and then there appeared on the Bench in Brisbane, a Magistrate who was prepared to send people to gaol for drunken driving. There was an immediate significant drop in the number of deaths from this cause. Since then the number of traffic deaths has been consistently above that low level. The fall in the number was due to the risk of going to gaol for drunken driving, and the stigma that attached to going to gaol, but no stigma attaches to fines.

However, although recognition of alcoholic intoxication is a matter of common knowledge—we all can pick the drunk—legal

proof of the condition is very difficult. When you have had to appear as a police witness as often as I have, you realise how difficult it is to have what can be regarded as irrefutable proof.

It is obvious that rarely would a person be arrested and charged unless his actions at the time of arrest suggested intoxication. However, the neatly-dressed, well-mannered individual appearing in court explains that he had had only two or three beers and that any unusual behaviour on his part at the time could be accounted for by illness or righteous indignation at the slur on his character.

In any case, the doctor's opinion, based on the results of his examination, has, following certain cases in Brisbane, come to be regarded as no better than that of any lay person. So it has become extremely difficult.

A person may appear to be obviously intoxicated and be suffering from any one of 100 ailments that can simulate alcoholic intoxication. On the other hand, the person being examined may have lost 50 per cent. of his ability to drive and, being a person of unusual ability, may be able to carry out all the sobriety tests.

The ordinary clinical tests used in forensic practice must be classified as rather crude. Observation of behaviour, appearance and speech, tests for muscular co-ordination and measurement of such things as blood pressure and pulse rate may thus lead to faulty conclusions about the condition of the person examined so that an individual with a high concentration of alcohol in the blood may be adjudged sober while an individual with little or no alcohol in the blood may be considered to be under the influence. For this reason clinical methods cannot be relied on as the only means of deciding whether a person is under the influence of alcohol.

Clinical examination is, however, of importance in ruling out injury or disease as the cause of behaviour. Examination of function will also provide proof of actual impairment of driving ability. In that connection I should like to quote the following from a Swedish official publication dealing with a study of recent investigations into the effects of alcohol on drivers—

"In Norway, Professor Jakob Molland made a study over a three years period of 4,000 medical reports. At the same time blood tests were taken and it was shown that only in 33 per cent. of the cases of persons who had 0.05 per cent. alcohol in the blood could the influence of alcohol be observed in the medical examination. This meant that in two-thirds of the cases the influence of alcohol did not show in outward signs and could not be established by a medical examination. Somewhat more than half, or 58 per cent. to be exact, of those who had 0.1 per cent. alcohol in the blood were declared at the medical examination to be under the influence of alcohol, and only 76 per cent., or



just over three-quarters of them, had as high as 0.15 per cent. of alcohol in the blood were medically certificated as being under the influence of alcohol. Not until 0.3 per cent. was reached were all so certified as being under the influence of alcohol."

So hon. members can see that the ordinary clinical examination for alcoholism can fall wide of the mark even where comparatively large amounts of alcohol are actually present in the system. There is need, therefore, for some comparatively simple method of determining intoxication, because of the many people operating motor vehicles with capabilities and judgment impaired.

In many countries—and I am going to raise something controversial—the breath test is used as proof of the presence of alcohol and has shown itself to have a relatively high degree of accuracy. In that regard, Professor McCallum of the University of Melbourne, writing to me on 13 October this year, said—

"So far we have tested some 200 different individuals on the Breathalyzer—the instrument which analyses the breath of the subject and gives the result of the alcohol concentration in the blood of that individual."

**Mr. Morris:** What do you think of the article about the tests in Sweden?

**Dr. DELAMOTHE:** I will hand it to the Minister to read. There is a section dealing with sobriety preparations, in which it is stated that, in spite of these, alcohol and its effects remain. The letter continues—

"Simultaneous blood samples were taken (the blood test being used as the standard) and these showed that the breath analysing instrument may over-estimate (that is, breath exceeds blood alcohol concentration) by 0.028 per cent. and has underestimated by as much as 0.067 per cent. In the great majority of the tests the instrument under-estimates the blood alcohol concentration."

However, I do not recommend the Breathalyzer as the measure of drunkenness. It must be stated that the breath test is not as exact as the blood test but does give a good idea of whether a person has been drinking to such an extent that a blood sample ought to be taken in order to determine the exact concentration in the blood.

**Mr. Morris:** It is a lead.

**Dr. DELAMOTHE:** Yes. It is another stage in the examination of the patient.

**Mr. Morris:** Valuable, but not a complete test in itself?

**Dr. DELAMOTHE:** No. The Breathalyzer, because of its tendency to underestimate, should be used purely to say whether sufficient alcohol has been taken to account

for the symptoms shown by other examinations. If it does that, you then take blood tests to get the exact measurement of the alcohol.

It must be considered a proved fact that there can be no alcohol in the blood without alcohol first having been drunk. In other words, the suggestion that fruit juices and fruit and other things that have been eaten are converted into alcohol in the system does not hold water. In spite of the many sobriety preparations on the market, alcohol and its effects remain.

Finally, the blood test is an extremely accurate and reliable test, and there are several well-tried methods of making it. To prevent persons making an examination from using it is to delete a trustworthy scientific measurement that would solve all difficulties when used in association with clinical tests.

I know that legal men in Victoria have fought its introduction because they say that no man should be asked to provide evidence to convict himself. I point out, however, that under the Justices Act, when the police call me in to examine a drunken driver, there is a provision that enables me to examine the driver by force, if necessary. It permits the medical examination of a patient against his will if evidence of the commission of a crime may thereby be disclosed. I well remember that because the point was raised in the police court hearing in the Maltby case and was smartly knocked back by the magistrate.

**Mr. Morris:** The medical officer can take a blood test even if the person being examined does not agree to its being taken?

**Dr. DELAMOTHE:** I should say that he could under the Justices Act. A provision should be included in the Act to remove all doubt. The present Act would at least allow the use of the Breathalyzer. The breath analyser could be used within the terms of the present provisions. To prevent the examiner making use of what has been proved to be an accurate scientific measurement, which would confirm or disprove other findings, would be equivalent to saying to the doctor at the Chest Clinic, "I am very sorry, but you cannot use the X-ray machine to determine whether Joe Blow has T.B. or to confirm your findings."

That is the important point I wanted to make, and to make a plea for putting in the hands of the examining doctor this accurate scientific test that would go a long way towards reducing the four out of 10 deaths that are occurring from drunken driving.

**Mr. Houston:** What happens if it is suspected that the doctor was under the influence when he carried out the examination?

**Dr. DELAMOTHE:** The constable at the police station has the right to arrest the doctor for drunkenness just as much as he has the right to arrest the hon. member as a drunken driver.

In summing up I applaud the increases in penalties. Personally, I should have liked the Bill to go further, and for some term of imprisonment to have been associated even with first offences.

**Mr. Morris:** Obligatory?

**Dr. DELAMOTHE:** Obligatory. I say that because of the tremendous effect such a penalty has had in reducing road fatalities in American cities where it has become operative. I refer to cities like Detroit, Los Angeles, Chicago and some of the Canadian cities where there has been an almost vertical drop in the graph of road deaths following the introduction of that principle. I should like the Minister to have another look at that matter because I think that obligatory imprisonment of the man who is arrested for drunkenness and whose drunkenness is proved by an accurate scientific test would make a very big and sudden reduction in the toll of the road.

**Mr. DEWAR** (Wavell) (12.44 p.m.): I wish to deal briefly with aspects of the Bill relating to the subject covered by the hon. member for Bowen, namely, that part referring to heavier penalties for drink driving and lighter penalties for being drunk in charge of a vehicle. It is obvious from publications from any part of the world where this aspect of community life has been thoroughly investigated, such as America, Canada, some parts of the Continent, England and Victoria, that a considerable amount of research has been carried out, with the results all pointing to the same thing. Despite the fact that official figures quoted by safety officers, road statistics, police commissioners and the like, indicate that 5 per cent. to 10 per cent. of accidents, deaths and injuries on our roads are directly attributable to alcohol, it is absolutely and irrefutably proved in all countries I have mentioned, that the percentage is much higher than the official figures indicate.

In fact, the hon. member for Bowen has just said four out of every 10 and the figures he quoted, I should say, are right. In the investigations I have made in this matter the figures have reliably proved, in the various parts of the world I have mentioned, that from 40 per cent. to as high as 60 per cent. of all accidents on our roads are directly attributable to alcohol. We just cannot sustain an attitude of mind that either plays with this matter or completely disregards it. We simply cannot tolerate such an attitude of mind any longer.

We, in this country, are fast approaching the stage where we are close to the top of the list in motor vehicle saturation in relation to population. I have here "Current Affairs Bulletin," reprint Volume 12, No. 13, which indicates that the United States of America have the highest saturation of vehicles. They have one vehicle for every 2.5

persons. In New Zealand there is one vehicle for 3.3 persons; in Canada one motor vehicle for 3.6 persons and in Australia, one motor vehicle for every 3.8 head of the population.

I should like hon. members to mark those figures. The United States is ahead with one for 2.5 and Australia is fourth on the world list with one for 3.8.

Despite the fact that the United States, New Zealand and Canada have a higher saturation of vehicles per capita than we have in this country, each of those countries has a far better road accident fatality record than we have. In fact, New Zealand's record is the best in the world with 5.1 fatalities per 10,000 registered vehicles in 1956. The United States, which has the greatest saturation of vehicles, is second, with six fatalities per 10,000. Sweden has six per 10,000; Canada, which is also ahead of us on saturation figures, has 7.4, Britain 8.3, and Australia is sixth on the list with, in 1956, 9.5 deaths per 10,000 registered vehicles. The figure has now dropped to 8.8 in recent years.

Despite the fact that we are the fourth highest nation in motor vehicle saturation, the three countries that had a greater saturation of vehicles had a far better accident record than we had. It is no coincidence that the three countries mentioned as having a better record are three of the countries that have done so much research into drink driving and have taken, in many respects, very positive action in relation to it.

So I reiterate, we can no longer look at this question as being something that does not interest us until our own child or our own mother or our nextdoor neighbour is killed on the road. Unfortunately, that is the attitude of mind of the average Australian today. He could not care less what is happening in regard to a particular matter until it hits his own home, his own pocket, or somewhere close to him. He reads about it in the newspapers and says, "Gee, that is bad luck," but he just could not care less. Again unfortunately, that attitude of mind has developed in high places. Not enough thinking has been done in the past on the question. It is no longer something that we can completely disregard. It is something of enormous magnitude. The incidence of alcohol among all those involved, victims and otherwise, is without a doubt a contributing factor in nearly half the deaths and accidents on our roads.

Many people blame the condition of roads for accidents, but those who have made a study of the subject have classified 57 per cent. of fatal accidents as road suicides, that is, those who are primarily responsible for their own death due to careless road behaviour, 32 per cent. as road homicides, that is those primarily responsible for the death of other road users, and 1 per cent. as other personal causes, so that 89 per

cent. of the accidents are caused by human error. They show that 4 per cent. are due to road conditions, obstructions, etc., 5 per cent. to vehicle defects, and 1 per cent. to weather conditions. Human failure, therefore, accounts for 90 per cent. of all accidents.

I think the hon. member for Bowen quoted from this enlightening little document at the introductory stage. I was amazed to learn from it that our road casualties in the last 50 years are nearly double the number of those incurred by Australian armed forces in the four wars in which they have taken part. I also find that the total number of road deaths, 48,000 since Federation, is greater than the number of Australians killed in World War II. Those are amazing figures. In World War II. 203,391 Australians were injured, and in World War I. 254,000. In the same period of 50 years over 1,000,000 people were injured on our roads, double the number of casualties in the two great wars in which Australia has taken part.

So I say that we can no longer think of the subject as being one to which we need not give much thought unless it affects our home, our neighbour or our friend. It must be given a great deal of thought by every person in the community.

The New Zealand legislation shows how painstakingly that country has gone into the matter and the extent to which it has gone in setting penalties. New Zealand has the best record in the world in road fatalities, simply because it set out in no uncertain fashion to make the punishment fit the crime.

I have indicated that I intend to speak only to 1 p.m. and therefore I have no time to develop my argument in detail.

There is no doubt that authorities throughout America have become cognisant of the need to impose sentences that will act as deterrents. In New York State the granting of a license carries with it the implied consent of the applicant to alcohol tests. We have heard of the breath test and the blood and urine tests. It is absolutely essential that all tests be applied. The breath test because of its simplicity can be taken on the spot but it must be followed by the other tests if the person is shown to be under the influence of alcohol. Specific and definite results can be obtained only if blood and urine tests are taken in conjunction with the breath test.

It is absolutely imperative that a full investigation of this matter be made. I approve of the steps taken in Victoria in recent years where special squads in the Police Department have made analyses of all accidents.

If you are killed on a road you are unlucky, because less interest is taken than if you are killed in any other way. If an aircraft crashes, and people are not killed, a most exhaustive inquiry is conducted

into the reasons for the crash. Because road accidents happen every day of the week they have become a commonplace, but that is no reason for accepting them as being inevitable. Almost no research is carried out to find out why people are killed on the roads in Queensland.

**Mr. Morris:** That is not so.

**Mr. DEWAR:** It is a question of degree. When I think of research I think of what was done in Victoria, where every accident was analysed for a certain period. They claim to have made very definite advances and have made some remarkable findings. They say that well over half of the accidents that occurred during the period under review were directly attributable to alcohol, and as a result of those findings steps are now being taken to try to overcome the problem. I ask the Minister to consider setting up a special committee to investigate road accidents. I am not worried at this stage about the members of the committee, but I should like to see a forward step taken in Queensland, and for a committee to be established, as in England, where 17 of the top medical men investigated the problem, and their findings cannot be disputed. They found that when a man had .05 per cent. of alcohol in his blood, or 50/100 milligrams/100 millilitres, he was in such a state that it was doubtful if he could control a vehicle.

**Mr. Morris:** Having made that research in England, you are not suggesting that we should try to cover the same ground here?

**Mr. DEWAR:** Not at all. I am glad the Minister raised that point. It indicates that he is alert to the need to conserve public funds. I agree with him entirely. I would be very happy if everyone was to read this booklet. I am sure that anyone who reads it would think twice about doing some of the things that are being done. As I said during the introductory stage, we do not issue licenses for people to kill, but to drive, on the understanding that they are in a perfect state of health when they use that licence. No man has any right, after having drunk sufficient alcohol to render him incapable of driving a vehicle in a proper manner, to use that licence that has been given to him when he was in a perfect state of health. It is imperative that everything that can be done should be done. As I said previously in the introductory stage, the day will come—and it is not far away—when we will have compulsory blood, urine and breath tests because the rate of alcohol consumption is increasing. The percentage of people who may be killed on the roads may not rise, but most certainly the death rate will rise. We cannot afford this loss of human life. We cannot afford to have murderers in search of victims driving at will on our roads. It is too much! In this country it occurs every Friday night and every Saturday, and very soon it may possibly occur on Sundays also. We simply

cannot ignore it any longer. Something tangible must be done to prevent this colossal loss of human life.

**Mr. SPEAKER:** Before calling on the hon. member for Carnarvon I should like to point out to hon. members that there has been a tendency to broaden this debate on the principles of traffic and traffic control. In view of the fact that the Estimates for the Department of Labour and Industry are to come forward and that this measure of traffic control relates only to the amount of money being expended from the revenue from parkatareas, any discussion on the broad principles of traffic and traffic control will not be permitted. I will allow a certain amount of latitude but not very much.

**Hon. P. J. R. HILTON** (Carnarvon) (2.16 p.m.): I certainly do not intend to hold up the debate on the Bill unduly but I wish to make some further observations that I think are relevant to the measure and to the regulations that no doubt will be issued under it.

I listened intently to the well-informed discourse on the subject of drunken drivers and alcohol in general delivered by the hon. member for Bowen, who, because of his profession, can give an authoritative opinion on these matters. Moreover, he quoted from very interesting reports and documents in support of his contentions. I was very interested in the official Swedish report that he quoted. My summing up of the position after hearing that report is that in many cases, of course, people who may not actually be under the influence of liquor may be penalised through the variations in the human factor when the influence of alcohol in a driver has to be ascertained. I suppose we can never get absolute unanimity or any hard-and-fast measure by which to determine whether a person should be convicted of such an offence. In view of the importance of the subject and in the public interest, all Governments will have to lay down a certain form to which all drivers will have to subscribe. If they fail they will have to pay the penalty even though in some cases it may not be evident that they are actually or seriously under the influence of alcohol.

Alcohol and speed have been mentioned as important factors contributing to road fatalities. Another factor, and one that has not been given due prominence, is ignorance of the rules of the road. As I understand the position, at the present time any person who wants to become conversant with all aspects of the Traffic Act and all that he must do and must not do has to refer to the Criminal Code, to the Traffic Act and the amendments thereto and to the regulations. I say without hesitation that that is beyond the capacity of the ordinary motorist. This is related, Mr. Speaker, to the question of certain amendments to the Act and to regulations that will be issued under this measure. It is high time that

a summarised code, drawn up in concise and simple language and incorporating all the dos and don'ts, was handed out with every driver's licence and with every renewal of registration. All that the people can rely on at the present time is perhaps some ministerial announcements, which may be published in full or in part in the newspapers, or some journalist's interpretation of what a driver shall or shall not do.

**Mr. Morris:** I cannot make a statement about it on this Bill because the Bill does not refer to it.

**Mr. HILTON:** Regulations will be issued under the provisions contained in the Bill.

**Mr. Morris:** No. This has no bearing on it.

**Mr. HILTON:** As I understand it, the Bill makes certain amendments that will involve the issue of other regulations in due course.

**Mr. Morris:** They can be debated when they are issued.

**Mr. HILTON:** I do not wish to go into the details of the Bill now, but I stress the urgent need to introduce a traffic code in clear, concise language that can be issued to all drivers when they renew their licences. Amendments are made from time to time, and I should say that more than 50 per cent. of the people driving cars in Queensland today are not familiar with all the dos and don'ts that they are expected to observe in order to drive safely on the roads. I do not think that is overstating the position. Perhaps the Minister has something of that sort in mind.

**Mr. Morris:** I do not disagree with you, but I take a rather poor view of it because I cannot reply to your remarks. This is outside the ambit of the Bill.

**Mr. HILTON:** I am referring to amendments of the Traffic Act that are envisaged and amendments of the regulations that must follow. I do not want to go outside the ambit of the Bill, but I wish to draw attention to the urgent need to do something about simplifying the law relating to this matter. If drivers were issued with a traffic code when they renewed their licences, they could be questioned on the regulations. This would help to prevent many of the accidents that now occur because of ignorance of the law.

I do not oppose the principles of the Bill in general, but there is one aspect of it that I do not accept very readily—that, as I see it, the Traffic Engineer will be given power to over-ride local authorities in all traffic matters.

**Mr. Morris:** You are going completely outside the ambit of the Bill. If I try to answer that, I will be asked to sit down.

**Mr. HILTON:** Clause 6 of the Bill, which contains amendments of Section 12H of the Act, says—

“The Traffic Engineer may from time to time and for the purposes of particular functions of regulation or control of traffic . . .”

**Mr. SPEAKER:** Order! I think the hon. member can best deal with the clauses of the Bill in Committee.

**Mr. HILTON:** I have been told by the Minister that the question of the Traffic Engineer's over-riding local authorities in traffic matters is not dealt with in the Bill.

**Mr. Morris:** Neither it is.

**Mr. HILTON:** I am open to correction, but Clause 6 of the Bill—I do not wish to go into it in detail because I know it will be discussed in Committee—contains a certain principle, and I am objecting to the Traffic Engineer being given power to override local authorities in all matters relating to the creation of traffic areas. I think that is an important democratic principle. I have in mind the grave misgivings that arose in Warwick a short time ago—if the Minister for Agriculture and Forestry were here, I am sure he would support me—because of certain action taken against the best interests of traffic control in the city. I understand that the Traffic Engineer had quite a lot to do with it. If I am wrong on that point, I will accept correction.

**Mr. Hanlon:** Clause 4 (f) of the Bill brings it down to the Traffic Engineer over-riding the local authority.

**Mr. HILTON:** As I said, if I am wrong, I will accept correction.

**Mr. Morris:** I think that the point you raise is most interesting. I think it is worth debating, and I look forward to debating it on the Estimates; but it is not in order to debate it on this Bill.

**Mr. HILTON:** I presume that Mr. Speaker has a copy of the Bill, so I will take my directions from him.

At this stage I voice my opposition to anything of an undemocratic nature that may arise. I think that the Traffic Engineer is a highly competent officer, but, in dealing with matters such as this, I do not think we should disregard the particular democratic principles associated with local government and traffic control in local authority areas.

I took due notice of what you said, before I rose to speak, Mr. Speaker, about confining my remarks to the principles of the Bill. However, there are some matters that I should like to touch on in respect of which we perhaps may be able to move appropriate amendments at the Committee stage. It is all-important that the greatest possible freedom of debate should be allowed on important traffic problems with a view to incorporating necessary amendments in the legislation.

Nobody is the complete repository of all knowledge associated with all the problems involved in traffic control. Therefore any suggestion that can be put forward and reinforced by argument should be thrown into the ring if it is calculated to make the legislation more effective. I have a full appreciation of parliamentary procedure at the introductory and second reading stages of legislation.

Although I know it is a matter covered by regulations under the Traffic Act, at this juncture I refer to the dangerous habit indulged in by so many drivers, commonly referred to as cutting in. It is happening on most of the arteries leading out of Brisbane every hour of the day. There is no effective provision in law against the practice at the present time. As I understand it, a person is entitled to cut in as long as he has adequate clearance ahead of him and a distance of 18 feet is maintained between the first and second cars in front of the passing driver. It is a ridiculous provision. Action should be taken to stop the undesirable practice of cutting in because time and time again the careful driver following the car in front at a reasonable distance has to jam on his brakes because of the cutting in in front of him of a foolish lair.

**Mr. Smith:** The good driver gets his boot staved in by the car behind him.

**Mr. HILTON:** That is quite true. It is one of the big weaknesses in the traffic laws at the present time. I urge the Minister to give consideration to that point while the Bill is before the House so that necessary amendments may be framed. At least he could intimate that something effective will be done in that direction. At the introductory stage the Minister said that they were trying to arrive at uniform legislation throughout Australia for the control of traffic. That is all to the good, but are we to wait for months, years, or indefinitely, until all States reach unanimity on such important matters before they are incorporated in legislation? I appeal to the Minister to give consideration to that very dangerous habit that causes many accidents, particularly on busy roads in peak hours in the city. I am sure he would receive the commendation of all motorists and hon. members if he moved in that direction.

I again raise the point of high speeds on gravel roads. It seems rather ironical that after I mentioned that matter a couple of weeks ago I was again the victim of a broken windscreen travelling down from Warwick last week. I was travelling on a section of new road with a gravel surface when it happened. Signs had been erected warning motorists that they must not travel at more than 30 miles an hour. I was observing that warning when a car passed me doing at least 60, probably 70 miles an hour. Its speed was so great that a stone was thrown up at an angle, going right through my windscreen. I had to retrace my steps to

Warwick and waste 2½ hours getting a new one fitted. I think there should be a penalty imposed where people pass each other on gravel roads at such high speeds. I do not care what anybody else says, my experience is that high speed is the main factor in breaking windscreens, particularly on gravel roads.

**Mr. Gaven:** It is the main factor in everything.

**Mr. HILTON:** I am emphasising this point now. We have reached a stage where responsible Main Roads officers should be given powers to intercept and book these drivers, just as a police officer does, where an important section of highway construction is taking place, and irresponsible, dangerous motorists disregard entirely the signs put up by the Main Roads Department, calculated to assist them in the work they are carrying out and to ensure the safety of other motorists. These people blatantly disregard those signs and there is not a policeman handy to do anything about it. It is for that reason I think Main Roads employees should be given certain powers in this direction to try and stop this foolish and dangerous practice occurring almost everywhere that Main Roads works are being carried out.

On the matter of speed, I know that dangerous driving is incorporated in the Criminal Code as an offence, but there is not anything in the Traffic Act to deal with it. As I said earlier, for a person to know what he should or should not do he must undertake considerable research. I agree that on the open road, and particularly on bitumen roads of sufficient width, 60 miles an hour is quite a reasonable speed. I agree also that in some built-up areas 40 miles an hour is reasonable, but I should like to emphasise the point that in some other built-up areas even 20 miles an hour is an excessive speed.

In cities and towns where cars are densely parked motorists will be found travelling at 30 miles an hour or even 40 miles an hour, both of which may be dangerous speeds, for which they may be prosecuted under the Criminal Code, but, there is not anything in the Traffic Act to point that out. There is much confusion in the minds of motorists regarding the alteration of speed in the built-up areas from 30 to 40 miles an hour. Some people are under the impression that they can bowl along at 40 miles an hour in any built-up area. In some places it is definitely dangerous yet there are not any signs to indicate to them that they must not drive at that speed in that area. Speedy action should be taken in those areas where it is dangerous to drive above 20 miles an hour, to install signs in prominent positions so that motorists will know what they should or should not do.

I appeal to the Minister to make an urgent survey of those areas where it is dangerous to drive in excess of 20 miles an hour and

to erect signs in all such places. The erroneous idea, abroad since July last, that it is competent for motorists to drive at 40 miles an hour in any built-up area should be speedily squashed. As I say, many motorists are now under that erroneous impression and there is nothing to remove it.

However, we may be able to discuss these matters at greater length in the Committee stage. I know the Minister is desirous of doing something to make the traffic laws and regulations in this State more effective. If he does something along the lines I have suggested I shall be very happy indeed, as will motorists in general.

**Mr. TOOTH (Ashgrove) (2.34 p.m.):** May I take the opportunity of saying that the care and attention that has been given to traffic problems in the preparation of this legislation and in the administration generally are to be very highly commended indeed. The Minister's main interest and desire, to alleviate traffic problems and improve safety on our roads, are a tribute to his care for the conduct of affairs under his control. I should like to refer to Clause 23 part VIB, subclause (9) (d) which says that any surplus moneys in the trust fund which is to be established may be applied towards the alleviation, reduction or elimination of traffic congestion or danger to traffic.

**Mr. SPEAKER:** Order! The hon. member may not have been present when I drew the attention of the House to the fact that I cannot allow a very broad discussion on traffic problems. If the hon. member wants to discuss a particular clause, he should do it in the Committee. He will be out of order in dealing with clauses at this stage.

**Mr. TOOTH:** It is not my intention to deal with the clauses of the Bill. It is proposed under the Bill to have a trust fund for the purpose of alleviating traffic problems and danger to traffic and I want to take the opportunity of pointing to certain problems of a local nature that are causing concern in my electorate. I want to bring these things to the notice of the Minister and his advisers, and, in doing so, I should like to say that I am in hearty agreement with some of the remarks of the hon. member for Carnarvon on the dangers arising from a misconception of the recent amendments of the speed limits.

**Mr. Hanlon:** Today's paper says they are going to put the limit back to 30 miles an hour as the standard for all Australia.

**Mr. TOOTH:** That may be so. Other hon. members may deal with the problem, but it is not my intention to do so.

In certain areas in the north-western part of the city, streets which up until the present day have been sufficiently wide and with enough room for normal traffic, are now rapidly becoming congested. It is vitally important that the Traffic Commission should give early attention either to the truncation

of dangerous corners—and there are many of them—for instance, in Waterworks Road leading to The Gap, or provision in the town plan, which we have yet to see, of expressways to remove traffic from streets that are at present main thoroughfares and are becoming very dangerous.

I have referred to Waterworks Road and the increasing traffic in that direction, particularly with the rapid development of residential areas of The Gap. At the turn from Waterworks Road into Ashgrove Avenue, proceeding towards Newmarket, we have a particularly dangerous situation. Ashgrove Avenue runs from the main thoroughfare of Waterworks Road across to Enoggera Road. It is now tending to become a highway. When it was originally established it followed a line of ridges and pursued a somewhat winding and tortuous course. At one particular point it bends in the shape of a bow. But since the area has become fully settled the curved street has been cut right across by another street, which would take the place in a bow of the bowstring. At the intersection of this latter street, Graham Street and Ashgrove Avenue, a serious traffic hazard has developed, as the approach from Ashgrove is a blind one, an approach over a hill. It has become a main thoroughfare for interstate traffic, owing to the fact that at the Newmarket end of Ashgrove Avenue a caravan park has recently been established. A number of remedies can be applied to the particular problem. At present interstate drivers, approaching along the crest of the hill, not knowing the area and being directed to follow Ashgrove Avenue to the caravan park in Newmarket, drive at a fair speed. They suddenly find by looking at the signs that they have left the avenue and are proceeding down a street they have not been told about. So they pause there suddenly, on a narrow bitumen road, and very often run into loose gravel. Drivers coming along behind are unable to see them. Very often serious accidents have been averted only by good luck and very quick thinking by the following drivers. I suggest that the Traffic Commission be urged to give special attention to this area and be asked to erect warning signs and arrange with the City Council, if possible, to have the road sealed from kerb to kerb in that section. Further that Graham Street be renamed Ashgrove Avenue, and the curved section of the avenue to be renamed, perhaps, Ashgrove Crescent, so that strangers in the area will not be misled. Graham Street is quite a satisfactory approach to the caravan park in Newmarket. If the problem were tackled in this manner strangers to the area would not be misled and induced to stop suddenly to try to reverse into the curved part of the avenue.

There is also a marked traffic hazard at the junction of Newmarket Road and Enoggera Road, Newmarket, and to a lesser extent at the crossing of Edmondstone Street and Enoggera Road, particularly during the

early peak period. Enoggera Road is becoming an expressway and the volume of traffic is growing every day. People in cars trying to enter Enoggera Road from Newmarket Road have to wait a long time because there is no traffic control except during heavy peak periods. In my opinion the installation of traffic lights at this point is extremely urgent. This solution may also serve at the crossing of Ashgrove Avenue and Enoggera Road. That is the next intersection towards town. I press for urgent attention to be given to the road junctions that I have mentioned.

I bring to the attention of the House another difficulty that is experienced in many Brisbane Streets by people when they comply with the traffic regulation that says that lights must be on the low beam in built-up areas. Of course, I know that it is desirable, and in some cases essential. However, it is difficult on occasion because in many parts of the suburbs the street lighting is very inferior. The regulation that car lights must be on the low beam makes it very difficult indeed for drivers—unless they proceed at a very slow and cautious pace—to see pedestrians moving from shadowy footpaths across the street, as they do at any point. Indeed, the presence of street lights, with ineffective lighting shades tends to camouflage rather than illuminate the area. There is a murky gloom in many streets that creates a great hazard for pedestrians. In New South Wales this matter has become such a serious problem that it has attracted official notice, with the result that a committee called the New South Wales Street Lighting Committee has been appointed with representatives from the Government, electrical authorities, standards association, various technical authorities, the Sydney City Council and other local authorities. It may be considered advisable for similar attention to be given to this problem here either by the Traffic Commission or some other group that may be appointed to look into it.

I come now to the final point that I wish to bring to the attention of the House. This matter came to my notice quite recently when a father approached me and said, "My boy, who has been working for 18 months, and is now 16 years of age, bought a motor-cycle six weeks ago. He was able to register it and he has kept it at a friend's place. During the whole of this period, although he has not been able to get a driver's licence, although he is not eligible for a driver's licence, he has been riding the motor-cycle about the streets." He said, "I have just discovered it. I have impounded the cycle. He will not get it until he becomes 17 and gets a licence. What can be done about the matter?"

My inquiries led me to discover that under the law at the present time, there is no way in which this matter can be controlled and I think some attention and thought should be given to the problem.

Minors who are unable to secure a driver's licence can nevertheless obtain vehicles either by gift or purchase and have them registered. It puts in the way of young teenagers a temptation from which I think they should be protected.

**Mr. Bennett:** It is an offence to permit anybody to ride a motor-cycle in the street without a licence.

**Mr. TOOTH:** That is perfectly true—it is an offence—but they can own a registered vehicle and it places a temptation in their way which it is very difficult for many teenagers to resist. If they can keep from their parents or guardians the knowledge that they are in possession of the vehicle, it is odds on that they will breach the law. So it is well worth while looking into the possibility of checking on the age of young people who seek to register motor-vehicles.

**Mr. HOUSTON (Bulimba) (2.47 p.m.):** First of all I want to make it clear to the Minister that, although when the Bill was introduced we spoke in general terms on many provisions, at no stage did the Leader of the Opposition or any other members of the Opposition say definitely that we would or would not support any particular provision. In fact, the Minister in replying at the introductory stage made that quite clear when he said words to this effect—

“The Leader of the Opposition quite properly reserved to himself the right to see the Bill before deciding whether to agree to it or not.”

To keep the record right—although we spoke quite openly on various matters, we did reserve the right to decide at a later stage what action we would take.

From the speeches of Government hon. members one might well think there was only one subject dealt with in the Bill and that was drunken drivers. The Minister in his introduction spoke mainly of the effects of drink. The hon. member for Bowen and the hon. member for Wavell also spoke of the effects of drink. Finally the hon. member for Ashgrove took us on a Cook's tour of his electorate. It would be a very unsatisfactory debate if we all adopted the same attitude.

However, I believe the Bill covers many subjects. It can with truth be said that it covers at least 14 different matters. Some of them are of a machinery nature. Others affect principles, some new and some varied. We have the parkatarea, a new principle. We have an amendment to the definition of the word “animal”, about which I shall have more to say, particularly in Committee.

The Bill also gives the Traffic Engineer power over the local authorities. The Minister denied that but I intend to challenge him on it.

**Mr. Morris:** May I again make it clear that the matter you raise refers to parkatareas? It has no application generally.

**Mr. HOUSTON:** I do not wish to transgress your ruling, Mr. Speaker, but I am trying to point out to the Minister what I believe to be true. I endorse what the hon. member for Carnarvon said and I suggest to the Minister that he have his officers look at Clause 4, particularly sub-clauses (f) and (g), and apply them to the Act as at present worded. The clause deals with the amending provisions brought down on 28 November, 1956. I think the Minister agrees that Part IV. of the Act has to be taken into consideration when the amendment is made. In his introductory speech, the Minister did not mention the amendment contained in that clause.

**Mr. Morris:** Because it is applicable to parkatareas only.

**Mr. HOUSTON:** No it is not. It relates to “Fixed hours” and “Metered zones”.

Another provision deals with the setting down and picking up of passengers. Again, the Minister did not give us any indication in his introductory speech of that. The amendment will alter when and where one can pick up and set down passengers.

It is true that special provision is made for those persons who are charged with being in a vehicle while under the influence of liquor but not in the driving seat.

Another principle contained in the Bill allows car trials to be carried on without a police permit provided the prize money is comparatively small. I think the Minister will agree that he did not mention that in his introductory speech.

I am also concerned about the clause in the Bill relating to the cancellation of the section allowing the Minister to intervene in certain cases. I believe that that principle should be retained. The Minister is in charge of the administration of the Act, and if members of the public feel that they have had any wrong done to them, they should be able to appeal to the Minister. If they cannot appeal to him, who can they appeal to?

Another provision relates to members of the Police Force supplying their name and address at the scene of an accident, when they are requested to do so. Hon. members on this side of the House said at the introductory stage that they were quite happy about that provision, and also that they agreed with the provision dealing with parties or their solicitors being given details of accidents.

The Bill also gives the Traffic Engineer power to fix times and areas, and there is no need for the Executive Council to do that by Order in Council. Another provision will allow special constables to take over from policemen at crossings used by children. The sale at public auction of vehicles held by



the police is also dealt with. The Bill also contains a provision allowing the police to arrest without warrant only under special conditions, and it sets up procedures under which a person who is refused a licence may go to the court to have the matter determined. The fourteenth principle covers matters that we all admit are general machinery matters.

When one goes through the Bill in detail, one finds that it is typical of the other legislation brought down by the Government. It has been said that the Government are having two bob each way. I should be more inclined to call it fruit salad legislation. The Government do not know where they are going, and one might say that there has not been a decent meal in all the legislation they have brought down since taking office. We criticise the Minister for his failure to mention these provisions of the Bill in his introductory speech, particularly the provisions giving the traffic engineer complete control over local authorities. After all, at the introductory stage we have to take the Minister's word that things are as he tells us. If they are not as we think he should let us know. I believe that part of the Bill was not mentioned by the Minister because of the anxiety expressed in the House by the hon. member for South Coast. I am glad to see that he is in the Chamber now. On 12 September he asked the Minister for Labour and Industry—

"In view of the reported statement in 'The South Coast Bulletin' of September 6, 1961, that the Gold Coast City Council was being forced by the Traffic Commission to introduce the parking meter system against the wishes of the local authority . . . will he now clarify the position . . .?"

The Minister replied—

"The Gold Coast City Council has not been forced by the Traffic Commission to install parking meters. The decision on whether or not parking meters are installed rests with the local authority."

Later in the same answer the Minister said—

"If the Council does not desire to accept this solution, it is entirely free to refuse to install meters."

I believe the Bill was brought down to beat them.

**Mr. Morris:** It was not.

**Mr. HOUSTON:** We shall argue that later on. It is like the industrial legislation that the Minister introduced when he argued that it was not the intention to cut out the basic wage adjustment—

**Mr. SPEAKER:** Order!

**Mr. HOUSTON:** The Minister will deny it again later on. Neither the traffic engineer nor anyone else in the Department of Transport should interfere with any local authority. After all, local authorities are

elected by the people on certain promises. They are very close to the people. Their ideas have to be respected whether we, as the Parliament, think they are right or wrong. I do not want it to be thought that I am making a personal attack on the traffic engineer. He is doing quite a worthwhile job, but he is just like any other human being. Naturally we do not all agree. Although at the time we do something we may think we are right, later we may realise that there was a better approach. That part of the legislation was brought down deliberately to mislead the public and particularly to show the South Coast where they got off. I suggest that the hon. member for South Coast have a jolly good look at it or he may find that he is at the wrong end of the stick as well.

In his introductory speech the Minister did not tell us anything about road trials. I shall be very interested to hear the Minister's reply when I hope he will give us some idea why a permit is required only when £50 in prize money is allotted. He made no mention of that in his introduction. Irrespective of the prize money offered, if road trials are being run, whether they be for push bikes, motor bikes or motor cars, at least the police should know what is going on so that due warning can be given to the motoring public. I do not suggest that they should not be held on public roads at certain times, but at least the public should know so that they can take the necessary precautions for their own safety, and the safety of those taking part in the trials. Another question I should like to ask the Minister at this stage is in relation to his definition of animals. He has eliminated what we normally consider to be purely domestic animals, dogs, cats, or tame birds, and so forth. I ask the Minister to explain in his reply why dogs have been left out. Dogs would certainly be considered to be domestic animals, but we must not lose sight of the fact that in outback areas the dog is much more important to many people than many of the animals included in the definition, particularly working dogs. I refer particularly to cattle dogs, kelpies and border collies.

**Mr. Smith:** Do you include the hon. member for Rockhampton North in that?

**Mr. HOUSTON:** I see the hon. member for Windsor has just arrived in the Chamber from his court practice. I should like the Minister to tell us the reason for the omission of these animals. Dogs especially will become, to some people, very much more important in the city in the near future, when seeing eye dogs are introduced here to assist blind people. To these people these dogs are certainly something more than just a household pet.

I believe the Bill has to be considered in three main parts. The first part is designed to allow the collection of more revenue by the State, either by collecting more or by saving some. The second is to give

more power to the Traffic Engineer, and the third is to give power and privileges to certain sections of the community.

As my leader pointed out, even the Traffic Engineer himself named these parkatareas as moneyboxes. The Minister obviously expects to get out of them what the hotels in New South Wales get out of one-armed bandits. It would probably be more appropriate to call these no-arm bandits. The Minister is not dealing in pounds but in hundreds of thousands of pounds. During his introductory speech I interjected and asked him if he was working on a figure of £10,000, and he replied that he expected more than that. Working on a figure of £26 a year from each meter, even to get the minimum sum of £10,000 I suggested, he would need to install at least 400 meters. That leads me to believe that it is not the idea simply to install a few meters in Wickham Terrace, Kangaroo Point and a couple of other small areas but what the Minister has in his mind is to extend these parkatareas well into suburban areas. If that is not his intention his figures do not add up.

**Mr. Morris:** What figures do not add up?

**Mr. HOUSTON:** The Minister can only get £26 a year return from each parkatarea meter.

**Mr. Morris:** So what?

**Mr. HOUSTON:** Therefore, in order to get even a minimum of £10,000, the Minister will need more than 400 meters, in round figures. If the Minister allows the space mentioned by him in his first reading speech—one parkatarea space and then one vacant space—he will need a large area in which to fit so many meters. I suggest that the indication is that these meters are not just going into small areas near the city and that we are being hoodwinked.

**Mr. Morris:** You are deliberately trying to twist what I said to make it appear different. I told you I had no idea of where they would go, and I did not tell you that there would be only 400.

**Mr. HOUSTON:** No, I did not say that, but, on the Minister's own statement, the public have been led to believe that these meters will be installed only in the small areas near the city. Opposition members at least will agree with me. The money the Minister expects to get from this scheme leads us to assume that it will be extended right out to the suburbs. The idea behind the proposal, therefore, is not a solution of the parking problem. If conditions are as they have been described by the Minister, what are the police doing at present to stop double parking and parking across gateways? The Minister had this to say, as reported in the Press—

“Mr. Morris said one reason for the proposal was that 30 miles of kerbing on the inner city fringes was misused.

“People parked all day across entrances to private homes and business premises, and often double parked in narrow streets.

“Legislation to permit the scheme would be introduced in the session of State Parliament beginning next month, he said.”

Is that not an admission that he has deliberately allowed double parking in narrow streets and parking across gateways? If he has not deliberately allowed those things and knew they were going on why have prosecutions not been launched against the offenders?

**Mr. Aikens:** There was neither a collision nor an accident, and no prosecution can take place unless one occurs.

**Mr. HOUSTON:** Blind Freddie would know it occurs. The Government have deliberately allowed the situation to develop to the stage when they cannot control it so that they can introduce this money box idea to get extra revenue. The Government will do anything to bring about that result. In addition to the revenue from parking meters, they will get the revenue from fines. At the Committee stage I will give many reasons for my statement that this is nothing more nor less than a no-arm bandit scheme.

The Government have decided to re-introduce the idea of special constables. We have had experience of special constables. Older hon. members can remember the special constables appointed during the 1912 strike.

**Mr. Morris:** Don't be silly.

**Mr. HOUSTON:** They were running around with batons, and so were the Minister's political colleagues. Why are special constables to be appointed? I say they are being appointed to relieve policemen of the obligation to carry out one of their duties. What about the school children? The Minister does not care two hoots for them. How is he going to make sure that the special constables turn up at school crossings? If the Minister watches the traffic at these crossings on main roads he will find that the only thing that will slow down the dangerous motorist is the presence of a man in uniform. He does not slow down because children with flags are at the crossings; he slows down merely because he sees a man in uniform. I hope the Minister is not going to suggest that we dress these special constables in uniforms. The employment of special constables is not in the best interests of the children. They are to be appointed purely and simply to relieve police officers of one of their normal duties. There is nothing in the Bill about the conditions of special constables. Who is going to employ them? The school committees? Suppose these persons are injured while on duty? Who will pay compensation? Are they to be covered by workers' compensation or in any other way? I am greatly concerned about the fact that the people the Minister says will be employed will be elderly people. They will be the people, unless the Minister

expects the many unemployed to come along and do it. If elderly people do this work and the weather conditions are bad and other factors may come into it who can compel them to turn up for the job? The person who has the job may be sick, and the kiddies are then left to the mercy of the drivers but if one constable is not available for duty, another one may be sent in his place. It is easy to see that the Minister wants the suburban police released so that they can check the parkatareas. How ridiculous is this checking of these areas every two hours to watch marks on the tyres.

There is one other matter I should like the Minister to explain about parkatareas. I should like him to inform us how many streets will be involved and about what distance along the streets will be taken over. If we get the information from him at this stage it may save a great deal of discussion during the Committee stage.

**Mr. SMITH** (Windsor) (3.11 p.m.): In discussing the measure—

**Mr. Davies:** Speak to the Bill now, won't you?

**Mr. SMITH:** I will be only too happy to oblige the hon. member for Maryborough. I have some useful comments I wish to make relating to traffic matters generally. Despite whatever irresponsible statements he may wish to make I shall proceed to deliver these comments to the House.

Earlier today I had occasion to interject when my colleague the hon. member for Bowen was speaking and was dealing with the possibility of blood tests being performed under cover of provisions already contained in our statute law. At the same time, he adverted to a criticism of the Victorian Bar Association about proposed Victorian legislation relating to breath analysis by means of a Breathalyzer, and for the benefit of the House and those hon. members who have been following the debate—I realise very few on the opposite side have been following it, but on this side there are many—

**Mr. Bennett** interjected.

**Mr. SMITH:** The hon. member for South Brisbane has finished his accountancy course and is now correcting all the memos of fees he has sent out for some time past.

**Mr. Bennett** interjected.

**Mr. SMITH:** If the hon. member wants to know, I should like to be talking about his conduct in contempt of Parliament.

**Mr. SPEAKER:** Order! The hon. member will continue with the matter before the House.

**Mr. Bennett:** Why don't you read out that judgment from the Full Court? I will go and get it for you.

**Mr. SPEAKER:** Order!

**Mr. SMITH:** The only regret I have is that the client will now have another fee added because his barrister has now gone to get something extra.

Section 259 of the Criminal Code deals with the examination of the person of accused persons in custody. This section is to be found in Part V. of the Criminal Code dealing with offences against the person and relating to marriage and parental rights and duties and against the reputation of individuals. I wish the hon. member for South Brisbane was here. The section provides—

“When a person is in lawful custody upon a charge of committing any offence, it is lawful for a police officer to search his person, and to take from him anything found upon his person, and to use such force as is reasonably necessary for that purpose.

When a person is in lawful custody upon a charge of committing any offence of such a nature and alleged to have been committed under such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of the offence, it is lawful for a legally qualified medical practitioner, acting at the request of a police officer, and for any person acting in good faith in his aid and under his direction, to make such an examination of the person of the person so in custody as is reasonably necessary in order to ascertain the facts which may afford such evidence, and to use such force as is reasonably necessary for that purpose.”

That is an examination of the person. It does not go so far as an examination that would constitute an assault on the person to the extent that you would need to have a puncturing of the skin and an extraction of blood from the bloodstream. The examination contemplated is, of course, in a case of sexual attack where you often find traces of semen on the clothing or on portions of the body of the attacker, and an examination of the person and of his clothing could do much either to establish or to dispel the possibility of guilt. It is in those cases that the examinations are particularly important. It was no doubt such a case that the hon. member for Bowen came against and to which he was referring this morning.

I submit that this House should pay great attention and lend great weight to any criticism levelled by the Victorian Bar Association at proposed legislation. It shows that that association has a public spirit and that it is concerned to see that the rights of individuals are not whittled down. It has sought to avoid self-incrimination. That is quite clear. The protagonists of such legislation must be logical and go right through to the logical extreme, that is to say, when they are in the witness box, as they may well be perhaps on a coronial inquest being examined

as to their part in some accident, perhaps the running down of a pedestrian or colliding with another motor-car, they must forgo the privilege they have today of saying to the coroner, "May it please you, Mr. Coroner, I decline to answer that question on the ground that it might incriminate me."

**Mr. Aikens:** Don't you think it would be in the interests of justice to wipe that out?

**Mr. SMITH:** What I am saying is that if the protagonists of the legislation for the Breathalyzer want to be logical—if they want to carry their arguments through logically—they must waive such privilege. They will sit in the witness box in the Coroner's Court and tell their part in the incident. They will not say, "I decline to give evidence or answer the question because it might incriminate me." Furthermore, if ever they are brought up to the police station and interrogated in connection with some offence, they will be prepared to carry on without any warning as to the possibility that any answers they give will be used against them. They will want to forgo all that because that is implicit in the question of self-incrimination. Those who want to rush in and say, "This is quite good legislation. Let us bring it in." should regard the consequences that must follow. They are inescapable consequences because they are part and parcel of the same principle.

**Mr. Aikens:** Do you believe in protecting the crook?

**Mr. SMITH:** We have had to protect various hon. members in this Chamber so I suppose if it is good enough in here we must have it outside as well.

I was delighted to hear the hon. member for Carnarvon support a matter I raised at the introductory stage. In the very short time at my disposal then I raised a couple of points. I adverted to the matter of white lines on the roadway and the way in which they were completely ignored. One can perhaps forgive the less able driver—perhaps the weekend driver—for not being punctilious; but it is particularly annoying when one sees the minions of the law disregarding those white lines, and that is a common spectacle in the city area. Even our own hon. members disregard the white lines. I realise there are times when you do not have to worry about the white lines. But I should like to relate to the House an experience I had. I was proceeding homewards and I was in the outer lane. A vehicle was beside me and it was on an inside lane. I think I have addressed the Chamber on this before. The Traffic Commission has erred in laying down two lanes on roads that cannot carry them, for on some parts of the road there is a clear indication and a clear invitation to traffic to use two lines of progress. There is the white centre line, and the roadway on the left-hand side of that line is divided into

two lanes. This is a clear indication to persons travelling on the road to proceed in two lanes. However, the dividing line peters out at a certain point, usually approaching a corner, so a situation of some peril arises at each corner on these narrow roads.

On this particular afternoon my vehicle was in the outside lane of the two lanes on my correct side of the centre line, when the car in the inside lane, which was owned by the Government and driven by a member of the Water Police, came across the line dividing the two lanes without giving any warning of its intention to cross it. I tooted him, and his reaction was immediate and rather violent. However, I proceeded on my way and he eventually proceeded on his. One can perhaps forgive the Water Police for doing that because they may be out of their element, but I would ask land-based policemen who drive around all day not to cross white lines that are put there for the protection of people using the roads. I also say that the Traffic Commission should not put those lines down where there is not sufficient room to allow the progression of two lines of traffic.

**Mr. Davies:** What is all this stonewalling for?

**Mr. SMITH:** Sometimes one has to repeat things at length so that they will penetrate the skulls of the listeners. It is obvious that the hon. member interjecting has such a skull.

The right-hand rule has received publicity in the newspapers only recently. For my part, I would rather see the policemen who are now on parking duties, riding round on their motor cycles and booking motorists, put onto duty that would enable them to apprehend law breakers who will not observe the right-hand rule. One cannot drive safely in our crowded streets if people do not observe that rule. One cannot look two ways at once. Having looked one way and done one's duty, one should be entitled to proceed and rely on other motorists doing their part and observing the rule of the road. We must institute a very vigorous campaign, not only publicising breaches of the right-hand rule but also compelling observance of it.

**Mr. Aikens:** In what way? By prosecutions?

**Mr. SMITH:** Yes, by prosecutions.

**Mr. Aikens:** You will not get them from this Government.

**Mr. SMITH:** I am suggesting that we should get them.

Whilst on the subject of the right-hand rule, today we are in the happy position of being able to use indicators on vehicles, something I have long been in favour of and have advocated for quite a time. I notice that the Brisbane City Council is adopting a practice with its buses that is somewhat dangerous. The turn indicators are mounted

on the rear of the bus in the middle of a highly-coloured sign and, consequently, a person following the bus has some difficulty in seeing them. The particular buses to which I am referring are the later models, and this makes it all the more serious, in my view. I imagine that the Council will continue to replace its outmoded buses. If the new buses are fitted with trafficators, they will probably be set high on the back of the bus amongst brightly-coloured advertising material and in no way contiguous to the "stop" sign. It is easy to miss seeing the signal, particularly on a day of bright sunlight. Buses are very big vehicles, and it can be very dangerous if they turn in front of one without giving a signal that is obvious.

**Mr. Newton:** They are subject to traffic inspection.

**Mr. SMITH:** They may be subject to traffic inspection, but I am saying that it is ridiculous to put the trafficators in one spot and the "stop" sign about 18 inches lower down. The whole system should be kept together. In motor cars the "stop" lights, reversing lights and turn indicators are in the one comprehensive unit.

**Mr. Newton:** The same thing applies to traffic lights put in by the Government. They are on the corner and up overhead.

**Mr. SMITH:** That, of course, means you have two. I am talking about the case where you have only one.

**Mr. Newton:** You say to put them together.

**Mr. SMITH:** Of course, put them together—the stop-light and the trafficator contiguous so that the person following can see the stop-light go on, and his eyes are immediately directed to that part of the bus where the trafficator would be indicating if it were operating. I sincerely hope that on the new buses they will be required to put their trafficators in a place more convenient for following drivers, and not painted around. It seems to be fantastic to have trafficators surrounded by printed advertising material. I cannot understand how the traffic department allows that sort of thing on the road.

The other matter that concerns me is one raised by the Minister when introducing the Bill, the allowing of some form of information about police inquiries to be made public. Inasmuch as there is to be that dissemination of information, might I suggest some important matters that should be considered when the scheme is being evolved? It is a fine principle to bring in. In fact, on 24 September, 1957, I addressed the House on such a matter. I regret that although the Act has been amended in the meantime this provision has not been inserted. To refresh the minds of hon. members about the points I made four years ago I shall read what I said from "Hansard," Volume 218, at page 290. In addition, I want to deal with one or two of

the points to show that it is necessary to give them consideration. On that occasion I said—

"I commend to the Minister in charge of police the practice observed in England with evidence of policemen in collision cases. In England, after a traffic incident the party or his solicitor can, by the payment of £1, obtain a short extract from the police—and it would be the county police because the country is divided into counties and boroughs. The extract gives the names and addresses of the drivers and owners of the vehicles, particulars of the vehicles, the day, the light, the weather, the condition of the roadway, and any marks or signs that may be of importance to anyone who may wish to litigate as a result of the accident. The police also give a full disclosure of anyone who may be an independent witness and they give the inquirer the identity and location of the investigating officer. They also give in narrative form a resume of the events of the day. Moreover, any statement taken from the witnesses or interested parties can, on the authority of the person giving it, be made available to the person who obtains the short extract. They go much further than that. On the issue of a writ or summons, as the case may be, either party—and this is important—either party may interview the investigating officer in the presence of his superior and go through the whole report, not merely the extract. He may consult the officer's notebook and his subsequent reports. He may then and there serve a subpoena duces tecum requiring the officer to produce himself, his notebook and other records to the court. To a layman that may seem odd but I assure hon. members that a witness who goes into court may quite easily give an honest but incorrect recollection of facts and it behoves the person calling him to have a proof of evidence that he intends to adduce."

I made those points in September 1957. There have been many road accidents since then. It is to my continuing regret that we have not had the provisions already in force that are now proposed. To show the necessity to have a set-up similar to, if not going further than, that described in my earlier speech let me instance an experience I had about a month ago. As I have pointed out here it concerns civil cases.

**Mr. Aikens:** Tell the criminal everything but the criminal tells the police nothing.

**Mr. SMITH:** Writs are issued in civil cases, not in criminal cases. When the hon. member for Townsville South is arrested, if it ever happens, he will get a warrant.

In civil cases the policeman, unless interrogated beforehand, unless seen either by himself or in the presence of his superior, cannot make any contribution at all to the case that he previously investigated. I had

occasion some three years ago to call a policeman who had investigated a road incident. He came along on the morning of the court hearing. He apparently had refreshed his mind from his report and he got into the witness box—

**Mr. Aikens:** Did you win that case?

**Mr. SMITH:** Yes.

As I say, he got into the witness box but, when asked the name of the driver he said, "It was a funny name. It was—it was—" and that is where he drifted off. He could not give the name of the driver. On being asked the name of the other driver, he again had difficulty and could not remember that. He could remember the site of the accident but he could not remember the position of the vehicles. He could not remember whether there had been skid marks on the road or not. In point of fact, all he did on that occasion was to take his witness's expenses from the person calling him and take up the time of the court without making any valuable contribution whatsoever.

Had the provision that I had advocated earlier been in, it would have been possible for us to see that policeman earlier, to have seen that he was no ornament in the Force nor any use to our client, and we could have left him alone. When one has seen the policeman first, one is not afraid of some features that may need investigation. After all, there are not only insurance assessors but public-spirited people who sometimes come forward and give their version of the facts.

In so far as the proposal is now accepted by the Minister and about to be implemented by him, I trust that he will give very serious consideration to instituting such a scheme as is in force in England.

Another matter with which the Bill deals is certain alterations in relation to drunken drivers. Previously we have had the provisions of Section 16 which allow the compendious charge of "drives or is in charge of a vehicle." Now the principle is to split that up into two separate offences. The principle appears to be that there will be the drunken driver and the drunk who is in charge.

Looking back over the decisions of the court in years gone by it strikes me that such a principle will be particularly difficult to interpret and particularly difficult to apply.

**Mr. Morris:** It is not easy; I will admit that, but it is being done in the genuine belief that it will improve the position.

**Mr. SMITH:** I am not attempting, for one moment, to suggest that there is any motive other than a genuine attempt to improve, but I am suggesting that the way in which a far more efficacious effort would be made would be to leave the two offences lumped together but to take as an alteration the question of disqualification of licence. Do not separate the offences. It is still an offence, in my opinion, whether one drives or whether one

is in charge because, in the definition in the Act, which it is not proposed to amend, "driver" is inclusive of the person in charge. The driver is found in the person who drives or is in charge of the vehicle.

Coming to the question of whether or not a person is in the car—there are provisions in the Bill and I do not wish to deal with sections or a principle that is not involved—if one gets into the driving seat one brings oneself into the most culpable category but what is the point of getting out of the driving seat? After all, if one gets out of the driving seat and gets back into the back seat of a car, surely even though one may not have any intention of setting the vehicle in motion at that stage, after a bit of a doze it does not stop one from getting back into the driving seat and driving away.

**Mr. Newton:** You might be a back-seat driver.

**Mr. SMITH:** I can at least drive. One might wonder what is "a compartment" in so far as sitting in the car is concerned. Here again I do not want to go into the clauses word by word. They will come up for consideration at a later stage. It is an interesting excursion into the means of combating the problem, but I suggest a much more successful way would be to leave the section as it is and provide that if a person convicted under the section can show, first, that he was not in the car, second, that he had formed the intention of not driving it and, third, that he had done something else, the court could exercise its discretion and decide whether he should be disqualified, or the term of disqualification. But do not cut down the penalty to a fine of £50, because any person can park a car where it is not a menace to traffic when stationary but it does not take long to get it back on the road where it will again be a menace to traffic.

**Mr. Hanlon:** Magistrates under the present Act generally have been tempering the fine according to the circumstances, have they not?

**Mr. SMITH:** No, fines have been running at a pretty steady level and the minimum disqualification at law is three months. I am suggesting that if in the circumstances a person has done what he thought best, that is, got into the back seat of the car—although frankly I think that is still the driving compartment—that he has parked his car where it is not a menace to traffic and is able to prove the intangible thing that is difficult to prove, lack of intention to drive the car, reward that person by not disqualifying him, but for goodness sake fine him, because until he stopped his car and while driving along the road, that is, until he came to do these things, he was as culpable as any other person in similar circumstances.

**Mr. Aikens:** That is exactly what I said at the introductory stage and the Minister abused me.

**Mr. SMITH:** The Minister may abuse me.

**Mr. Morris:** I did not abuse him.

**Mr. SMITH:** I have brought into the Chamber the reports of some cases that have been decided both here and overseas to show how far the term "in charge" is carried and how, irrespective of what he has done, a driver can still be convicted of driving under the influence, whether in fact he had any intention of doing so.

In the first case, *Haines v. Roberts*, reported in 1953 Weekly Law Reports at page 309 the facts were—

"The defendant was found by the police in an intoxicated condition in the rear yard of a motor garage within about five feet of a motor-cycle. The defendant was charged with being in charge of the motor-cycle when under the influence of drink. The justices found that his presence near the motor-cycle was involuntary, as he was brought there by friends to get water, and that the friends intended and would have been able to stop him from riding the cycle. The justices were not satisfied that he really intended to ride it, and found him not guilty."

The prosecutor appealed. On the appeal it was found that the boy had been taken into the backyard for the purpose of being soused under a tap to try and sober him up, but he clearly had no intention of riding the motor-cycle because his friends were there to see he did not. They had taken him to the yard to try and rouse him. One had gone to his father to get him to take the boy home and another one had gone to get a man to ride the cycle home. The Court of Queen's Bench decided that under those circumstances the case must go back to the justices with the intimation that the offence was proved. He was in the care of his friends, yet because he had not given over charge of the vehicle to somebody else he was found guilty of being in charge.

**Mr. Mann:** That is the law as it stands now.

**Mr. SMITH:** That is quite so to a large extent.

In the next case, the *Queen v. Heaton*, reported in 1952 Weekly Notes, 36, the facts are—

"The magistrate found that at the relevant time (7 p.m.) the defendant was the owner of the motor vehicle in question, a truck; that he was found outside the truck; that he was leaning or reclining against the driving side cabin door of the truck with his right foot on the running board, and that he was asleep. Later, at the watchhouse, he said, 'I was going to get into the truck and lay down on the front seat and have a sleep.'

"The magistrate was satisfied beyond a reasonable doubt that at the relevant time and place the defendant was under the

influence of liquor. He further expressed the opinion it was immaterial that the defendant went to his vehicle with no immediate intention of putting or attempting to put it in motion."

That case went to appeal, and the conviction was upheld.

**Mr. Hanlon:** There was nothing to stop him from waking up and driving.

**Mr. SMITH:** That is the very point, as the hon. member for Barooka has pointed out. In *Gee against Williams*, my colleague appeared for the respondent. He was not called upon to argue the case. He won it without even opening his mouth.

In 1947 Q.J.P., at page 145, we find the case of *Gee against Williams*. Mr. Justice E. A. Douglas made a point at page 147 that I submit is most relevant. He said—

"With regard to the first point, in my opinion when a man has in fact driven a motor-car to the point where he is found on the road and is still at the steering wheel and under the influence of liquor when he is found there, the fact that he has gone to sleep when he is so found does not prevent it from being held that he is still in charge of the motor vehicle at that place and point of time. I think that a person who has, up to the moment of falling asleep, been the driver of the vehicle—actually in charge and controlling the vehicle—still remains within the meaning of the Regulation, in charge of the motor vehicle at the moment when he goes to sleep and thereafter while he still remains in the motor-car at the steering wheel. He is the person who has the right and power immediately he recovers his senses to put the car in motion and to control its operations in any way that he thinks fit."

**Mr. Aikens:** The present Bill will let the driver off the hook.

**Mr. SMITH:** This Bill will not let the driver off the hook, but I am afraid it may dangle a small hook in its place. Anybody who feels that he is perhaps succumbing to the effects of alcohol can do this and this is the danger of the provision. A man may have had eight or nine beers very rapidly and then gone out to his car. He may drive for half a mile or so or maybe a little farther and feel the effects of the beer coming on and say to himself, "I do not intend to drive any farther. I will get out and get in the back seat. I will leave my car." Then, after about a quarter of an hour, when the beer he has so recently taken has had the effect of increasing his intoxication, and he is in a worse state than when he stopped, something wakens him. He is now at the silly stage and wonders, "Why am I in here, in the back seat? I should be in there," and he gets into the front seat and drives away. That is the evil I see in the proposal—to allow

a person to have the heavy responsibility of taking it one stage, is a wrong principle. If he is going to leave the car I submit he should leave it and keep away from it. He should give it to someone else to care for and let him get it out of the way, or get him out the way. The point, in any circumstances, to my mind, is precluded by allowing him to rest in some part of the vehicle, be it the platform of the truck, the back seat of the car, or on the lawn outside it, with a lesser penalty, because no-one can say what he will do a little later on.

**Mr. Mann:** We put that in the Act because we were advised by the police what it would mean. A man could wake up and drive away.

**Mr. SMITH:** Perhaps hon. members opposite had a more intimate knowledge of drunken drivers than our party had.

**Mr. Aikens:** You know that a man is as silly as a rabbit when you look at yourself every morning when you are shaving.

**Mr. Mann:** You want to be serious about this. This is a very serious problem.

**Mr. SMITH:** It is a serious problem. I am prepared to take a joke on myself. There is nothing I like better than a good joke. If the hon. member for Townsville South who thinks so seriously about drunken drivers at other times is prepared to make jokes about them now I do not mind.

**An Opposition Member:** He looks at himself.

**Mr. SMITH:** He would not see a rabbit. He would need to get a de-horner if he looked in the mirror.

On the decisions we have had on the cases that have come before the courts it would be a far safer thing not to write down the monetary penalty. Leave that at the £200 now proposed. I understand it will be increased. Rather let us provide that where there are mitigating circumstances—those are the ones enumerated where they have done all those things such as getting out of the car, going away from it and manifesting an intention of not driving—then in those cases and in those cases only let the court have the discretion to say, "In this case you were guilty of driving that car. I will convict and fine you up to £200 but I will not impose on you the disqualification of three months. I will break it down to a month." Or, if it is a very good case, there will probably be no disqualification at all.

**Mr. Aikens:** The Minister did not listen to a word you said. He went out of the Chamber.

**Mr. SMITH:** He probably went out to prepare the necessary amendments.

**Mr. Morris:** I went out to get a cup of tea but I missed out.

**Mr. SMITH:** In the case of Crichton against Burrell we have the extension of the principle in Scotland, whereby a person was able to open the driving door of his car; he had in his possession the ignition key of the car; he had walked over to the car but he had not entered it. That person was deemed to be not guilty of being in charge of the vehicle. It seems to me that, in the cases that have been decided in our courts, he would more than likely have been convicted of being in charge had he come before the courts here. He could do what is implicit in the legislation—show that he had no intention of driving, as I agree he is entitled to—but if we want to alter the provisions of the existing legislation I do not see that we will get anywhere under the proposals. I think they are opening the door to abuse. We are encouraging people who hope they can go so far and then have a snooze and sleep it off. We are opening the door to the possibility of people fabricating a story to show that they had no intention of driving. I should prefer to have it made quite clear to all people who drive motor cars that if they wish to drink and drive at the same time they are exposing themselves to the utmost rigours of the law and if they are caught they will have to pay the penalty. In that way, the toll of the road, which was adverted to earlier today, may not be reduced but at least it will not be increased.

**Mr. SHERRINGTON** (Salisbury) (3.48 p.m.): I could not agree more heartily with the views expressed by the hon. member for Bulimba when he said the debate had resolved itself into a discussion on drinking drivers and drinking related to driving. Six out of the seven Government speakers so far have had as their main theme the provisions of the Bill relating to drink driving. There has been a succession of speeches made from literature obtained from the Parliamentary Library, earlier volumes of "Hansard" and so on.

**Mr. Smith:** Earlier "Hansards" had nothing to do with drinking driving.

**Mr. SHERRINGTON:** The hon. member for Windsor is again interjecting whenever I speak. I remind him that he in turn reminds me of what a New Australian friend of mine once said about a person who used to interject rudely. He said, "My friend all the time sings like a rooster." That could well apply to the hon. member for Windsor.

We view the Bill in its fullest and broadest sense. There can be no doubt that it contains many provisions apart from that dealing with drinking driving. Many of them are very topical and deal with matters on which we will definitely state our views and which we will possibly oppose.

However, I was interested to see the Minister, heading this long list of literature-readers in the debate, produce a booklet dealing with the capabilities and driving



proress of a person who had consumed some alcohol. It is obvious that the Minister took a great deal of trouble to obtain the booklet and make it available to hon. members, and I think its contents are very interesting.

The Minister also referred to a newspaper article in which it was stated that a group of teenagers has been formed to educate other teenagers in all aspects of road safety. I wholeheartedly agree with the formation of that association, but what will the Government do to assist them? I recall the long-drawn-out hearings of the committee that was set up to inquire into youth problems. We have no evidence to show how its recommendations were applied. I wonder whether we will hear anything more about this group of teenagers that has been mentioned by the Minister, or whether they will just fade into the realm of forgotten things. I believe Parliament could do a great deal towards the promotion of road safety by assisting and encouraging a group such as this.

I think I should now link my comments with the provision in the Bill that does away with the need to obtain a permit to hold road trials and similar contests as long as the prize money does not exceed £50. I believe that young and exuberant drivers are one of the greatest dangers to road safety. I know of cases where half a dozen of these young people, with their supercharged hot rods, engage in unofficial trials at night-time in the city streets. That is why I think that a body of young persons who are taking an interest in this subject and endeavouring to educate persons of their own age in road safety should be encouraged, and why I do not think that the removal of the need to obtain a permit for road trials is in the interests of road safety.

The Minister spoke about safety education. I should like to say a few words about Road Courtesy Week, which is sponsored by the Road Safety Council, I understand. I have no quarrel with the idea of drawing the people's attention to road safety by holding a Road Courtesy Week, but I think the methods that are used leave much to be desired. Over the years we have seen published in the newspapers the names of those who have been awarded bonuses for road courtesy. As I understand it, a member of the Police Force, a member of the Road Safety Council, and possibly a representative of the newspaper, follow a certain driver through the suburbs. If he obeys the traffic laws to the letter, they then award him a bonus for his road courtesy. I do not entirely agree with that principle because I believe that road courtesy goes far beyond obeying the letter of the law.

**Mr. Ramsden:** You do not think any incentive should be given?

**Mr. SHERRINGTON:** It is very difficult to make a worth-while contribution to a debate when members such as the hon.

member for Merthyr come into the Chamber and, by asinine interjections, try to draw one off the path. Had the hon. member been listening and following the debate, instead of hiding the parcel he brought into the Chamber, he would have understood that I was developing an argument about awarding of incentives. But he makes the foolish interjection, "Don't you think that incentives should be given?" It proves that he is either not sufficiently intelligent to understand the debate or he wants wilfully to interrupt a person who is developing a logical argument. However, I will not be side-tracked by such interjections.

Road courtesy goes far beyond the mere obeying of the traffic laws. Many accidents could be avoided if road courtesy were practised in the full meaning of those words. In many instances I have extended road courtesy without consciously obeying any traffic laws. Let me illustrate my point. I have always been conscious of the fact that if a pedestrian is crossing a road, particularly where no pedestrian crossing is provided, it is my duty as a driver to make it as easy as possible for him to cross. On several occasions, although I have not been obliged to do so, I have brought my vehicle to a halt to give a pedestrian an opportunity to cross, only to find that another driver, possibly still obeying the law, has come up on my right, and in so doing almost hit the pedestrian. I give that illustration to show how road courtesy goes far beyond merely obeying the laws a driver has to obey. That principle should be propounded during road courtesy week. I know that some drivers adopt the principle that as they have the right-of-way therefore they proceed. If they were road courteous, even though they had the right-of-way, they would extend courtesy by saying to themselves, "I have the right-of-way but if I go I am likely to be involved in an accident so I will keep my vehicle stationary." I make that point because usually I think it is lost in road courtesy week. The mere obeying of traffic laws to the letter does not prove that anybody is particularly road courteous.

It is very strange that we are debating at length a Bill that deals with the subject of drink driving at the same time as we have before the House legislation, which, to my mind, will increase the opportunity to drink. I shall not go into that any further because I will have more to say about it when the liquor Bill is under discussion.

As my leader said, the establishment of parkatareas and the expected revenue to be derived therefrom, is a matter to be judged wholly and solely on whether the amount to be gained from this tax on the people will be sufficient to be of any real value or whether it will be insufficient to make it worth while. My feelings in that regard are that, because of the foreshadowed amendment to be introduced by the Minister, providing for a trust fund for the

installing and controlling of parkatarea meters, the only conclusion is that these areas will not be confined to the inner fringe city areas.

**Mr. Morris:** I have never said they would be restricted to inner city areas.

**Mr. SHERRINGTON:** That may be so and I would not imply that the Minister did say that.

**Mr. Morris:** I will show you a map later on that will indicate broadly where they may be installed.

**Mr. SHERRINGTON:** I would not imply that the Minister did say it, but it would appear that the greatest necessity at present is in the inner fringe area.

**Mr. Morris:** You said a while ago "in the inner city areas". Now you say "the inner fringe areas". They are very different.

**Mr. SHERRINGTON:** If the Minister is going to split straws—

**Mr. Morris:** I am not splitting straws.

**Mr. SHERRINGTON:** I do not wish to waste the time of the House but areas like Kangaroo Point and similar areas close to the city were directly responsible for the investigation being made as to how the situation might be overcome, but this measure, I think, will be extended into the suburbs and industrial areas in the suburbs where many workmen use their cars to travel to and from their employment. I have in mind particularly a portion of my own electorate, the munitions area at Salisbury, where many vehicles are parked all day on the roadway.

I feel that these parkatareas will be extended into such places, and I cannot see any justification for that, because the streets are wide and no traffic hazard is created by all-day parking. In view of the amount that the Minister said he hoped to derive from the introduction of this measure, I think that these meters will be eventually installed at bus, tram or ferry terminals and wherever the Government can derive revenue from them. I would not, for one moment, favour the introduction of parkatareas in places where no congestion or traffic hazard is being created.

I was amazed to hear the Minister say that police will be used to supervise this scheme. If there is any great extension of the areas considerable numbers of police will be required for their supervision. In the next breath the Minister said that he will introduce a system using pensioners and other such persons to police school crossings. I think hon. members should first consider which is the most important, the adequate supervision of school crossings by policemen, or the collecting of funds and the chalking of tyres in these parkatareas. I for one cannot subscribe to the view at any time that the collecting of additional governmental

revenue by policemen is more important than safeguarding the lives of children attending school.

**Mr. Houston:** These people do not care about the lives of kiddies.

**Mr. Morris (To Mr. Houston):** That is a wretched thing to say and you ought to be ashamed of yourself.

**Mr. SPEAKER:** Order! The hon. member's remark is derogatory of the Government and I ask him to withdraw it.

**Mr. Houston:** I withdraw it.

**Mr. SHERRINGTON:** I indicated at the introductory stage my concern for the safety of children at school crossings. The figures placed before the House show that a considerable number of school crossings are not supervised by policemen. I referred earlier to the exuberant youth driving a supercharged hot-rod. I have seen many such persons, and I cannot imagine for a moment that the presence of a civilian at a school crossing will have a deterrent effect on such a driver.

It is alarming to think we cannot obtain police in sufficient numbers to supervise school crossings but we will suddenly be able to get extra policemen in sufficient numbers to patrol parkatareas. The subject of police supervision of school crossings has been discussed for years in the councils of school organisations. Schools in remote areas have not been able to get police officers for this purpose, but the Minister, with the introduction of a Bill that will bring extra revenue to the Government, will now suddenly be able to get plenty of policemen to act as tax collectors and tyre-chalkers. The Minister should dedicate himself to the provision of police for school crossings rather than the appointment of an army of parkatarea tax gatherers. It occurred to me that the Minister said that we would not have parking meters but would have money boxes.

**Mr. Morris:** I did not say that.

**Mr. Hanlon:** Mr. Leitch said it.

**Mr. SHERRINGTON:** I apologise for misquoting the Minister. Mr. Leitch made the remark but my only intention in raising the matter is to say it would seem that we will therefore have to change the well-known slogan from "Bank Commonwealth" to "Bank with Ken Morris's Parkatarea money boxes."

I want to deal now briefly with drinking drivers. The time is ripe for a clear definition of what constitutes "being in charge of a vehicle." I have in mind the case of a person who was attending a function and admittedly had consumed alcohol. He was requested by a policeman to go down and shift his car because it was parked in the wrong place. On getting into his car he was immediately arrested for being in charge of a vehicle while under the influence of alcohol. I want to see justice. I do not

think any sensible person has any brief whatever for the person who wilfully drives while under the influence of liquor. He exposes himself to heavy and harsh penalties. But I want to see that justice is meted out to persons such as the one I have mentioned. I ask the Minister to state definitely in his reply what constitutes "being in charge of a vehicle while under the influence of alcohol." I am alarmed too at the principle being established that the Minister can no longer carry out an investigation if requested. From experience gained over a number of years I feel that this has proved to be a valuable medium in many ways. Because of some claimed injustice we have made representations to the Minister and he has been able to carry out investigations. I believe he should give very adequate reasons for establishing the principle that denies the Minister authority to carry out an investigation if he is requested to do so.

Another question that concerns me that is raised by the Bill is the setting down and picking up of passengers at loading zones and metered spaces. Under the previous legislation we were allowed to set down and pick up passengers at those places, but that is now to be denied us. I do not know how drivers will let passengers alight in the inner city when this legislation is passed.

Our Leader has signified that in the main we believe this is a sincere and honest attempt to correct anomalies and add to the provisions of safety but there are clauses on which we disagree with the Government. I will save further comment until the Bill reaches the Committee stage.

**Mr. RAMSDEN** (Merthyr) (4.12 p.m.): Unlike many hon. members who have spoken I intend to stay completely within the provisions of the Bill. I notice that the definition of "official traffic sign" in the Bill is—

"Any sign, signal, marking, light or device, not inconsistent with this Act, placed or erected for the purpose of regulating, warning or guiding traffic;"

I should like to comment on those words before coming to the main burden of my argument. I wish to state that the Traffic Engineer and his staff, and those advising him should be complimented for the help they have rendered in the inner city area and the near suburban area, by the provision of signs, and signals and other markings that regulate, warn and guide traffic.

**Mr. Davies:** That money would have provided work for many unemployed in the country.

**Mr. RAMSDEN:** The hon. member for Maryborough who has interjected is showing his ignorance. These signs would not be erected by the fairies. They would be erected by employees of the department who would be paid the award wage laid down.

In my opinion, there are certain signs that should have a great deal of bearing on the

safe conduct of traffic in the inner city and near city areas. The first one is the "stop" sign. When a "stop" sign is used on the road it prevents accidents. As an instance I cite the corner of Chester and Harcourt Streets, New Farm. In 1959 there were seven accidents at this corner. Three of those accidents involved injury to persons. On 10 February, 1960, the Traffic Engineer's Officer, noting those accidents, installed a reflectorised "Stop" sign at the corner and in the succeeding 19 months not one accident occurred.

That is only a small feature of what is going on throughout Brisbane with the wise placement and observance of traffic signs. Of course, they will work only when they are observed, or, if people will not observe them, when they are properly policed.

That leads me to point out to the Minister and to the Traffic Engineer, who is sitting in the lobby, that Bowen Terrace from the Story Bridge down to Bowen Street is a one-way traffic route from the bridge to New Farm. Following representations I made, signs were placed at the entrances to Bowen Terrace all along the route showing, "No Right Turn", so that people would not come up against the one-way traffic and try to make an entrance onto the Story Bridge. I am sorry to say that, in spite of the money spent in putting up those safety, precautionary signs, there are still a few irresponsible motorists, not many, who think they are a law unto themselves. I prophesy that unless the road is policed we will sooner or later have a serious accident on Bowen Terrace when somebody comes over the crest of the hill against the oncoming traffic while a person is going down towards New Farm expecting to have a clear road ahead of him.

**Mr. Davies:** What does the hon. member mean by having it policed? Does he want a policeman there all the time?

**Mr. RAMSDEN:** That is a sensible interjection and I will answer it.

**Mr. Davies:** Thank you.

**Mr. RAMSDEN:** What I mean, of course, is that it is very hard to police these things. I cannot ask the Minister or the Government to put a policeman on the corner of Bowen Terrace the whole time, but from time to time a traffic policeman on a vehicle could do spot checks of the area.

The same problem arises in James Street, where a blitz was put on speedsters who tore past the State school. A policeman had to sit there for a day and he got three prosecutions. It probably cost us a great deal of money for his wages, but following those three prosecutions in a day we had no further trouble.

The last matter I want to raise about signs is the frequent abuse of the red lights. For those of us who drive in the city proper I point out that there is a growing tendency,

particularly among tram and bus drivers, to jump the amber light and to ignore it. Particularly on the tram routes in Queen Street and Adelaide Street and the bus routes in Elizabeth Street, drivers of buses and trams anticipate the green light and get half-way across the intersection only to find the green light going on for the cross traffic and the whole stream of traffic is banked up and cannot get across because the driver of a heavy vehicle has anticipated the lights.

**Mr. Hanlon:** The amber is too quick; it is useless.

**Mr. RAMSDEN:** If that is so, it is probably a technical matter and can easily be attended to. But I do not think it is a technical matter. I think it is a complete and utter breach by drivers of heavy vehicles who know that, because of the weight of their vehicles, they can get away with it.

**Mr. Davies:** Will the hon. member tell us why the Minister is arranging for this stonewalling?

**Mr. RAMSDEN:** This is not stonewalling. It is amazing how when speakers on this side do not get up and speak the Opposition wail and moan that we are not supporting our Minister; they say it is quite obvious that we are not in agreement with the Bill. When we do get up and speak they still wail and moan. So I ask: how inconsistent can you get? I have mentioned certain matters in passing because they affect my own electorate and they do come within the provisions of the amending Bill. However, I really rose to speak to see if I could get across to hon. members opposite some facts that they are either blind to or not willing to listen to. For instance, the Leader of the Opposition spoke about a parkatarea being a money box, not a meter.

**Mr. Morris:** That is a physical explanation.

**Mr. RAMSDEN:** Yes, but hon. members opposite do not understand that, so I shall explain it to them. The Leader of the Opposition quoted words used by the Traffic Engineer in describing a parkatarea as a money box, not a parking meter. I think I am correct in saying that. As I have received no denial from hon. members opposite, I must be correct. I want to make it perfectly clear that the words spoken by the Traffic Engineer have been misinterpreted, either wittingly or unwittingly, and I give the Leader of the Opposition the benefit of the doubt and say that he did not understand exactly what the Traffic Engineer meant when he used them.

**Mr. Hanlon:** He is sorry he used them, but it is a bit late now.

**Mr. RAMSDEN:** Not at all. When one talks to sensible people, one can use sensible words. With the permission of the Minister,

I have brought into the Chamber a parkatarea so that hon. members can have a look at it. When Mr. Leitch spoke of this being not a parking meter but a moneybox, he was trying to explain to the public generally that it had no mechanism. A parking meter has a clockwork mechanism that is continually ticking over. This has no such mechanism.

**Mr. Hanlon:** It looks like a member of the Liberal Party to me.

**Mr. RAMSDEN:** If hon. members opposite wish to be facetious, I am sorry that I cannot deal with them. I am trying to convince sensible people that there was a reason for the Traffic Engineer's calling this a moneybox. It is a receptacle that contains the money which is dropped into it. When one looks in the back, one sees that there is no mechanism in it. That is what the Traffic Engineer meant when he described it as a moneybox.

I want to explain how it works, because it is apparent that there is a misunderstanding and a misconception of what a parkatarea is. As I said, it is quite different from a parking meter. A parking meter is needed for every space upon which a car is parked. In other words, if there are 10 spaces in which cars can be parked, 10 metres are needed. Only one parkatarea is needed for each two spaces.

**Mr. Houston:** How do you work that out?

**Mr. RAMSDEN:** If the hon. member is patient I will show him. On this side there is a red arrow saying "This Car," and on the other side there is a red arrow pointing the other way and saying, "This Car."

**Mr. Houston:** The Minister said that every alternate one would be a free area.

**Mr. RAMSDEN:** I should like to correct the hon. member's understanding of what the Minister said, and I hope he will listen now that he has interjected. The Minister said that for every parkatarea there would be a free parking area. In other words, if there is 40 ft. of parkatarea, the next 40 ft. will be free space.

**Opposition Members** interjected.

**Mr. RAMSDEN:** It is very difficult to explain to those who are either too deaf or too dumb. I wanted to demonstrate the parkatarea to those who are interested.

**Mr. Davies:** You have only shown us one side.

**Mr. RAMSDEN:** The other side does not open. If hon. members watch they will see where I am inserting the 2s. It drops down in the clear vision of the person inserting it. The driver who wants to park on the other side inserts his 2s. and again the coin drops down. A great deal has been made of the fact that we can find policemen for this duty but not for other duties. It is quite obvious

that the revenue from this source will be sufficient to pay for the services of the additional police needed, with money over for them to do other necessary work. The policeman will come along and turn the key, when the money will disappear from sight into the moneybox—if the Leader of the Opposition does not mind my using that term. That is all there is to it until in due course the authority, using another key, empties the money out.

With your indulgence, Mr. Speaker, I have gone to great trouble to demonstrate the parkatarea to clear up some of the witting or unwitting misconceptions of hon. members opposite.

The peak-hour traffic is caused today by the volume of people who drive to a place near where they work and then park all day. It means that all-day-parking must be found for over 7,000 vehicles a day. That number is growing week by week. The volume of road traffic inwards to the city between 7 a.m. and 9 a.m. and outwards between 4 p.m. and 6 p.m., is increased, thereby causing bottlenecks at places like Kemp Place, the Valley, Story Bridge, Victoria Bridge, Normanby and Woolloongabba. The establishment of parkatareas should lead to increased loan funds for major civil engineering works to alleviate the bottlenecks. I hope that the Traffic Commission, as a long-range plan, will take cognisance of what I said in my Budget speech about the need for the creation of under-river tubeways to relieve this major congestion. I was indeed pleased to see that the Town Plan released a few days after I spoke supported my plea for under-river tubeway crossings.

The Bill provides for the establishment of a trust fund, the Traffic Engineer's Trust Fund, in the Treasury. It provides further for all expenses in respect of the operating, maintaining and regulating of parkatarea spaces and the parkatareas themselves to be defrayed from that fund. All penalties, fees and other charges in respect of these parkatareas will be paid into this trust fund and the surplus moneys in the trust fund may, under the Bill, be used to alleviate, to reduce, or to completely eliminate traffic congestion or danger to traffic, as well as improve the traffic flow on existing roads.

The second provision in the Bill is that surplus moneys in this Trust Fund (Traffic Engineer) may be used to meet interest and redemption or instalments into a sinking fund in respect of any loan money borrowed for the purposes of such fund. That, I think, is a very significant part of the Bill because, as I see it, the passage and proclamation of this Bill as an Act of Parliament will open the door to a supply of loan money to enable major civil engineering jobs to be carried out, which, if they are not done, would mean the complete stagnation of our road system in city and suburbs within the next 10 years.

**Mr. Houston:** You admit it is merely a money-making scheme?

**Mr. RAMSDEN:** I shall answer that interjection because I am trying to give a reasonable exposition of the scheme. I have been asked do I believe that this is merely a money-making scheme. I do not, because I have already expressed the opinion, and I will develop it in a moment, that there will be some buyer resistance at first to the parkatareas by all-day parkers. Admittedly, there was buyer resistance to the parking meters at first and if there is buyer resistance, then the pressure of 7,000 extra motor-cars coming daily into the city will be relieved and, with the relief of that extra 7,000 vehicles a day, pressure on the bottleneck spots in the peak hours between 7 and 9 in the morning and 4 and 6 in the evening, will cease to exist. That will be obviated because those vehicles will remain at home. The owners will develop a buyer resistance and will not use them.

**Mr. Davies:** What a lovely outlook!

**Mr. RAMSDEN:** I am saying that one of two things will happen—that people will use them and we will have money to overcome the difficulties they have been creating by bringing their vehicles into the city every day, or, on the other hand, if they do not want to bring their vehicles into the city, these bottlenecks will largely disappear.

I have been told that in America where motorists have the benefit of major civil engineering works such as overpasses, clover leafs, freeways, etc., the motorists are quite willing to meet the high cost of motoring which they feel will give them the benefit of such roadway facilities. The motorist realises there that these fairly high charges are justified in view of the ultimate end that is achieved. In fact, I will say that in Queensland, the same idea will eventually prevail. People in Queensland, when they see what they are getting for their money, will be quite happy to meet the added charges for better traffic flow and better safety.

The Queensland motorist can be pardoned for feeling that he has had a raw deal in the past. He has had the misfortune to be in one of the biggest States of the Commonwealth where there is a sparse population to call upon for funds and, as a result, he has had to put up with inadequate roads in country areas, a lack of sufficient number of river crossings and main access roads to the city, and a complete lack of major engineering works. As a matter of fact, the Albion overpass in the Chairman of Committees' electorate, is the first major work to be constructed.

The passing of this Bill will make available funds for major works that will reflect themselves in safer highways, quicker passage to and from the suburbs and the city, and an improvement in traffic generally so that 10 years from now we will wonder how we ever managed before. Time will vindicate the faith I have in the Bill and in the parkatarea system for fringe areas.

We have heard a little from the Opposition about our attitude to children at school crossings. I commend the Minister most wholeheartedly for what he has done under the Bill in that regard.

**Mr. Houston:** What does your school committee think about it?

**Mr. RAMSDEN:** My school committee appreciates the difficulties of the Government. Its members are not upset by the inane nonsense we hear from the Opposition. My school committee has discussed the matter with me and officers of the Traffic Commission and is quite happy about what we are doing for the safety of the children.

The Bill lays down that any scheme that will facilitate safe crossing by school children of public streets may be put into practice by approved bodies, to exercise and discharge the powers, authorities, duties and functions specified in the scheme, and it further provides that at any time fresh schemes can be authorised to take the place of any previous scheme.

The safety of our children is a most important matter. I can tell the story of the school crossing at St. Margaret's School at Albion. The Traffic Engineer's office was asked to put down a road crossing where the children were crossing Sandgate Road. The school committee asked that an officer of the Traffic Engineer's office discuss the problem with it. By courtesy of the Minister I took out an officer to discuss the problem with the St. Margaret's committee. The problem at that school is somewhat different from the problem at most schools that are visible from the highway. St. Margaret's School is not visible from Sandgate Road, being round the corner. The officer from the Traffic Engineer's office talked to the members for a long time and pointed out the danger that with many pedestrian crossings motorists get so used to seeing them that they start to ignore them. He pointed out also that the children would not get the benefit of it because it would not be visible from the highway and people would not know the school was there because they could not see it. I then made representations to the Minister to have a police officer stationed at the crossing. That was impossible because officers were required elsewhere. The Minister by the introduction of the Bill is doing something that will have very beneficial effects. I do not know the position in the electorates of hon. members opposite, but I do know that the proposal under the Bill will be greatly welcomed in the electorate of Merthyr, and that is what interests me. At the present time some schools conduct school patrols. Those patrols hold up the "Children Crossing" flag. The practice is followed at the Greenslopes State School.

**Mr. Aikens:** Is that enough to stop a drunken driver?

**Mr. RAMSDEN:** Of course not. I do not often thank the hon. member, but I thank him for his interjection. At present these patrols have no standing in law. If a driver goes through the crossing and knocks down the children, they have no standing in law. The Bill will give a greater degree of protection for our school children and those who guide them across the street.

The Bill will ultimately improve traffic flow and bring about a greater degree of safety on our roads. It will help to cut down the appalling toll of the road.

I have only one other point. Opposition members have made a great song and dance about the fact that the Bill gives the Traffic Engineer power to override local authorities. They accused us of wilfully and wantonly trying to get rid of the power of local authorities. Let me remind the House what occurred in 1949 when Labour took away the power of the local authorities to handle traffic and they vested it in the Police Department. With the establishment of the Traffic Commission, authority was given to the local authorities to assist the Traffic Engineer, and provision is made for the Traffic Engineer to delegate his authority to the local authorities.

**Mr. Davies:** What about subsidies?

**Mr. RAMSDEN:** I don't want to be misled by subsidies. Under the Bill the Traffic Engineer may define traffic areas. They may be any area defined by the Traffic Engineer. I make this point very clear, because I do not wish to be misinterpreted: before parkatareas can be installed in a traffic area approval must be given by the Governor in Council, and the approval of the Governor in Council is to be given for the whole or part of any area which is to be used for parkatareas.

**Mr. Aikens:** A mere formality.

**Mr. RAMSDEN:** The hon. member for Townsville South tells me that it is a mere formality. Any of these things may be challenged in the House if hon. members disagree.

I commend this Bill to the Committee and I again congratulate the Minister on the new principles outlined in the measure.

**Mr. AIKENS** (Townsville South) (4.42 p.m.): This debate has been very interesting for many reasons. One of the reasons came from the hon. member for Wavell who said that there was remarkable apathy among the people towards the ever-mounting toll of the road. I suggest that the hon. member for Wavell that all those who hold similar opinions should do as I have been doing in the last 12 months or so and introduce the toll of the road in conversations, or at any meetings, or in any place where they happen to be talking. They will find that rather than there being a feeling of apathy amongst the people of Queensland, towards

the ever-mounting toll of the road, there is a feeling of cynicism and a feeling of smouldering resentment against the Government of the day that are doing nothing really to grapple with the toll of the road. It will not be long before this smouldering resentment bursts into flame, and when it does, and becomes a conflagration, no-one will be more responsible for it than the Minister for Labour and Industry himself.

**Mr. Houston:** You are chasing him out of the Chamber.

**Mr. AIKENS:** He is always out of the Chamber when any interesting point is being raised. As a matter of fact he deliberately left the Chamber when the hon. member for Windsor, who is a competent barrister, was raising a very interesting legal point about one of the provisions of the Bill. Incidentally, I find myself in exactly the same corner of the ring as the hon. member for Windsor on that particular legal point because I raised it during the introductory stage of the Bill. When I raised it, I was roundly abused, per medium of an interjection, by the Minister for Labour and Industry. I said then that the Act was being amended purely and simply to give one type of drunken driver an easy way of getting off the hook. The hon. member for Windsor agreed with me but he said they are not being allowed to get right off the hook but are to be permitted to be caught with a much smaller hook.

The most interesting part in the speech delivered this afternoon by the hon. member for Windsor was the interjection by the hon. member for Brisbane who is a top-ranking member of the Parliamentary Labour Party and has been for many years. By interjection, the hon. member for Brisbane told the House that they intended to put this provision into one of their pieces of legislation with regard to control of traffic, but that they had been strongly advised against doing so by the Police Department. The Police Department had advised them against doing it for the very reasons that were advanced here this afternoon by the hon. member for Windsor. I do not think for a moment that the Police Department has changed its opinion on this important point and I think the Minister for Labour and Industry owes it to the Parliament and to the people of Queensland to explain in detail why he has done something in distinct contravention of the strongest possible advice that could be given him by the Police Department. I think he owes it to us to tell us that.

Now let us have a look at the provisions of the Bill. The main provision deals with the ever-mounting, awful toll of the road. The Minister for Labour and Industry expressed the opinion that he is quite happy with the toll of the road in Queensland today because it is proportionately less than the toll of the road in any other

State. That circumstance is brought about purely and simply by the diversification of Queensland's population. If we had 60 or 70 per cent. of the State's population in the capital city, then under this Minister the toll of the road in Queensland would be much higher than the toll of the road in any other State.

This Bill, like all Bills, is a punitive Bill and punitive Bills, of course, and punitive measures in any Bill, are aimed at one particular section of the community alone and that particular section is the law-breaking section of the community. The Bill does not deal with the honest, courteous, observant and efficient motorist because he will not come within its provisions. Only the law-breakers, among them motorists, will come within its punitive provisions.

And what is the Minister for Labour and Industry doing about the law-breakers among the motoring fraternity—the drunken drivers, the careless drivers, the reckless drivers and the dangerous drivers? By the Bill he is increasing one penalty alone. He is increasing the penalty for second-time-up drunken driving. The penalty for first-time-up drunken driving remains the same. And the Minister has stoutly resisted all suggestions, even those emanating from his own party, that he should lay down a minimum punishment for drunken drivers whether first time or second time or third time up. He says that a drunken driver who is convicted of a third offence must receive a term of imprisonment, but when it was suggested to him that we should lay down a minimum term of imprisonment he nonchalantly shrugged that off and said he did not propose to dictate to the magistracy.

I repeat what I said at the introductory stage. We had a case in Ayr recently where the magistrate sentenced a third-time-up drunken driver to 10 days' imprisonment in the local watchhouse. In accordance with the Bill and the Minister's interpretation of it and the Minister's intentions with regard to it, that 10 days in the local watchhouse would be sufficient for a third-time-up drunken driver.

I am not going to weary the House with reading the numerous statutes that contain minimum penalties but I will refer hon. members to a Bill that has passed the introductory stage and is ready for the second reading whenever it suits the Government's convenience to bring it forward, and that is a Bill to amend the Dental Acts, 1902 to 1959. Clause 2 of that Bill says—

“Section twenty of the Principal Act is amended by omitting from subsection (5) all words occurring”——

**Mr. DEPUTY SPEAKER:** Order! The hon. member may not anticipate proposed legislation. I do not think he is in order in referring to the Dental Bill.

**Mr. AIKENS:** I think you misunderstood me, Mr. Deputy Speaker. I will not read the whole clause. I am merely pointing out that, under that legislation, any unqualified dentist—that is, any dental mechanic—who breaches the proposed provisions of the Bill will be liable to a penalty of not less than £20 and not more than £100. In other words, we have laid down a minimum penalty of £20 for a qualified and competent dental mechanic who puts a false tooth on a plate, but apparently we have not got the courage to lay down a minimum penalty for any drunken driver who takes a human life. There I think the whole hypocrisy of the Bill is shown quite adequately.

I do not wish to prolong the debate unduly, but I draw the attention of the House to the reply given by the Minister for Labour and Industry to a question that I directed to him recently in regard to speed. We know there has been considerable concern in the minds of many people about the recent increase in the speed limit from 30 miles an hour to 40 miles an hour in built-up areas and from 50 miles an hour to 60 miles an hour in outlying areas. The hon. member for Carnarvon said that he thought 60 miles an hour was a reasonable speed on country roads. I am not a car-driver. It is many years since I had a car and many years since I drove one, but I am assured by competent car-drivers that once one gets over 50 miles an hour, whether in a built-up area or on the open road, one begins to lose control of the car. I am prepared to accept the opinion of those men against the opinion of the hon. member for Carnarvon, although I respect his opinion. In his reply to my question, the Minister for Labour and Industry admitted that in effect, and in fact, he allows the law-breakers of the State to make the law.

**Mr. Morris:** I did nothing of the sort.

**Mr. AIKENS:** The Minister did, and I challenge the Minister in his reply to read again to the House his reply to my question on that particular subject. He said, in effect, that he knew that several motorists had been exceeding the speed limit of 30 miles an hour, that he knew they had been driving at 40 miles an hour in built-up areas and at 60 miles an hour in country areas. Consequently, he said, people will obey the law—mind you, Mr. Speaker, law-breakers they were, not ordinary, conscientious, honest motorists—only when the law suits them. They will obey the law, in the Minister's own words, only when they consider that the law is a common-sense law. So long as individual law-breakers continue breaking the law relating to traffic control in the State, the Minister for Labour and Industry will very conveniently and condescendingly amend the law to fit in with the opinions of the law-breakers. The same thing is being done in the amendment to the Liquor Act, although I shall not deal with that particular aspect of it here. We have the admission of the Minister,

therefore, that where people break the law, he will amend the law to fit in with the opinions of the law-breakers.

The question of blood tests was raised by the hon. member for Bowen. I do not want to say anything distinctly at variance with such a reputable, honest and considered medical opinion. However, I do know something about drunks, and I can speak from my personal experience of drunks. I would say this: that as far as I am concerned, a blood test, or even a Breathalyzer test, would of itself not be sufficient evidence for me to say that a man was incapable of driving a car. The Breathalyzer test and the blood test, if taken in conjunction with all the other clinical tests, and if taken in conjunction with all the other evidence of facts in the case, might prove effective. But I would say that every hon. member who is listening to me and every man who cares to read "Hansard" will know that there are some men who are raving lunatics after they have had four or five beers and are incapable of being placed in charge of a motor-car, and that there are some men who have been drinking huge quantities of alcohol for a long period, who are virtually pickled in alcohol—if a blood test were taken, I would say that it would show almost 90 per cent. alcohol and 10 per cent. any other liquid they may have in their bloodstream—whose natural state is insobriety, who are usually careful and courteous drivers. If we are going to rely on the blood test and the Breathalyzer test alone, as far as I am concerned it would be useless. But taken in conjunction with clinical tests, and in conjunction with the evidence of experienced policemen and so on, I think it is well worth while. At least it could disprove the argument advanced by some people that they had not had a drink at all. At least those tests would prove that they had taken some drink, and the rest of the evidence would show whether the drink they had taken made them incapable of driving a car.

In the same question to the Minister for Labour and Industry the other day I asked why was it that we never read, or very rarely read in the Press, of any prosecutions taken by the police against a motorist for a serious breach of the traffic regulations unless he has been involved in a collision or an accident. I want the House to bear in mind in respect of that particular motorist, other than where the fines and punishments are specifically provided in the Traffic Act, the Criminal Code or some other part of the statutes, that the Minister has reduced the maximum penalty by 50 per cent. I want that to be remembered. I asked the Minister for Labour and Industry was it a fact that instructions had been given to the police that no prosecutions were to be launched, even for serious traffic offences, unless the offenders were first involved in a collision or accident. He came back with a rather sarcastic reply, saying that that sort of thing was encouraging people to commit traffic breaches. I



suggest that the Minister inform the House of the number of prosecutions for serious traffic breaches where the offender has not been involved in an accident or collision.

I had a case myself the other day. I went out to a friend's home at Windsor. I had a three-year-old child with me. I was leading the child by the hand. I got out at No. 18 tram stop, at the corner of the Windsor Memorial Park. Leading a three-year-old child by the hand naturally I would not leave the tram before it stopped. I could not do it; it would be a physical impossibility. The tram stopped. I got off the tram, and went to walk from the tram to the footpath. Along came a car speeding past the stationary tram. I, with the little child, had to jump back to the safety of the tram.

**Mr. Walsh:** There is far too much of that.

**Mr. AIKENS:** Far too much. I am glad to have that interjection from the hon. member for Bundaberg.

I said to the conductor—a middle-aged, portly chap with hornrimmed glasses, a very courteous fellow—"Did you have a look at that? She nearly ran me down." The following morning I rang a very high-ranking police officer, a friend of mine. I have a very high regard for quite a number of police officers; I know them to be excellent fellows, good officers of the department. I gave him the circumstances of the case. I gave him the approximate time of the incident, the stop number, the description of the car and the number of the car. He said, "Tom, I will take it from you if you like, but it will be useless. We will not be able to launch a prosecution."

**Mr. Bennett:** Do you know why? Because they could not rely on your evidence.

**Mr. AIKENS:** I think the hon. member for South Brisbane would be better advised if he commented on the truth or otherwise of the shocking allegation made about him in "Truth" last Sunday.

**Mr. SPEAKER:** Order!

**Mr. AIKENS:** In order to put the Minister to the test I will give him the full circumstances of the case. They are all here. I will guarantee there will be no prosecution because he would have to eat his words if he prosecuted that driver. The hon. member for Bundaberg said that there was far too much of motor-cars passing stationary trams in Brisbane.

**Mr. Walsh:** I have witnessed it myself.

**Mr. AIKENS:** Everyone witnesses it who is not blind either deliberately or accidentally.

Let me make a suggestion in all seriousness to the Minister for Labour and Industry. Will he take a walk with me, just he and I, for a couple of hours any day of the

week, any time of the day, so that he can witness the very many serious traffic offences being committed all over the city?

He will see good policemen, eager to do their duty, standing on the street corners and either deliberately looking away or nonchalantly shrugging their shoulders. Those policemen would not nonchalantly shrug or look away unless they had been instructed to do so. They can see, any day of the week, people crossing at pedestrian crossings on the green "Walk" light, and cars—particularly taxis and buses, not that all taxis are offenders and not that all buses are offenders, but I would say that among the worst offenders in Brisbane are taxi drivers and Council bus drivers—go round the corner with tyres screeching, at 35 to 45 miles an hour, and plough through the stream of pedestrians on the pedestrian crossing.

**Mr. Gaven:** And pushing everyone out of the way.

**Mr. AIKENS:** As the hon. member for South Coast says, "Pushing everyone out of the way." It is apparent that every hon. member of this House has seen, and will continue to see, the serious traffic offences being committed and no attempt being made by the police either to stop them or to prosecute them. Yet we are asked to believe that the police are inefficient and/or corrupt. I do not believe that the police are inefficient and/or corrupt. I believe that the police would like to have the power to stop these serious traffic offences and I know that the order must have come from someone higher up. I challenge the Minister, although he has denied it and we must accept his denial that he issued this instruction to the police, to tell us who did issue the instruction that there should not be any prosecutions against serious traffic offenders unless there is a collision or accident.

**Mr. Morris:** I can give you the categorical statement that there is no such instruction, that the only instruction to that effect exists in your somewhat ill mental attitude.

**Mr. AIKENS:** The Minister for Labour and Industry talks about my mental attitude. Someone said to me that they thought the Minister for Labour and Industry had a lot of grey matter. Well, he has, but unfortunately, it is on the outside of his head.

**Mr. SPEAKER:** Order!

**Mr. AIKENS:** As I say, if that instruction has not been issued, if it exists only in my—and I will put the words into his mouth—unbalanced mind, why does it also exist in the mind of the hon. member for Bundaberg? Why does it exist in the mind of the hon. member for South Coast? Why is it that it exists in the mind of every citizen of Brisbane who can see it, day in and day out, every day of the week?

**Mr. Walsh:** What the Minister has to answer is, if there is no instruction, why are there no prosecutions?

**Mr. AIKENS:** That is so. If there is no instruction, why are there no prosecutions? Let him go down to King George Square, to the Adelaide Street end, and he will see at the traffic lights between the end of King George Square and the Hibernian Building whether on green, on "Walk", or red, on "Don't Walk", taxi cabs from the King George Square rank swinging around the corner with screeching tyres, bull-doing their way through pedestrians, as I say, whether the light is on green or not, and five policemen standing there watching it. He could see it any time. Will he go down with me? Is he afraid to walk with me? Does he think he will lose votes by walking with me? Is there any reason why he will not go, except a guilty conscience?

**Mr. Morris:** The only reason I would not walk with you is that I have a reputation for keeping good company and I do not wish to spoil it.

**Mr. AIKENS:** I will tell the Minister what I will do. I will disguise myself to look like the hon. member for Merthyr, or even the hon. member for Sherwood. I will wear any disguise at all so long as I can get the Minister for Labour and Industry out of his luxurious ministerial car, onto his feet to see for himself the shocking breaches of the traffic regulations and traffic laws in Brisbane, right under the eyes of the police and the police doing absolutely nothing about it.

That is all I have to say. I know that the Government wish to get the Bill through. In conclusion, I could read from a copy of "The Reader's Digest" of August, 1955. I would be quite within the Standing Orders in doing so. I have kept it for six years in the hope that the opportunity might come for me to mention it in a debate. The article is entitled "I'm a 'Tough Cop'. Why? Because I've seen too many of the terrifying things that human beings do to themselves when they get behind a wheel." It is a factual article written by Patrolman John Carlson of the Connecticut State Police. I will not read it, but I will say, having regard to our attitude to traffic offenders, that wherever we go in Queensland, we hear the one remark, "If you want to kill or injure anybody in Queensland, do it with a motor car. Don't do it with any other lethal weapon." We find that Government sympathy is extended to offenders against the traffic code, that it is extended to drunken, reckless and dangerous drivers who wantonly take human life, but no sympathy is extended to the victims. I showed this book to the hon. member for Bowen after he had finished his speech. He will not mind my mentioning it. He read the article and congratulated me on bringing it to his attention. He said, "That is the most pregnant sentence I have read for many years." It deals with people who want sympathy for the drunken driver, the reckless driver, and the dangerous driver, and the writer of the

article asks, "And what about the widow and her three little kids?" He was dealing at that stage with a specific case. He said, "They had received a sentence from which there is no parole." There is no parole for the widows and kids, the innocent victims of the people against whom the punitive sections of the Act are directed. There is no parole for them, but all the sympathy in the world is extended by the Minister for Labour and Industry and the Government to the law-breakers, the people against whom the Act is directed.

**Mr. HERBERT** (Sherwood) (5.7 p.m.): In view of the late hour I shall be brief. I want to deal first with Section 35, and the schemes to facilitate children crossing streets. In Great Britain recently I had the opportunity of watching the scheme in operation there. The Minister has already mentioned that although the machinery is being provided by the section, he has no intention of implementing it. Although the scheme in Great Britain works quite well, I was told a number of problems were encountered. In Great Britain pensioners, men and women and housewives, are employed on the work for a couple of hours. They are provided with a white coat, an armband and a very large "stop" sign. They collect the youngsters at the street crossings and conduct them across in groups. The scheme works in Great Britain with its large concentration of population, but in Queensland any school would have half a dozen street crossings and we could run up a considerable bill in wages unless we could get volunteers, which is extremely doubtful and may not be desirable. The Government would have to consider the cost of such a scheme carefully. It works in Great Britain extremely well.

**Mr. Houston:** Do they rely on volunteers?

**Mr. HERBERT:** I do not think it is desirable to rely on volunteers. Before implementing such a scheme the Government would have to go into it fully, because the cost in a State the size of Queensland would be considerable.

**Mr. Houston:** What do they do in England by way of compensation for injury?

**Mr. HERBERT:** That matter is covered by an entirely different Act.

Another point calling for careful consideration would be the amount of authority given to persons who control crossings. Some people in our society, when they are given a little authority, misuse it. Some policemen unfortunately misuse their authority but, of course, there are ways and means of dealing with them. The people who would be used at school crossings could not be dealt with in the same way.

The hon. member for Merthyr has already mentioned the crossing out of sight of the school. I have such a school in my electorate, the Oxley State school. It cannot have a school patrol because the school

crossing is out of sight of the school building and the school patrol would not be under the supervision of the teachers. The scheme under the Bill for crossings of this nature will be much better than the practice at present in operation of using school patrols. Someone who is thinking of violating a crossing would be much more likely to do it with the youngsters in sight than if there was an adult there who knows his authority. The costs of this method will have to be gone into very carefully before it is accepted. Unfortunately I could obtain no figures as to the costs involved in Great Britain, but there is certainly a possibility that this matter may have to be referred to the school committees so that they may share part of the cost if they desire this facility. We can imagine just how much it could cost to have an army of people available for a couple of hours a day for this work.

When I spoke on the Budget debate I mentioned the Movatron. That is a trade name in America for the division of streets into lanes. I know that our Traffic Engineer has investigated this matter but to some extent the parkatareas have taken up so much of his time that he has not been able to go very far with it. There are a number of places where this method of dividing streets into traffic lanes could be used with advantage. I have mentioned Coronation Drive where there is accommodation for three lanes to be used in the morning, and three in the afternoon. There are a number of other places where this system could be used to good advantage. For instance, there is the Normanby crossing, and particularly College Road which is a very wide road. At night-time, three lanes on the way into the crossing are taken up by traffic right back past the Grammar School, but the other three are nearly completely empty. With the use of a Movatron we could get five lanes into the crossing in the evening, and five out of it in the morning.

**Mr. Hanlon:** That would be while a policeman was on point duty.

**Mr. HERBERT:** Whatever system they used at the Normanby.

Incidentally, in Great Britain, almost universally they have a roundabout, but trams are very difficult to handle on roundabouts. Whether there is a policeman around or not traffic will still be cleared much quicker. Movatrons are pliable posts a short distance out of the ground and the more modern ones are electrically operated. They are made of rubber with spiral steel springs inside so that if someone cuts across them he does not do much damage to his vehicle or to the instrument.

**Mr. Smith:** They use them on the Sydney Harbour bridge.

**Mr. HERBERT:** No, that is a very antiquated system. It does work on the same principle, but it is nothing like the modern

machinery they have now which enables any number of lanes to be marked off on a highway. I hope that in the near future we may see experiments conducted with this type of traffic control at the Normanby, on Coronation Drive, parts of the southern suburbs, such as Woollongabba, and other places where there are wide streets, with one side packed with traffic and the other side almost empty.

There have been some comments today about the speed problem. I agree with the previous speakers' comments about the 60 miles an hour limit. The Minister has had the experience I had in America where traffic police urge the traffic to go faster. I travelled in a bus at 65 miles an hour with a traffic policeman urging the driver to go still faster. I should hate to see that in this country because I believe 60 miles an hour should be the limit even on a perfect road.

There are a number of other facilities that I hope the Traffic Engineer will be able to consider very soon. I refer particularly to roundabouts and clover-leaf crossings. At the moment, the Oxley Hotel is being rebuilt and the old hotel in front of the new structure is to be demolished. It will leave vacant a very large area of land at the junction of Ipswich Road and Oxley Road which would be perfect for the installation of some sort of clover-leaf crossing. Every hon. member in the House is aware of the accidents that have occurred at that crossing. Anyone travelling West from Brisbane knows how dangerous the intersection is. It is the first major intersection with Ipswich Road that is met on the journey into Brisbane. If we could have some sort of a clover-leaf crossing installed at this corner after the demolition of the hotel which is proceeding at the moment we would prevent an enormous number of accidents. They occur there almost daily. Other properties would be involved in such a move but it would be desirable and it would be an excellent site for an experiment of this nature. If we do not take advantage of it now we will not be able to do so in the future because very soon the four-lane highway will be moving down into that area.

There are several other subjects I should like to discuss under this heading, but in view of the lateness of the hour I will reserve them for the Labour and Industry Estimates.

**Mr. BENNETT** (South Brisbane) (5.16 p.m.): The Bill contains some new principles and I think it is high time the Minister determined once and for all—at least for some time in the future—what his principles are in relation to traffic.

The Traffic Act as it stands at the moment is like a pakapu ticket. In 1953 the legislation from 1949 on was consolidated and printed in the one publication. Since the present Minister has been in charge of the traffic portfolio there have been so many

amendments that one has to become an expert in the Traffic Act to understand that aspect of the law. Very few authorities in the State concerned with the administration of the Traffic Act have an up-to-date copy of it. I can say that with authority. The Police Department must employ officers full time sticking in the various amendments. The Act obviously is the most untidy, incompetent and unworkmanlike. Between pages 36 and 39 of the consolidated Act, following the amendments introduced by the Minister, there have been 18 further pages, including amendments to amendments. One has to keep sticking little pieces of paper in to try to keep abreast of them.

**Mr. Smith:** You amended your fees, didn't you?

**Mr. BENNETT:** If the hon. member for Windsor really wants to provoke me I shall certainly be easily provoked. I know he cannot produce an up-to-date Traffic Act of his own because either he is incompetent and cannot prepare it or he just has not got one. If he wants me to deal with him I shall.

**Mr. Davies:** I would not like to be asked to pay his fees.

**Mr. BENNETT:** Not if the hon. member read the judgment in the case of THOMAS V. SNOW.

I want to deal with the provision in the Bill affecting the principle of being in charge of a motor-vehicle. With most offences under the Act people cannot be prosecuted unless they are in charge of the vehicle. Certainly they cannot be prosecuted for being under the influence of alcohol unless they are in charge of a vehicle. The principle is being amended by the Bill but to my way of thinking the amendment does not change the purport or the meaning of "being in charge of a vehicle". It still leaves it in delightful obscurity. Some people might call it delightful because it is really a haven for lawyers to argue about its meaning. To others it is very distressing to have to try to determine when a person is in charge of a vehicle and when he is not, both under the Traffic Act as it is at present and under the legislation as it will be when the Bill is passed.

Away back in 1952 the Full Court handed down a judgment in a case known as Reg. v. Heaton. In that case there was a finding that the accused was leaning or reclining against the driving side of the cabin door of the truck, with his right foot on the running board, and that he was asleep. Later, at the watchhouse, he said, "I was going to get into the truck and lie down on the front seat and have a sleep." There was then a long argument about whether the man was in charge of the vehicle. A decision was given, and eventually that decision was taken on appeal to the Full Court of Queensland. The then Chief Justice,

Mr. Justice Macrossan, after quoting the section relating to "being in charge of a vehicle," said—

"In my opinion, that provision applies to the appellant. He was the owner of the vehicle and he was beside the vehicle in a position where he was both appearing and acting and behaving as the person having the possession and the custody and the care of the vehicle. The vehicle was on a public street, it was a motor vehicle and the appellant was under the influence of liquor. In the circumstances, I think that he was properly convicted and that the order to review should be discharged."

The Senior Puisne Judge, Mr. Justice Mansfield, as he then was, said—

"I agree. In my opinion the following circumstances which were open to the magistrate to find brought the appellant within the purview of the Act. He was the owner of the vehicle, he had previously driven it to the place where it was parked, he asserted actual and continued control over the vehicle at the relevant time by his leaning on it and by his admission that he had gone to the truck at the relevant time because his dog was there and he wanted to take care of him and not to lose him, and secondly, to prevent wire-netting which was in the truck from being stolen. Also, there is the circumstance that no other person asserted any control over the vehicle at the relevant time.

"I think on all the facts the magistrate was entitled to come to the conclusion that the accused was guilty. I therefore agree that the order should be discharged."

Mr. Justice Townley agreed with that decision.

**Mr. Smith:** There was not much argument in that case.

**Mr. BENNETT:** The hon. member does not even know of the case.

**Mr. Smith:** I cited it earlier this afternoon. Mr. Hart was not called upon to reply.

**Mr. BENNETT:** Since that judgment was given, many prosecutions have been launched in the courts from time to time charging persons with being under the influence of alcohol or a drug and in charge of a vehicle. Only recently I defended a person who was charged with being under the influence of liquor and in charge of a vehicle who was apprehended some two blocks away from the particular vehicle concerned. He was taken back to the vehicle, and when the police brought him close to it they asked him if he had the ignition keys of the vehicle. He said, "Yes" and produced them. He was then charged with being in charge of the vehicle while under the influence of alcohol. I do not doubt for one moment the validity of this judgment; it is the correct interpretation

of the words "being in charge"; but the prosecution was launched on the principles enunciated by the Chief Justice in this case when he said, "He was the owner of the vehicle and he was beside the vehicle in a position where he was both appearing and acting and behaving as the person having the possession and the custody and the care of the vehicle." Carrying that to its logical conclusion, and in view of some of the prosecutions that have been launched, if a person is well removed from his vehicle, with no intention of driving it, he could well be prosecuted, as the defendant was in the case that I have mentioned, for being in charge of the vehicle while under the influence, if in fact he is under the influence of liquor.

Dealing with the clause, we as parliamentarians are not determining any code of morals. It is not a clause designed to catch those who are imbibing liquor too freely or who are in fact under the influence of alcohol. It is a section to curtail the activities of those who whilst under the influence of liquor are also in charge of a vehicle. I would submit that the considered opinion and consensus of opinion of parliamentarians when enacting legislation in relation to this point, direct their attention only to those drivers under the influence who are in fact either driving their car, about to drive their car, or in a position to drive their car. I am submitting that it is not the intention of the Legislature under this Section to place strictures on a person's drinking habits, if in fact he has no intention of driving his car. I am not exactly sure of the decision the court would come to because in the instance referred to when I appeared for the defendant under that section I argued the point of being in charge, but there was no decision given. The Court found they had a reasonable doubt as to whether or not the man was under the influence of liquor, so the point was not determined. But certainly a prosecution can be legitimately launched if a man, say, parks his car here in a public park for the day early in the morning, goes down to the Valley and enters a hotel and proceeds to take some liquor. In order to be caught by this section you have not to be drunk by any means in the ordinary accepted sense of the term of being drunk or intoxicated. You have to be under the influence of liquor in terms of the section, which means in some instances if a person had two beers he could well be convicted of being in charge of his vehicle if those two beers in fact changed him so that there was some abnormality in his conduct. Bearing in mind the term "under the influence of liquor," if this man has two beers he may not be drunk by any means but under the influence of liquor, although certainly with no intention of driving his car. But if he is apprehended by a police officer and is taken back to his car where he produces his keys and says that he has the control and custody of his car, and a prosecution is launched, he could be convicted. The law does not say that you have

to be drunk to be convicted under this section, but you have to be influenced by liquor. I would suggest that the Minister give some serious consideration to making a stricter determination and definition of the meaning of the term "under the influence of liquor" because I reiterate that if a man parks his car and intends eventually to give his keys to somebody else to drive it home, but is caught with his keys and is taken back to his car, he runs the risk of being convicted under the section.

The hon. member for Townsville South made reference to my absence when he knew that I was merely going out to the Parliamentary Library to get a book. I was away only two minutes. The hon. member makes his speech and leaves immediately afterwards. He is never here at nighttime. It illebhoves such an hon. member to make comments about the absence of others. The hon. member had a completely wrong understanding of the meaning of the term "under the influence of liquor". He talked about being incapable of driving a car. That is not the meaning of the term. People should understand the meaning of terms before they pose as authorities on their interpretation.

**Mr. Newton:** The best he can do is ride a bicycle.

**Mr. BENNETT:** The hon. member for Belmont says, "The best he can do is ride a bicycle." There are two other principles that have raised confusion in legal circles over the years and, following the introduction and implementation of the Bill, they will continue to raise confusion. They relate to what is meant by the term "parking." I strongly exhort the Minister, before the Bill reaches the Committee stages, to give serious consideration to the meaning of the word "parking" because it has two conflicting meanings in two separate portions of the Act.

In one section it says that—

"The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading goods or passengers,"

constitutes an offence. On the other hand, the Bill says, and the Act says at the moment, that it is an offence to park or stand a vehicle abreast of any other vehicle or animal.

Therefore, normally speaking, on the reading of the section it provides that it is an offence to park or stand a vehicle abreast of any other vehicle. If that is done a penalty is involved, yet the other section provides that it is not an offence, so long as loading or unloading of passengers or goods is taking place. Within the meaning of the Act and of the Bill it is not an offence to double park in Queen Street or in Adelaide Street if, in fact, the parking or standing is in order to load or unload goods or passengers.

I suggest that that is not the intention of the legislature nor of the Minister and that he should take steps to have that conflict, difficulty and misunderstanding clarified before the Bill reaches the Committee stages.

The Act provides, as I say, that it is an offence to double park or stand on a double line but a vehicle is not parking or standing, in the meaning or interpretation of the word "parking" if, in fact, it is loading or unloading passengers or goods.

There is one small aspect of parking that comes constantly under my notice. It has to do with the parking of vehicles in the metered zone in that section of Turbot Street between George Street and North Quay. There would not be one afternoon on which several vehicles are not booked for over-parking after half-past four. It is done regularly to five or six vehicles, sometimes four or five, and I am sure that if the Minister checked the records to satisfy himself he would see that that is true.

**Mr. Morris:** What area are you referring to?

**Mr. BENNETT:** In Turbot Street between George Street and North Quay. They are different people every afternoon, of course, but people are being constantly booked during the period I mentioned. They are not deliberately defying the law; they are people who do not have a proper appreciation of the fact that they are not entitled to park in that particular location at that time. I should say that the main reason is that the signs are inadequate and do not properly convey the terms of parking to people wishing to park there, and it behoves the Minister to give urgent attention to the matter.

On the principles of the Bill, it is claimed that several offences are being committed from time to time, and no doubt that is true. I intend to have something to say about that later on. But, I feel that organisations and large undertakings that are responsible for the attraction of cars for entertainment, commercial, or industrial purposes, should be required to so organise their traffic flow, inwards and outwards, that it does not materially interfere with the ordinary flow of traffic. There are several instances of this but one I know of in particular would be well before the Minister's mind, because I saw him observing the chaos and confusion that existed there last Saturday morning when there was a serious bottleneck at the entrance to McDonnell & East's parking lot in Turbot Street. The traffic banked up back to the intersection and was actually stationary. It was a complete blockage.

**Mr. Morris:** Does that position arise on week days?

**Mr. BENNETT:** Yes, from time to time on week days.

**Mr. Smith:** That is not peculiar to McDonnell & East's.

**Mr. BENNETT:** I am not suggesting it is, but that is a bad example.

**Mr. Smith:** It is probably one of the safest, because it is a one-way street, whereas in Adelaide Street at the back of Finney Isles and other stores trucks are backing out into the street holding up the traffic.

**Mr. BENNETT:** There are many bad instances. I mentioned the case of McDonnell & East's as an example to show that something must be done about the problem. It is useless to improve the traffic flow and spend money on the installation of traffic lights, on employing traffic policemen and on the erection of traffic signs if we allow a private organisation to interfere materially with the flow of traffic. If there is interference with the flow of traffic, and I am not saying it would be deliberate, the private authority responsible for it should be required to so adjust its traffic that there will be no interference with traffic generally.

**Mr. Davies:** They may be desirous of setting up a special Government Police Force.

**Mr. BENNETT:** As the hon. member for Maryborough has said, there is another secret police force operating for the benefit of the Minister, and he could no doubt arrange for some kind of police force in that respect.

**Mr. SPEAKER:** Order! I do not want the hon. member to be misled by statements made by the hon. member for Maryborough.

**Mr. BENNETT:** I thought he was trying to assist me.

It was said by a Government member that the Labour Government in 1949 took away from the local authorities the power to control traffic. I suppose we could dismiss the point without very much argument, but I think it is incumbent on hon. members of the Labour Party to point out the reckless and gross inaccuracies voiced by Government members from time to time. As a matter of fact, I left the Chamber to get proof that the hon. member for Ashgrove was completely in error in making that statement and the hon. member for Townsville South dishonestly claimed I was absent from the Chamber, giving the impression that I was not here at all. I left the Chamber merely to get proof of the matter in order to correct the inaccuracy of the hon. member for Ashgrove. He said traffic control was taken away from local authorities by the Labour Government in 1949, and handed over to the police.

**Mr. Tooth:** I did not say that.

**Mr. BENNETT:** I made a note at the time that it was said by the hon. member for Ashgrove.

**Mr. Smith:** When I quoted the case the Queen v. Heaton, you were out of the Chamber.

**Mr. BENNETT:** I had good reason to be absent during the hon. member's speech. Section 3B of the Traffic Act of 1905 reads—

"From and after the constitution of a Traffic District under this Act, the several Local Authorities or Joint Local Authorities having jurisdiction within the District shall cease to exercise or perform therein any of the powers, duties, or authorities, or be subject to any of the obligations which under this Act the Commissioner is authorised to exercise or perform or to which he is liable."

The Commissioner referred to is defined as "The Commissioner of Police for the time being appointed under 'The Police Act of 1863'."

**Mr. Morris:** What year are you quoting?

**Mr. BENNETT:** The Act of 1905.

I want to refer now to the claim that more offences should be reported and more action taken. Hon. members, of course, are not prone to express their own views on those matters. My view is that an hon. member on his election as a member of Parliament does not automatically become a paragon of virtue. All hon. members, and all human beings can make mistakes. It is rather interesting to find that those people whom we all know make mistakes, and commit errors—who by the grace of God or good luck have escaped the penalties of being dealt with for their mistakes—suddenly become paragons of virtue in this Chamber and urge that all and sundry should be severely prosecuted and have severe penalties inflicted on them and cast into prison. To my way of thinking it is not the function of Parliamentarians to be continually urging judges and magistrates to cast people into prison.

**An Honourable Member:** That is Tory policy.

**Mr. BENNETT:** I think it is Tory policy.

As the members of the legislature I think we should provide legislation to try to eliminate offences and deter other members of the public who may be tempted to commit similar offences. We should also endeavour to correct people who have been found guilty of these offences. While it is our duty to provide legislation for those purposes, and to allow those in authority to deal with offenders, it is not our function to urge continually that they should be cast into gaol. It hurts my finer and more sensitive feelings to hear hon. members, who have not been paragons of virtue, wanting everyone else thrown into gaol. Normally speaking, the persons who argue that others should be severely dealt with are those who have a feeling of great satisfaction because they have been able to avoid some punishment at some time in their lives.

During the debate we heard suggestions that the Breathalyzer test, the blood test and

the urine test should be made compulsory. Whilst driving under the influence is certainly a very serious offence, I do not concede for one moment that because of its seriousness we should make incurses into the rights and liberties of the individual. If we do that in one instance Parliament will be encouraged to do it in many instances. There are ways and means of securing convictions without forcing people to give up their pristine privileges that they have enjoyed in a democratic community. To me it savours of a totalitarian State to say you must do this or you must do that with your body or your personal possessions. It will be a sorry day if any Government entertain such an idea. I am not suggesting for one moment that the Minister is doing so, and I hope he is not. I should like him to feel fortified that there is opinion in this Parliament that is contrary to the other opinions that suggest that these tests should be made compulsory. Even though it may be good for a person to have an operation, I fully believe we should be able to convince him of the necessity for the operation rather than force him to have it. If we were to embark on such a policy of forcing people to do such things it could lead to far too serious results. On the other hand, I certainly accept the idea that tests should be made available because that is one means whereby an accused could prove his innocence. The fact that a man refuses the tests should not be held against him in any way, and no evidence should be allowed on it.

Some speakers said that several offences were being committed continually. I suppose it is fair to say that there has been an inclination to blame the police because many offences are going undetected. The police report indicates that. On the other hand, it is claimed that many offences are being committed under the noses of the police. I do not know that that can be substantiated, nor do I agree with the policy of prosecuting every motorist or traffic offender for either his first offence or any trivial offence.

I believe in the principle of encouragement. The patrol officer can do much more in correcting discourtesy on the road and breaches by talking to a motorist civilly and courteously, by encouraging him and by warning him that such offences will not be tolerated under the policy of the Police Department. It is not good to see a whole host of motorists herded into the Police Court every morning to be charged with some minor traffic offences and sent away convicted. I assure those who say there are no prosecutions going on that, before the Traffic Court opens at 10 o'clock in the morning, it is hard to get a toehold on the veranda because there are so many accused and so many police officers around. My claim was once disputed by the Minister. He said in effect it was rubbish. But I have counted the police officers round the Traffic Court and it

would not be idle to say that on some occasions there are 40 uniformed police officers standing around there while various offenders are being prosecuted. I admit that if those offenders are to be prosecuted the 40-odd policemen must be in attendance in case they are required to give evidence or information to the police prosecutor. However, they would do more good on the road not by prosecutions for first offences and trivial offences but by appearing in uniform on the cycle or in the police car so that they can be readily observed by vehicular traffic and encourage people to respect them and seek their advice. Then they will be regarded as friends rather than as persecutors or prosecutors and we would not have the great waste of manpower and money. In many prosecutions there is a strong element of doubt and if there is a reasonable doubt the accused must be acquitted. If he is acquitted the Police Department gets nothing out of the prosecution except a bill for the time the officer has been in court. The accused gets a bill too, if he is represented; so he is punished. Everybody goes away with a sour feeling. Nobody is happy about his little escapade into the court and each man would be much prouder of his efforts if there had been a quiet talk on the roadway and if encouragement had been given the motorist not to repeat the offence.

While the term "drunken driver" has general acceptance, actually speaking if a man is drunk he cannot get into the car and so he does not get caught. It is the man who has had a few too many or, as previous speakers have pointed out, the man who has the misfortune to be involved in an accident and to be apprehended. While I do not for a moment excuse those genuinely convicted for driving under the influence, to my way of thinking they are by no means the worst offenders on the road contributing to carnage or injury. I think that the driver under the influence of liquor, whilst not to be excused, is in fact not a man with criminal intent but a man who cannot control his desires or a man who does not know when he has had enough. He is certainly not a man who should be regarded as a criminal, but he must be dealt with because he is in charge of a lethal weapon. I do not know that continually sending a man such as that to gaol will correct the situation. I think that the services of the Minister for Health and Home Affairs could be used in a case such as this, because there must be other ways of treating a man who is continually being caught in charge of a vehicle while under the influence of liquor, or even a man who is continually under the influence of liquor. He is not a case for Boggo Road; he is a case for another institution.

However, a man who intentionally and wilfully drives in a dangerous fashion is definitely a criminal, because he certainly is in control of a lethal weapon and has

the faculties necessary to appreciate and understand that he is taking a risk—unless he is too stupid to understand—and to know that sorrow could be caused by his actions or that a life could be lost. He is the real offender in traffic accidents. From my observation of drivers, the worst offenders at present, those who are the greatest danger to life and limb, are those who, since the installation of the many new traffic lights, continually try to beat the green light or the red light. I read in the paper that in Grey Street there were five accidents in three-quarters of an hour. I saw one car in Grey Street try to beat the light that was turning red and another car try to beat the light that was turning green. There was a terrific collision. Men such as that should be regarded much more seriously than the man who drives while under the influence of liquor. He is not trying to be smart on the road, because usually he does not drive at speed. The smart Alecs who drive at speed in an endeavour to beat the lights and in the face of oncoming traffic are the ones who are the real danger. They have in fact caused terrible carnage at intersections. Naturally, the man who has the green light does not look to the right or the left because he does not expect traffic to be coming from either direction. He puts on the pace a little, as he is entitled to, because he believes that he has a clear passage through the intersection. Suddenly a fellow comes along who is trying to catch the light before it turns red or before it turns green. If penalties are to be increased, I should say that they should be increased for that type of offence. It is becoming more prevalent and is certainly creating more dangerous situations. Although on many occasions police officers have lights under their jurisdiction, on many other occasions the lights are left unattended. When a dispute arises about who is responsible for an accident, both drivers claim that they had the green light. Unless the offence that I have mentioned is policed strictly, much injustice will result and many lives will be lost.

Although the system of amber flickering lights speeds the flow of traffic in off-peak periods and at weekends, motorists are creatures of habit and they become accustomed to driving through certain intersections in a particular fashion. If there are changes from day to day—sometimes green and red lights, sometimes only a flickering amber light—confusion will result and accidents will occur. In that regard further attention should be given to traffic lights. Certainly I do agree that more severe punishments should be imposed.

Other speakers have said, "I have noticed several breaches of the Traffic Act from time to time. They have been committed either under the nose of the police or the police were not there." There may be a good reason for the police not being there,



because it is generally conceded that the strength of the police force is far below the requisite number. Therefore we can expect that certain things would take place that would not take place if we had a police force of adequate strength. If people observe breaches being committed, the remedy lies within their own hands. They can take the number and description of the car. If needs be, they can give evidence if a prosecution is justified. But when witnesses are required very rarely do you find one human being prepared to assist another human being in a case of necessity of that nature.

(Time expired.)

**Hon. K. J. MORRIS** (Mt. Coot-tha—Minister for Labour and Industry) (5.56 p.m.), in reply: This has been a very interesting debate. Many points have been raised but obviously I cannot reply to more than one or two tonight. Some of them require reasonable reply, and I hope to do that at a later date. There are few more controversial subjects than the drinking driver. When you are talking about traffic laws to 50 people there may be 50 different opinions; with 100 people you may have 100 different opinions, all based on personal experience and justifiable up to a point.

We have to try to do what we believe to be the best. We have constantly to review the law to improve it. The hon. member for South Brisbane is quite right when he says that we have made many alterations. I try to keep the law up to date; that is why there have been so many. At the moment work is proceeding on the preparation of a consolidated Act. At the earliest possible moment, depending on the work of the Government Printer, the consolidated Act will become available.

There are so many different opinions. Let us look at a few of them. In his usual extravagant way the hon. member for Townsville South made many very silly statements. He said that some type of instruction had been issued that there were to be no prosecutions. That is utter nonsense. It is a pity he does not pay a little more attention to his parliamentary duties. If he did he would know that in reply to a question by the Deputy Leader of the Opposition in August I gave the number of prosecutions in the past three years. He would have seen that the number has increased very greatly, not because we wanted it to, but merely because it is necessary to try to ensure that people obey the law. If he referred to that answer he would see that the increase is almost in proportion, perhaps a little greater, to the increase in the number of vehicles registered. I resent the statement that there is some special effort being made to prevent officers of the Police Force from prosecuting offenders. That is absolutely untrue. I could not allow his allegation to pass without giving it a complete and utter denial.

There are many other matters that I want to deal with, but in view of the late hour I ask permission to continue my speech at a later date.

(Leave to continue speech tomorrow granted.)

The House adjourned at 6.1 p.m.