LEGISLATIVE COUNCIL

Wednesday, September 24, 1969.

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

QUESTIONS

BAROSSA RAIL SERVICES

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

Leave granted.

The Hon. L. R. HART: In recent days there have been several letters in the press commenting on and criticizing the closure of the Barossa Valley passenger train services. These are rather hard to follow as I have also had a number of favourable comments on the passenger bus service that has been supplied in place of the train services. Has the Minister seen those press reports and, if he has, are there any comments he would like to offer on this criticism?

The Hon. C. M. HILL: In the *Advertiser* of September 19, 1969, under the heading "Buses to the Barossa" Mr. E. R. Schulz of Nuriootpa made certain allegations concerning the effect of the cessation of passenger rail services in the Barossa Valley. He said, "The passenger service on the Angaston line ceased about nine months ago, but all the stations are still fully staffed!" In an article appearing in the *Advertiser* of September 20, 1969, similar comments were made by an *Advertiser* staff reporter—"The main Barossa Valley stations are still fully staffed, apart from the loss of one junior clerk at Angaston."

The facts are that following the cessation of passenger train services to the Barossa Valley stations, a total of 10 railway employees who were stationed at such stations have been relocated at other stations. It will be seen, therefore, that the statements by Mr. Schulz and by the *Advertiser* staff reporter are not in accord with the correct position. Additionally, Mr. Schulz, in his letter to the Editor on September 19, 1969, said, "Few people are aware that a passenger train from Adelaide arrives at Gawler at 5.24 p.m. and is then shut down for the night; another arrives at 5.38 p.m., and a third at 6 p.m."

It is true that trains arrive at Gawler at the approximate times stated and do not now go on into the Barossa Valley. This is because the service to the Barossa Valley was cancelled and a bus service substituted, following the Government's decision to close uneconomic rail lines. The reason why the rail cars are held at Gawler overnight is that they are required for working out of Gawler early the following morning. In accordance with the Government's policy of finding alternative employment for officers and employees affected by the cessation of country rail services, no employee or officer was or will be retrenched.

AFRICAN DAISY

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

Leave granted.

The Hon. H. K. KEMP: Some two years ago I drew to the attention of the Minister of Agriculture the fact that woolly bear caterpillars were feeding on African daisy in the Norton Summit district. This was reported first by a Mr. Dick Gowling, who pointed out that the African daisy that had previously infested that area very badly had practically disappeared. On checking on it recently, I found that the area free from the weed was now very much larger. The land originally cleared remains free of African daisy, and around the edge of it huge numbers of these caterpillars are now feeding on the daisy. I noted only this morning that in fact every shoot had three or four of these caterpillars actively at work.

When this subject was raised before, it was pointed out that the woolly bear caterpillar was not likely to be an effective biological control because of the huge number of parasitic and predator insects and animals that feed on it. However, I think the experience here of more or less permanent control over a two-year period warrants a further look at this problem, which is very serious indeed in the Adelaide Hills. Will the Minister draw the attention of the Weeds Officer to this occurrence of biological control with a view to having further investigation carried out?

The Hon. C. R. STORY: I thank the honourable member for the information he has given on this subject. I shall most certainly follow it up and will have somebody inspect the area and report on it.

WHEAT

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

Leave granted.

The Hon. A. M. WHYTE: An article in this morning's *Advertiser* quoted the Premier as saying, in reply to a question, that Mr. Dean

(a Director of South Australian Co-operative Bulk Handling Limited) had said that the storage of wheat on farms would be inevitable. We all realize the position with regard to wheat in this State. A great many farmers are spending a good deal of money in preparing to store over-quota wheat on the farms; in fact, some are even talking of forming small co-operatives so that the grain can be stored more cheaply and more effectively. I do not doubt that this gentleman knows what he is talking about, and I am not questioning that for one moment. However, since we already have an organization that is detailed and authorized to effect storage of our grain, I should like some explanation of why this home storage is considered inevitable. Can the Minister explain this to me?

The Hon. C. R. STORY: I did not actually see the report, although I heard something on the radio about it. The general policy is to provide storage for all the quota wheat that will be produced and to take the carry-over, which will be between 40,000,000 and 45,000,000 bushels. However, about 25,000,000 bushels above the quota might be produced. The whole object is to place storages wherever we can profitably put them and finance them. I do not know what the gentleman to whom the honourable member has referred said, but I think some wheat will have to be stored other than in the bulk handling system. If a person goes on, in the face of the present position, and generally produces above his quota, I do not think he can expect the rest of the industry to chip in towards the cost of storing his above-quota wheat; that is a matter for himself only. Quotas will be set, and we must see that the whole system is not over-capitalized, for which farmers would be paying for a long while after the industry returned to normal.

RECEIPTS TAX

The Hon. R. A. GEDDES: Statements have appeared in the press recently regarding the High Court decision on receipts taxes involving the six States of Australia. Does this decision mean that the taxes that have already been paid by citizens in this State will be refunded to them, if the High Court decision affects those payments as the press statements claim it may?

The Hon. R. C. DeGARIS: I will refer this matter to the Treasurer for a reply. As I understand the situation, the High Court decision was made on particular grounds in Western Australia. The Western Australian Government has now sought leave to appeal against the High Court decision, so that much water has yet to flow under the bridge before a clear situation is obtained. As I understand the position (and I will check this for the honourable member), unless taxpayers have paid the tax under a notified protest no refunds will be made, if the tax is finally held to be unconstitutional.

WEEDS

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

Leave granted.

The Hon. H. K. KEMP: I was informed yesterday by the weeds officer of the Onkaparinga District Council that the greater number of landholders in that district are co-operating in the buffer zone that has been unofficially created on the western side of its council area. However, the council is striking trouble with a few people living in difficult country, against whom legal action may have to be taken. At present, the whole arrangement is voluntary and unofficial. Can the Minister say whether there is power under the Act for pressure to be brought to bear on these landholders, on whose co-operation the success of the whole scheme depends?

The Hon. C. R. STORY: I will refer the matter to the departmental officers and obtain a report for the honourable member. The Weeds Advisory Committee will meet shortly, and I will suggest that its members consider the matter. I am sorry if people will not co-operate, because the buffer zone is a good idea. However, if we have to legislate to make it legal, we will do so.

UNDERGROUND WATERS PRESERVATION BILL

The Hon. R. C. DeGARIS (Minister of Mines) obtained leave and introduced a Bill for an Act to provide for conserving and preventing the contamination and deterioration of underground waters, to repeal the Underground Waters Preservation Act, 1959-1966, and for other purposes. Read a first time.

DAIRY INDUSTRY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 23. Page 1640.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the second reading. I was surprised to know that it was not until the Twenty-sixth Parliament, in 1927, that an attempt was

made in this Council to introduce legislation to control the dairying industry in this State. The first attempt to do so in this Council was unsuccessful because it was said at the time, as has often been said since, that this Council was not prepared to support legislation that was hastily introduced at the end of a session. However, in the following year a Bill was introduced and passed in this Council, and it became the principal Act, which this Bill amends. Prior to 1928 the dairying industry was supervised by county boards of health and other local authorities under the Food and Drugs Act, 1908, and the Health Act, 1898. The principal Act has been amended four times since 1928. I am surprised that the definition of "milk" in the principal Act has not caused trouble before now; it is as follows:

"Milk" includes any article represented by the seller thereof to be milk.

Under this definition "milk" could mean anything. Honourable members may be interested to know the definition of "milk" in *Webster's Dictionary*.

The Hon. Sir Norman Jude: It may be interpreted as the milk of human kindness.

The Hon. A. F. KNEEBONE: Yes, but there is not much evidence of that kind of milk nowadays. In *Webster's Dictionary* "milk" is defined as follows:

A white or yellowish fluid secreted by the mammary glands of female mammals for the nourishment of their young, consisting of minute globules of fat suspended in a solution chiefly of casein and other protein matter, milk sugar and inorganic salts.

Webster's Dictionary says, too, that when "milk" is unqualified by any other description it is taken to mean cow's milk. This Bill inserts the following definition:

"Milk" means the lacteal fluid product of a cow or goat:

This definition is much briefer than that in *Webster's Dictionary*, and I only hope that it covers the purposes of the legislation. Can the Minister say whether the new definition of "milk" will fit in with section 22a of the principal Act? If it does not fit in, section 22a may have to be amended. That section, as amended in 1958, reads:

A person shall not manufacture or sell any liquid being imitation of milk and containing substances not derived from the lacteal secretion of the cow.

It then goes on to deal with prosecutions under the section. Because it is being suggested that a reference to goats' milk should be placed in the interpretation section, also because goats' milk is being produced for the consumers' market to a greater degree over the last few years than it has been, and because goats' milk is said to be beneficial in the treatment of eczema (and many people believe it is beneficial in the treatment of asthma)—because of all those matters and the ready sale for goats' milk, as well as the possibility, that in future somebody might try to enter this market by producing something else that is said to be goats' milk, I ask the Minister does he not consider that section 22a should be amended in order to take care of this situation?

Despite the amount of reading matter I have before me I do not propose to speak at great length on the Bill. However, I wish to examine a provision inserted by an amendment to the Act as mentioned by the Minister in his second reading explanation. It is one that causes me to think that possibly there has been an oversight on the part of either the Minister or the Parliamentary Draftsman. The Minister said:

Clause 4 amends section 19 of the principal Act. This section requires the owner of a factory, milk depot or creamery to grade milk and cream and to pay the supplier according to the grade of the milk or cream and the weight of the butterfat. This provision is not thought to be necessary where there is only one supplier and the section is amended accordingly.

Section 19 of the principal Act was amended in 1957 by inserting new subsections (1), (2) and (3). Subsection (1) is that referred to in the Bill, and it is the amendment referred to in the Minister's second reading explanation. It reads:

(1) Every owner of a factory, milk depot or creamery and every wholesale distributor of milk or cream to whom milk or cream is sold or supplied by the producer thereof shall—

(*a*) grade that milk or cream in accordance with the principles and in the manner prescribed by the regulations; and

(*b*) test and weigh that milk or cream and ascertain the percentage and weight of the butterfat therein by the Babcock method or any other test prescribed by the regulations to be used in place of the Babcock test; and

(*c*) keep records in the prescribed form showing the grades, weight, and butterfat content of all such milk and cream.

The seller or supplier of the milk or cream or any person authorized in writing by him or any inspector may be present at and inspect the grading, testing and weighing, and may examine and check any records of such grading, testing and weighing.

Subsection (2) states:

Every owner of a factory, milk depot or creamery and every wholesale distributor of milk to whom milk or cream is sold or supplied by the producer thereof shall pay the seller or supplier for the milk or cream according to—

(*a*) the grade of the milk or cream ascertained in accordance with the principles and in the manner prescribed by regulation; and

(*b*) the weight of the butterfat contained therein estimated by what is known as the Babcock test or by any other test prescribed by regulation to be used in place of that test.

Then subsection (3) deals with the weight of the butter manufactured, and so forth. The amendment in the Bill refers only to subsection (1), which deals with only part of the matter referred to in the Minister's second reading explanation. I suggest that the Minister look further at subsection (2) of section 19 of the principal Act to see whether or not I am right in saying that, if what he says in his second reading speech does occur, he will have to make a further amendment to subsection (2).

The Minister in his second reading explanation does not tell us why this changing of the situation in section 19 was necessary. That is to provide that a factory, milk depot or creamery does not have to do the things that are provided for in section 19 if it does not take cream from more than one producer. It is necessary, in my opinion, that all these precautions be taken in regard to whatever creamery, factory or milk depot it may be, irrespective of whether it takes cream from one or more producers. Possibly the Minister has sound reasons for this amendment. Anyway, in the Committee stage or when he replies to this debate, I should like to hear his reasons for the amendment of section 19 of the principal Act by clause 4 of the Bill. With those few remarks, I support the second reading.

The Hon. H. K. KEMP secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 23. Page 1644.)

The Hon. A. M. WHYTE (Northern): I am pleased with the amendments proposed to the Licensing Act by this Bill. When the Act was amended in 1967, it was envisaged that South Australia would have the best licensing laws in the Commonwealth. Perhaps we can say that eventually we shall, because a great deal of work has been done on this legislation since the Bill introduced in 1967. It was a big step to take at that time. Perhaps it was a little like asking a lad to do his homework with a computer. I think all of us have pressed many buttons during the intervening time and we have only just reached the stage where we are starting to get the correct answers, many of which are contained in this Bill.

Clause 3, for instance, exempts the use of wine for sacramental purposes in the course of a religious service. This is necessary and is probably something that was omitted when the legislation was first introduced. Clauses 4, 5 and 6 provide for certain new licences being granted. Clause 7 rectifies the anomaly of allowing a person only half an hour in which to consume on the premises before closing time liquor that he has purchased but permitting him to take away with him any bottles he may have at the time. Clause 8 deals with the conversion from the Australian wine licence to the new retail storekeeper's licence. There have been many comments and much dissatisfaction expressed about this provision. I have spoken previously in this Chamber about the holder of a wine licence being forced to convert to a retail storekeeper's licence, only to find that, because he is opposed by the nearest hotel or group of hotels, he is involved in considerable legal expenses in order to justify his case for the new improved licence or perhaps even to retain the restricted wine licence.

The Bill lends itself much more to discussion during the Committee stage than to debate at this time. During the Committee stage I intend to ask whether there is any possibility of perhaps transferring these licences without involving the applicant in what are quite large sums of money for legal fees. I can even cite some instances that have involved much hardship. I think the matter is due for review and am of the opinion that an amendment along the lines I am suggesting will be moved during the Committee stage.

Clause 9 deals with a vigneron's licence and permits a vigneron who produces brandy in large quantities to sell it to his clients without needing a second licence. In this clause, provision is made for the vigneron using at least 1,000 tons of grapes each year in the course of his business as a vigneron. There are a number of vignerons' licences, including those permitting the manufacture of mead, wine made from honey, perry (which is produced from pears) and apple cider. None of these people use grapes in the manufacture of their products. This clause will need some amendment during Committee. Clause 11 has been asked for. It is a splendid amendment whereby those holders of permits under section 197a of the old Act will now be allowed to continue their business in much the same

way as at present. It was thought that, when this permit expired, some restaurants providing a good service to the public would be forced to launch upon a programme of renovation entailing bar facilities and great expenditure on providing services they had no desire to provide. I know that some of these people are quite happy and that their clients do not wish to have a bar on the premises. Those people do not want beer with their meals: they are happy about the wine service as it is at present available under this permit. I know that this amendment will take away much of the present anxiety of some of these small restaurant owners, as they realize they will be permitted to continue in the manner that they think fit and in a manner that pleases their clientele.

Clause 14 is the only other clause about which I wish to raise some query. It is proposed to remove the words "recognized youth centre". Many restrictive provisions have to be complied with, and the Licensing Court investigates many things before it grants a licence. I consider that many people would be more justified in setting up a business than would be someone in close proximity to a youth centre. It is hard enough to organize a youth centre. These activities certainly need encouragement, and the community could do with more of them. Those people endeavouring to provide this service certainly would not be helped by having licensed premises nearby.

I presume that anyone who is at present conducting such a centre would have chosen his site because it was not near licensed premises, and it seems wrong that the court should have the power to grant a licence to a person to establish in such a location. As I have said before, I believe that the amendments made by this Bill are justified. They are good amendments, and I shall be happy to support them, with some reservations, in Committee. I support the second reading.

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

OPTICIANS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 23. Page 1643.)

The Hon. V. G. SPRINGETT (Southern): The principal Act, which is called the Opticians Act, 1920-1963, and to which this Bill refers, is in many ways unhappily named: it is really the Optical Act, and the name as it stands can be misleading. It involves and affects many different types of person, and I think that in order to understand a little of the Act and the Bill containing the amendments we are considering it is worth while first to mention the different types of person concerned.

First, there is the optician himself. This person is a maker and seller of spectacles. To quote an American definition, the optician grinds lenses, fits them into frames, and adjusts the frames to the wearer. The optometrist, according to the original Act, is a person who employs methods other than the use of drugs, medicine, or surgery for the measurement of the powers of vision, and the adaptation of lenses for the aid thereof. In other words, an optometrist tests sight. Incidentally, it is an American term. He tests sight; he is non-medical; he assesses refractive errors; and he provides glasses.

Another person concerned with eye treatment is the orthoptist. The orthoptist is again a person who is trained and who concentrates on the investigation and the treatment of the balancing of the vision of the two eyes—technically, the investigation and treatment of binocular function. Most of his patients are children and more especially those who are cross-eyed to a degree.

Next we come to the ophthalmologist and the oculist. These are both terms denoting a registered medical practitioner who specializes in eye conditions. He specializes in the diagnosis and treatment of defects and diseases. He operates when necessary and prescribes other treatment for the eyes, including glasses.

There are two others that I wish to mention. The first one is the optical mechanic. This term is a trade term. He is a mechanic who grinds lenses, cuts and fits them into frames, and repairs spectacles. This person, who could be a man or a woman, must have had a five years' apprenticeship. The next one I wish to mention is the dispensing optician. This person is an artisan or craftsman who measures, applies and fits glasses on the prescription of an ophthalmologist.

The optometrist works directly with the paticnt and not necessarily through an ophthalmologist or a doctor. The dispensing optician always works through a doctor. He is a trained mechanic who has had extra training in facial fitting. However, he is not responsible for the care of the patient: the doctor always remains ultimately responsible.

Those are some of the terms. This Bill deals basically with the rights and status of certified opticians and optometrists who, in the Bill, fundamentally are very much the same as each other. I understand that there are

about 1,000 optometrists in Australia, but they are still in short supply. Mr. George Bell, who was in January of this year (and perhaps still is) the Federal President of the Australian Optometrical Association, said that thousands of people had headaches that they never realized were caused by eye problems. Of course, there are not enough people trained to treat that number of patients.

As I have said, in this Act "optician" and "optometrist" mean approximately the same thing. A certified optician is a person holding a certificate entitling him to practise optometry. Yet another term mentioned in this Bill is "licensed spectacle seller". The original Act contains a section dealing with the person called a "licensed spectacle seller". This man or woman only needed to have permission and a licence to sell spectacles. This is an over-the-counter deal, and I think it is well that we have reached the stage where facilities exist that make it unnecessary for the over-the-counter sale of spectacles to take place today.

Optometrists unquestionably play an important part in the health services of the community. They practise in the realm of medical affairs but they are not medical auxiliaries because, of their own free will, they have chosen to remain separate and autonomous. Some of the other people whose titles I have given are allied to, under the control of, and registered as medical auxiliaries.

The eye is only a small part of the body, but its examination forms part of a study of general diseases. Certain things are revealed as a result of examinations of the eye. Vascular conditions in many cases reveal themselves by changes within the eye, and the eye can reveal renal (kidney) and some glandular conditions. In other words, the eye and its examination forms a large part of general medicine.

The Bill concentrates on the valuable and positive contribution of optometrists and those called certified opticians without necessarily paying full attention to their involvement on the fringe of medicine. Optometrists can qualify in the eastern States with a university degree. There is no question that they have a full and extensive training, but they are not associated in any Australian university with a medical faculty. Indeed, their subjects are bound to the department of physics, which is correct and in keeping with their form of study and treatment.

Optometrists are involved on the fringe of medicine, yet their registration, certification and training does not include the use of drugs, medicine or surgery. As the principal Act states, they employ methods other than the use of drugs, medicine and surgery, which they are expressly forbidden to use. It is therefore worth considering whether in their own interests and, indeed, those of the public, as well as in the interests of upholding the professional standards of medicine in general, clarification is required regarding the limitations of their activity, or their potential activity. I have in mind the well-known condition of glaucoma, which affects about 2 per cent of people over the age of 40 years. To detect this disease, an instrument called a tonometer is used; this is placed on the eyeball which, in itself, is a delicate organ.

The Lions Clubs of Australia have done a wonderful job, under the aegis and with the help of the support of ophthalmologists, in detecting the incidence in the community of glaucoma. However, glaucoma can be detected only if and when repeated tonometry readings are made. This, for obvious reasons, requires the use of local anaesthetics. Some optometrists say they can detect eye diseases; indeed, some have even issued brochures saying that the way to detect glaucoma is to have regular optometrical tests. However, the only way in which this can be detected is for one to have regular tonometry tests that require the use of local anaesthetics, which do not fall within the field or capacity of optometrists. Are these people breaking the law when using this instrument?

I now return to that part of the Bill dealing with the board. The principal Act provides that it shall consist of two certified opticians and one legally-qualified medical practitioner nominated by the Minister. Also, one certified optician and one legally-qualified medical practitioner shall be nominated by certified opticians. The Act does not indicate whether the legally-qualified medical practitioners shall be eye specialists, orthopaedic surgeons, gynaecologists or anyone else. I suggest that an amendment is required to provide that at least one of them shall be a qualified eye specialist, and I suggest the ideal person would be the one appointed by the Minister, although, of course, the other one could also be an eye specialist. The time has come, when dealing with eyes, for the legally-qualified medical practitioner member of the board to be such a specialist.

It is the duty of the board to provide standards of examinations, to indicate places in which reciprocity is possible, and to determine a code of ethics. I am sure that the

board, in fulfilling its functions, would ensure that the optometrist had the full range of duties available and permissible to him and that it would ensure that the public was fully aware of the limits to which he could go.

I turn now to clause 21, which amends section 27 of the principal Act. In this clause are certain points that are the core of professional queries. Clause 21 (2) provides:

Subject to subsection (3) of this section, a person, not being a legally qualified medical practitioner or a certified optician, shall not practise optometry, test eyesight or dispense prescriptions for lenses or spectacles for the purpose of correcting or compensating for, or designed to correct or compensate for, any imperfection or defect in the vision, or visual faculty or function of any person.

Subclause (3) provides:

Subsection (2) of this section shall not be construed as preventing any person from engaging in the trade or craft of grinding lenses or making spectacles, and shall not apply to, or in relation to, a student of optometry who has attained a prescribed standard in a prescribed course of study in optometry, in respect of anything done by the student under the strict supervision of a certified optician.

In other words, the doctor and the optometrist can perform their duties of practising optometry, testing eyes and dispensing prescriptions, although optometrists cannot use drugs or medicines. The optical mechanic is dealt with in subclause (3), and a student is catered for under supervision. However, certain groups are cut out or not provided for. For instance, some sisters are trained optically and work in doctors' consulting rooms, and some sisters work in school medical clinics.

Orthoptists, who are trained and qualified people, need to test the field of vision of children and their binocular vision. Any technical assistant who serves a doctor comes in the same category. In other words, it is doubtful whether, as the legislation stands at present, it is legal even for a sister to supervise a child standing in front of a chart and reading off the letters, as a simple test. It would be well to ensure that people of the calibre of those I have mentioned are not breaking the law by serving doctors. This can be easily done by an amendment at the end of new subsection 27 (3). Clause 21 (4) rules out a group of persons who have been working in the field of eye care for many years; it provides:

A person, not being a legally qualified medical practitioner or a certified optician, shall not sell or supply, except to, or for the purposes of sale or supply to, a legally qualified medical practitioner or a certified optician, any lens or spectacles for the purpose of correcting or compensating for, or designed to correct or compensate for, any imperfection or defect in the vision, or visual faculty or function of any person.

Dispensing opticians, who are trained mechanics and who have served a five-year apprenticeship, supply people with spectacles, although the doctor always remains ultimately responsible. The optometrist receives the patient, tests his eyes and provides spectacles. The dispensing opticians do not come into the category of qualified medical practitioners or certified opticians. They sell and supply direct to the public, and have done so for years. They are a valuable part of the ophthalmic service.

In other States their services have been recognized. In Western Australia and New South Wales there is a separate Act governing their terms of service. In Victoria there is no special legislation, but in Queensland legislation is at present being prepared. Clause 21 (4) destroys this group of people as an effective part of the ophthalmic service. Either it should be dealt with separately or this Bill should be amended to ensure the validity of this group within the service.

Yesterday the Hon. Mr. Bevan said that he placed the services of optometrists next in importance to the medical profession. I know what he means: the eye is a very valuable part of the body and people who deal with it have a very responsible task. Speaking as a doctor, however, I point out that many parts of the body cannot be considered in isolation—the ears, eyes, teeth, etc. These are all medical specialties, and this is why all must be correlated in the overall framework of medicine. In other words, in this Bill we are dealing with a group of people who, whilst working in the field of medicine, are not trained by members of the medical profession and do not always work in close co-operation with them.

I therefore ask the Minister of Health to reconsider the powers of the board in respect of the field in which optometrists can work. Secondly, an amendment will be required to ensure that at least one ophthalmologist is on the board. Thirdly, there should be recognition of people such as orthoptists and dispensing opticians who provide ancillary services and who work under the doctor but who are at present excluded. I foreshadow amendments on these matters when the Bill reaches the Committee stage.

The Hon. L. R. HART secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL

In Committee.

(Continued from September 23. Page 1652.)

Remaining clauses (52 to 55) and title passed.

Bill reported with amendments.

The Hon. F. J. POTTER moved:

That it be an instruction to the Committee of the Whole that it have power to consider amendments to section 110 of the principal Act dealing with the subject of assistance to certain voters.

Motion carried.

Bill recommitted.

New clause 29a.

The Hon. F. J. POTTER: I move to insert the following new clause:

29a. Section 110 of the principal Act is repealed and the following section is enacted and inserted in its place:—

110. If any voter satisfies the presiding officer that he is unable to vote without assistance then that presiding officer, in the presence of another officer, shall mark the voter's ballot-paper in accordance with the voter's directions and shall thereupon fold and deposit the ballot-paper in the ballot box.

When this Bill was first considered in Committee certain amendments were moved dealing with the problem of a voter suffering from some physical disability. The Hon. Mr. Gilfillan successfully moved amendments dealing with problems that might arise in postal voting for an illiterate person and for a person who, by reason of such illiteracy or from some physical incapacity, was unable to sign an application for a postal vote, or exercise that vote. I think, that matter having been dealt with, it becomes important that we look again at section 110 of the principal Act dealing with assistance to physically incapacitated persons unable to vote without assistance.

Section 110, which I am seeking to remove by the first part of my proposed amendment, deals with physical incapacities and the need to render assistance. It provides that:

. . . the presiding officer shall permit a person appointed by the voter to enter an unoccupied compartment of the booth with the voter, and mark, fold, and deposit the voter's ballot-paper for him.

The section further provides that it is only in the event of the voter failing to bring somebody along with him, or failing to appoint someone to do this for him, that the presiding officer:

. . . in the presence of such scrutineers as are present, or, if there be no scrutineers present, then in the presence of—

(*a*) another officer; or

(*b*) if the voter so desires, in the presence of a person appointed by the voter instead of the other officer.

shall mark, fold, and deposit his ballot paper for him.

I believe that although this section has been in the Act for a considerable time it is one that needs amendment. I do not think it is right when in this day and age a presiding officer has more than one officer available in every booth that this provision should remain. This matter has been checked with the Electoral Department and it appears that at no polling place in the State is there just one officer; there is always another officer available apart from the presiding officer, and I think it is desirable that only the presiding officer in the presence of another officer should assist an incapacitated person to vote. I believe it is wrong that anybody else should be allowed inside the voting compartment with the voter and vote for him in those circumstances.

I think this action is essential in connection with a provision that could be open to all kinds of abuses; I am not saying that these abuses occur, but I think it is most undesirable that the present situation should be allowed to remain. Accordingly, I propose that, when an incapacitated person requires assistance, that person must go to the presiding officer (a person well trained in electoral procedure, and an independent person in every respect who is well aware of the penalties involved) who, in the presence of another officer, will always be there to mark the ballot-paper in accordance with the voter's directions. It is a simple amendment, and I think it will provide for a much better situation than exists under the present section of the Act.

The Hon. C. M. HILL (Minister of Local Government): As I see the position, section 110 provides that where a voter satisfies a presiding officer that he has impaired sight or he is so physically incapacitated that he is unable to vote without assistance, then the voter may take any person nominated by him into an unoccupied compartment of the booth and get that person to mark, fold and deposit the voter's ballot-paper for him.

The proposed new section 110 will provide that if any voter satisfies the presiding officer that he is unable to vote without assistance then that presiding officer, in the presence of another officer, shall mark the voter's ballot-paper in accordance with the voter's directions and shall thereupon fold and deposit the ballot-paper in the ballot box. In short, no non-official person may be present when the

paper is marked. I believe that the amendment is an improvement to the Bill, and I therefore support it.

The Hon. A. J. SHARD: It is easy to say that this is a simple amendment, and at first blush it would appear to be so. However, in all the years I have been connected with elections I have not heard one complaint about section 110. This situation frequently occurs, particularly with elderly people who take their friends with them, friends in whom they have complete confidence, and get those friends to record a vote under instruction. Much has been said in this debate concerning the importance of getting everybody to vote.

If an elderly person requires assistance and is forced to obtain it from somebody who is a stranger to him, then that voter will not be happy with the situation. I do not want to say at this stage where I stand on this question; let me say that I have not seen the amendment until this afternoon. I think that to take one section of the Act as we are expected to do this afternoon and deal with it immediately is expecting us to act too quickly. I would like to have time to think about it. I do not dispute that, as the Hon. Mr. Potter has said, every presiding officer has at least two assistants, but I doubt whether it is correct. I would like to be convinced that such is the case. I have visited polling booths (not all of them in outlandish areas, either) where there has been only one officer in attendance, and because of that I would like to check that statement.

The Hon. S. C. Bevan: I believe that occurs in surburban areas at present.

The Hon. A. J. SHARD: What the Hon.Mr. Bevan has said may be correct, although I was thinking mainly of nearby country areas. I was at Mallala a few years ago and at that time, if my memory is correct, the polling booth was manned by only one officer.

The Hon. A. F. Kneebone: The same thing happens on Yorke Peninsula.

The Hon. A. J. SHARD: I am not saying that Mr. Potter's statement is incorrect, but I would like to check it. Because of that, I respectfully submit that the Minister or the Hon. Mr. Potter should move that progress be reported and at least we be given 24 hours to examine the matter. The provision has been in the Act ever since I can remember and there has not been one complaint about it that I know of. If the intention is to enable everybody to vote, including the elderly and the incapacitated, then I believe they should be permitted to take their own people with them into the voting compartment. I have rendered this service to many people in these categories and I stress that they have not always been supporters of a Labor Party candidate. I have helped them because they have asked me to do so, and I have marked their ballot-papers in accordance with their instructions. I should like time to think about this. Therefore, I suggest that progress be reported so that we can re-examine this matter.

The Hon. C. M. HILL: I appreciate the fact that the Leader has not had much time today in which to consider this matter fully. I hasten to point out that I, too, was concerned about the point he has raised of there being at least two officers present in the booth. I have had my officers check the position this morning and I understand that the State Returning Officer advised them today that in every booth in this State, whether in the suburbs of Adelaide or in some far-flung country area where few people vote, two officers will be present within the booth.

The Hon. S. C. Bevan: What is your interpretation of "officer"? Perhaps a poll clerk is not considered to be an officer. If he is considered to be an officer, there may be two present at all times.

The Hon. C. M. HILL: He has to be an employed officer. However, so that the Hon. Mr. Shard can check this point and look at the whole matter fully, I ask that progress be reported.

Progress reported; Committee to sit again.

ADJOURNMENT

At 3.32 p.m. the Council adjourned until Thursday, September 25, at 2.15 p.m.