LEGISLATIVE COUNCIL

Tuesday, September 30, 1969.

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

QUESTIONS

NORTHERN ROADS

The Hon. R. A. GEDDES: A recent article in the press said that the Minister of Roads and Transport would inspect certain roads in the northern areas. Was the Minister able to inspect the Peterborough-Orroroo-Wilmington road, and will he comment on the question of altering its route? Has the Highways Department any further plans for upgrading roads in the northern areas?

The Hon. C. M. HILL: Last week the honourable member was good enough to mention that he wanted some information about northern roads. The Hon. Mr. Gilfillan, too, made the same request. I inspected that part of the road between Orroroo and Wilmington when I was in the area recently. The Highways Department's planning for the whole of the distance between Peterborough and Wilmington is that work will proceed from Peterborough to Black Rock, and then from Orroroo through Morchard towards Wilmington this financial year.

The section from Peterborough to Black Rock is to be reconstructed; half is to continue along the present road reserve and the other half of about 7½ miles will follow the rail reserve.

The existing alignment of the road is below standard and crosses a railway line at two points, both of which will be eliminated on the new alignment. It appears that none of the existing route is sealed and the improvement of the existing route cannot be supported on this basis. Either route would involve land acquisition and the difference involved is marginal. No properties are severed.

Construction of the road on the planned new alignment will reduce the distance between the two towns by 2.1 miles, and the value of this reduction in mileage to the considerable number of vehicles using the road was a significant factor in deciding to adopt the new route.

With regard to other northern roads, I can say that work will be commenced from Peterborough to Ucolta and from Peterborough towards Terowie. It is also proposed that work proceed this year on the section of road between Booleroo Centre and Murray Town as well as on the section of road from Gordon towards Hawker. A small section of road from Hanson towards Clare will also be upgraded this financial year.

During next financial year it is proposed that additional east-west road links be provided between Jamestown and Hallett and Spalding and Burra, via Booborowie. Work will also proceed on the Burra-Morgan road, working easterly from Burra. When this east-west road link is completed it will provide direct all-weather connections between National Route 12 and National Route 1 at Crystal Brook.

Generally, it is the department's intention to complete the road system in the Mid North of South Australia by providing a series of east-west road links. At the moment the all-weather road system generally runs in a north-south direction and, although it is proposed to extend this system to Wilpena and ultimately to Leigh Creek, there is also an increasing demand for east-west links, particularly between National Route 32 (the section from Adelaide to Broken Hill) and National Route 1 (the section from Adelaide to Port Augusta).

GAWLER RAILWAY STATION

The Hon. M. B. DAWKINS: Has the Minister of Roads and Transport a reply to my question of August 27 about accommodation at the Gawler railway station?

The Hon. C. M. HILL: The Railways Department is at present considering making a number of improvements at the Gawler railway station. These improvements include the conversion of the refreshment rooms to a parcels office, and the old post office to quarters for the district foreman and the Signal and Telegraph Branch. When these alterations are complete, the former parcels office will be demolished.

WALLAROO HARBOUR

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

Leave granted.

The Hon. L. R. HART: Last week a vessel named the *Nestor* loaded grain at Wallaroo. This vessel was 7ft. longer than the previous record length wheat ship, the *Pontos,* to enter Wallaroo harbour. The *Nestor* loaded 21,700 tons of wheat in bulk at Wallaroo and was then to be topped up at Geelong with 4,600 tons, this cargo being destined for China.

The *Nestor* was unable to go to her full loaded draught at Wallaroo. The port formerly carried a vessel length restriction of 650ft., but it would appear from the allowing in of the *Nestor* at 664ft. (14ft. greater) that this condition might have been waived. Will the Minister ask his colleague whether there has been any variation in the length and depth restrictions at Wallaroo?

The Hon. C. R. STORY: I shall be pleased to get a report.

AGRICULTURAL EDUCATION

The Hon. M. B. DAWKINS: Has the Minister of Local Government, representing the Minister of Education, a reply to a question I asked on September 2 about agricultural education, and particularly in country high schools?

The Hon. C. M. HILL: I understood that the honourable member's question dealt principally with the Urrbrae High School course?

The Hon. M. B. Dawkins: Yes.

The Hon. C. M. HILL: The Urrbrae certificate course was introduced at Urrbrae in 1968 for a class of 23 students on a pilot basis. These students will not complete the two-year course until the end of this year, after which they will be awarded the first Urrbrae Certificate in Agriculture. Continuous evaluation and review of present syllabuses for some period will be necessary before a similar course of studies is considered for another country centre.

There are other problems associated with the commencement of such a specialized course with its vocational content. There is a shortage of trained teachers of agriculture, which is preventing the extension of agriculture into the curriculum of many rural secondary schools. Urrbrae certificate-type courses require teachers specially trained in farm management principles, farm engineering and rural economics. At present there are insufficient teachers with these qualifications to staff Urrbrae to the degree desirable.

Although the certificate course does give every indication of being successful, before making definite plans for its extension we must wait to see how it will fit in with the findings of the committee at present inquiring into agricultural education.

AGED DRIVERS

The Hon. H. K. KEMP: I read recently that in several States of the United States of America the retesting of drivers over 65 years of age who were involved in road accidents has revealed that over half of them have eye, hearing or reaction-time defects that would warrant cancellation of their licences to drive, or only a limited licence being issued to them. Can the Minister of Roads and Transport therefore say whether the Government will look into the wisdom of having automatic retesting of elderly drivers involved in reportable accidents?

The Hon. C. M. HILL: I shall look into the question.

ANDAMOOKA POLICE

The Hon. R. A. GEDDES: On the television programme *Today Tonight* last night there was an alarming report in which several miners from Andamooka claimed that in the depth of night organized gangs of men rob mines in the area of precious opals. Can the Minister of Mines say whether it would be practicable for the area to be policed so that this practice can be prevented, or whether it would be possible for action to be taken so that these men with miners' rights can lead a normal life without fear of petty thefts occurring?

The Hon. R. C. DeGARIS: I, too, saw the television programme that dealt with this matter. The honourable member's comment regarding petty theft is rather an understatement. This matter has been examined from the point of view of greater police protection, but, with all due respect to the honourable member, I do not think that this is the answer to the problem that exists at the Coober Pedy and Andamooka opal fields. Even if the police force were increased and a large number of men were stationed in the area, it is doubtful whether full protection could be given to all the mines in that vast area. These are problems for which we are unable to come to a satisfactory conclusion. The matter is being examined, but exactly what can be done to assist the position is yet to be determined.

PORT PIRIE TRUCKING YARDS

The Hon. M. B. DAWKINS: Has the Minister of Roads and Transport a reply to the question I asked a fortnight ago regarding the unsatisfactory state of the sheep trucking yards at Port Pirie?

The Hon. C. M. HILL: The sheep trucking yards at Port Pirie were owned by the Commonwealth Railways until March, 1969,

when they were transferred to the joint ownership of the South Australian and Commonwealth Railways. The yards are used for loading stock at Port Pirie and also for transfer of stock in transit.

In November, 1968, the yards were cleared out with a front-end loader, and crusher dust was laid to improve conditions under foot. However, when used to load stud stock for the Perth Show early in September this year the yards were in a muddy condition due to the unusually wet weather at that time. Currently, carpenters have completed repairs to the cattle yards and are working on the sheep yards.

YORKE PENINSULA ROAD

The Hon. C. D. ROWE: Some weeks ago I asked the Minister of Roads and Transport a question regarding the main Yorke Peninsula road, and I received the reply that it was proposed that the road would be recoated. Since then I have had the opportunity of inspecting at least some portions of the road, and recoating will not meet the case; indeed, in some parts the road needs redesigning and reconstructing, and at one point just south of the Melton railway station there is a nasty corner that needs to be straightened out. Will the Minister therefore take up with the department the question of upgrading various portions of the road to ensure that it is brought up to a standard required to meet the volume of traffic it carries?

The Hon. C. M. HILL: I shall do that.

AIRDALE INFANTS SCHOOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Port Pirie (Airdale) Infants School.

ELECTORAL ACT AMENDMENT BILL

Third reading.

The Hon. C. M. HILL (Minister of Local Government) moved:

That this Bill be now read a third time.

The Hon. A. J. SHARD (Leader of the Opposition): I oppose the third reading of this Bill. Although I realize that this is an unusual step to take, considering the debate that has taken place in the last few weeks on this Bill and the reason for its introduction I think I would be failing in my duty to the people of South Australia if I did not take it.

This Bill was introduced by the Government in the House of Assembly as a result of the inquiry by the Court of Disputed Returns into the election for the Millicent District at the last general elections, and we set out with the objective of controlling postal voting. While I have not read all the proceedings of the court as minutely as perhaps I should have done, I can say that the real reason for the lengthy hearing by the court was the time it took inquiring into the way in which postal votes were secured and then received by the returning officer.

I think it was generally accepted by the public (at least it was accepted by the Court of Disputed Returns) that the legislators of this State would do something to tighten up the method of postal voting so that a speedy result would be arrived at in any future election and so that in the event of a close election in any particular district the court would not have to occupy its time in the way it did following the Millicent election. To say the least of it, the evidence that was tendered to the court in connection with postal voting was anything but satisfactory.

I consider that the amendments moved and accepted in this Council are an affront not only to the Court of Disputed Returns but also to the people of South Australia, particularly, and of Australia generally. I make no apologies for saying that I think the action of the Council in amending the Bill has widened the possibility of a recurrence of what went on in the Millicent election. It is laid down now that a postal vote shall bear on the envelope the date and time of signing by a witness when the vote is recorded, and that that shall be regarded as *prima facie* evidence of that information being correct. The procedure as it existed under the principal Act that the postal date stamp would be accepted has been completely ignored.

The Hon. F. J. Potter: You don't have to ignore it.

The Hon. A. J. SHARD: But the Bill states that the time and date set out shall be regarded as *prima facie* evidence; the honourable member, being a lawyer, would know what that means. It would be a good judge or Court of Disputed Returns that did not accept that evidence. I would hate to see, knowing what went on in the Millicent election—

The Hon. R. C. DeGaris: What did go on?

The Hon. A. J. SHARD: The Chief Secretary knows as well as I do; he was in it as much as anybody else.

The Hon. D. H. L. Banfield: Skulduggery at its best!

The Hon. A. J. SHARD: I am not going to rehash it all again. It seems that we shall have to face such things again because of amendments to the method of postal voting, a system completely unacceptable to me and to other honourable members of my Party in this Council. I do not think the Bill adds to the effectiveness of the Act; I think it will widen the gate that will allow similar things to happen. I also want to say that I think the amendment to section 110 has worsened the Act. Without going into details, I want to say that I prefer the old Act, with all its defects, to the new portions contained in the two clauses I have referred to. For those reasons I have taken the unusual step of opposing the third reading of this Bill.

The Council divided on the third reading:

Ayes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and C. R. Story.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Third reading thus carried.

Bill passed.

MOTOR VEHICLES ACT AMENDMENT BILL

Second reading.

The Hon. C. M. HILL (Minister of Roads and Transport): I move:

That this Bill be now read a second time.

It makes several significant amendments to the Motor Vehicles Act, 1959-1968. Perhaps the most important of these is the introduction of a points demerit system. The continuing road toll is a matter of serious concern to the Government and it is believed that the introduction of a points demerit scheme, which has proved effective elsewhere in reducing the incidence of road accidents, is well justified. The scheme is already in operation in several States of Australia, and in each case it appears to be operating well and effectively. It is directed against those drivers who are temperamentally unsuited to be on the roads and those who are incompetent to control a motor vehicle. Persons who fall into these categories habitually commit driving offences, and the scheme operates both as a deterrent to them and as a protection to the public.

The Bill makes provision for the exemption of certain farm implements from the requirement of registration. Motor vehicles used for the purpose of civil defence, the eradication of weeds under the Weeds Act, and any motor vehicle used solely for the purposes of the Lyrup Village Association, are exempted from registration fees. Invalid pensioners who are unable to use public transport are entitled, under the provisions of the Bill, to reduced registration and licence fees. In addition, the Bill makes many miscellaneous amendments to the principal Act which I shall explain in the course of dealing specifically with each provision.

The provisions of the Bill are as follows:

Clause 1 is formal, and clause 2 amends the provision in the principal Act dealing with the formal arrangement of the Act. Clause 3 amends section 12 of the principal Act. This section exempts from registration certain farm implements. The amendment adds to the categories of exempted implement bulk grain field bins and bale and grain elevators.

Clause 4 makes a drafting amendment to the principal Act. Clause 5 empowers the Registrar to amend or vary the registration number allotted to a vehicle. This has been found to be a desirable power which does not, however, exist under the Act at the moment. Clause 6 repeals section 25 of the principal Act. This section is now redundant.

Clause 7 amends section 26 of the principal Act by re-enacting subsection (2). There is some doubt whether this provision was ever effectively brought into operation and the re-enactment is accompanied by a new subsection (3), which provides that the amendment shall be deemed to have come into operation at the commencement of the Motor Vehicles Act Amendment Act, 1961.

Clause 8 amends section 27 of the principal Act. This section deals with the calculation of the horsepower of vehicles. The section provides only for piston engines at the moment, and it is now necessary to make provision for the new Wankel engine and also the possibility of gas turbine engines. A new subsection is therefore inserted to provide that the horsepower of a motor vehicle propelled by an internal combustion engine, other than a piston engine, shall be determined by the Registrar in such manner as he deems just and appropriate.

Clause 9 amends section 31 of the principal Act. This section exempts certain motor vehicles from registration fees. New provisions are inserted, by virtue of which any motor vehicle used for the purpose of civil defence, any motor vehicle used solely or mainly in connection wtih the eradication and control of dangerous and noxious weeds under the Weeds Act, and any motor vehicle owned by, and used for the purpose of, the Lyrup Village Association, are exempted from registration fees.

Clause 10 makes a drafting amendment to section 38 of the principal Act. The amendment brings the form of this section into conformity with that of new section 38a. Clause 11 enacts new section 38a of the principal Act. This new section provides for a reduced registration fee where the applicant for registration is a pensioner and unable to use public transport.

Clause 12 amends section 48 of the principal Act. This amendment should be read in conjunction with the amendment to section 24, which provides that the Registrar may amend or vary a registration number. The amendment to section 48 enables the Registrar to issue an amended registration label and to require the person to whom the new label is issued to destroy any previous label issued to him.

Clause 13 amends section 61 of the principal Act, which deals with hire-purchase transactions. Normally, where such transactions are involved the vehicle is registered in the name of the person who hires and eventually purchases the motor vehicle. Thus section 61 provided that when title was eventually transferred to the hirer the passing of title would not constitute a transfer within the meaning of the Act but occasionally a motor vehicle subject to a hire-purchase transaction is registered in the name of the owner. Section 61 is therefore amended to provide that in this particular instance the passing of the title shall be a transfer within the meaning of the Act.

Clause 14 amends section 67 of the principal Act. This section deals with limited traders' plates. It is anomalous at the moment because, although it sets out the purpose for which the traders' plates are issued, there is no provision requiring the person to whom they are issued to use them only for those purposes. New subsections (3) and (3a) are inserted to repair that omission.

Clause 15 reduces the licence fee for a pensioner who is unable to use public transport. Clause 16 provides for the fee for a duplicate licence to be prescribed rather than specified in the Act. Clause 17 repeals section 80 of the principal Act and enacts new section 80. The effect of this amendment is to extend the provisions of the old section 80 to learners' permits and to empower the Registrar, when he is satisfied that a person is not competent to drive a motor vehicle without danger to the public, to refuse to issue a learner's permit or licence to that person or to suspend a learner's permit or licence previously issued to that person.

Clause 18 amends section 82 by extending its provisions to cover learners' permits. This section deals with a Ministerial direction to refuse to issue or renew a licence. Clause 19 makes a drafting amendment to section 83b of the principal Act.

Clause 20 re-enacts section 89 of the principal Act in an amended form. The effect of the amendment is to empower the Registrar to refuse a licence to an applicant for a licence where he has been disqualified or prohibited from driving a motor vehicle in any other State or Territory of the Commonwealth, or any country outside the Commonwealth.

Clauses 21 and 22 make drafting amendments to sections 91 and 92 of the principal Act. Clause 23 enacts the points demerit scheme. This is to constitute new Part IIIB of the principal Act. The scheme is comprised in new section 98b.

New subsection (1) provides that the Governor may make regulations providing that a prescribed number of demerit points shall be recorded against a person convicted of a prescribed offence and that, upon the demerit points amounting to a prescribed aggregate, the driver's licence of that person shall be suspended, and he shall be disqualified from holding or obtaining a driver's licence for a prescribed period, not exceeding three months.

New subsection (2) defines a "prescribed offence" as an offence against this or any other Act, the commission of which, in the opinion of the Governor, demonstrates any deficiency in the standard of proficiency or care exercised by the convicted person in driving or controlling a motor vehicle or in maintaining it in a safe condition. New subsection (3) provides for the number of demerit points to be separately prescribed in relation to each offence or class of offence.

New subsection (4) provides that the scheme shall not operate in respect of convictions recorded before the commencement of the amending Act. New subsection (5) provides that, in calculating the aggregate of the demerit points recorded against any person, only those points that relate to offences committed within a period of three years shall be taken into account.

New subsection (6) imposes a statutory duty upon the Registrar to warn a person against whom a certain number of demerit points have been recorded that his licence may become liable to suspension. This provision may prove impossible to comply with in some instances and, consequently, new subsection (7) provides that the operation of the scheme is not affected by any failure to comply with that duty.

New subsection (8) provides that demerit points shall not be recorded until the right of appeal has expired or, if there is an appeal, until the determination of the appeal. New subsection (9) provides that, where a single incident constitutes two or more offences, demerit points shall be recorded only in respect of the offence or one of the offences that attracts or attract the most demerit points.

New subsection (10) provides that a court, in determining the penalty to be imposed upon a convicted person, shall not take into account the fact that the conviction attracts demerit points. New subsection (11) provides that, where the court is satisfied that an offence is trifling, it may give a certificate, whereupon demerit points shall not be recorded in respect of that offence. New subsection (12) provides for the suspension of the licence of a person who has attracted the prescribed number of points.

New subsection (13) provides that the points are to be extinguished upon suspension of the licence. New subsection (14) establishes a right of appeal to the Supreme Court against the suspension of a licence under the demerit scheme. New subsection (15) provides that the appellant and the Crown shall be entitled to be heard upon the appeal but that no order for costs is to be made against the Crown.

New subsection (16) provides that, if the appellant can establish that it is not in the public interest that his licence be suspended, the court may reduce the aggregate of points by a number not exceeding one-quarter of the aggregate. New subsection (17) renders the suspension inoperative until the appeal has been disposed of. New subsection (18) provides, in effect, that there can be only one successful appeal in respect of any one aggregate of points.

Clauses 24 and 25 make formal amendments to the principal Act by removing obsolete references to the Treasurer and inserting references to the Minister. Clause 26 amends section 103 of the principal Act. This section enables a police officer to require the production of evidence that a policy of insurance is in force. The section is slightly deficient in that it is sometimes necessary to require evidence that a policy was in force at the time of some accident that occurred in the past. The amendment repairs this deficiency.

Clauses 27 and 28 make formal amendments to the principal Act.

Clause 29 makes a drafting amendment. Clauses 30 and 31 make formal amendments to the principal Act. Clause 32 gives effect to a suggestion made by a local court judge that the notice of an accident referred to in section 124 should be admissible in proceedings between the insurer and the insured person as well as in proceedings for an offence under the Act. Clauses 33 and 34 make formal amendments to the principal Act. Clause 35 makes a drafting amendment to the principal Act.

Clause 36 inserts new section 142a in the principal Act. This section is designed to reduce the time at present expended by courts in hearing complaints where the defendant has not appeared and has not returned a written plea of guilty to the charge. In these circumstances, the court is at present obliged to hear evidence from the police officer who apprehended the person charged. This new section provides that, where a person does not appear in obedience to a summons, the court may in its discretion hear and determine the complaint in the absence of the defendant and, where it does proceed so to hear and determine the complaint, the allegations in the complaint shall be *prima facie* evidence of the matters alleged. The provision does not relate to offences punishable by imprisonment and, where the court contemplates suspending a driving licence, it must notify the defendant and follow the procedures set out by section 62c of the Justices Act. Clause 37 makes a drafting amendment to section 145 of the principal Act.

The Hon. S. C. BEVAN secured the adjournment of the debate.

UNDERGROUND WATERS PRESERVATION BILL

Adjourned debate on second reading.

(Continued from September 25. Page 1770.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the second reading of this Bill. Having been born in a very dry area of Western Australia and come to this State, which has been worried about water conditions for many years, I thought I had a healthy regard for the importance of water to mankind; but, while doing some research into the matter of underground water, I came across a description of the effects of water on mankind in a book called the *Water Year Book* published by the United States Department of Agriculture. This book gave a good description of the importance of water to mankind. Members may be interested in what it says. It states:

You could write the story of man's growth in terms of his epic concerns with water. Through the ages people have elected or been compelled to settle in regions where water was deficient in amount, inferior in quality, or erratic in behaviour. Only when supplies failed or were made useless by unbearable silt or pollution or when floods swept everything before them were centres of habitation abandoned. But often the causes lay as much in the acts or failures of men themselves as in the caprices of nature. So, too, man's endeavours to achieve a more desirable relationship with the waters of the earth have helped mould his character and his outlook toward the world around him.

People always have preferred to meet their water troubles head on rather than quit their place of abode and industry. So people have applied their creative imagination, and utilized their skills, and released heroic energy. The ancient wells, aqueducts, and reservoirs of the Old World, some still serviceable after thousands of years, attest to the capacity for constructive thinking and co-operative ventures which had a part in human advancement.

Further on, it states:

All life depends on water. For us today water is as necessary for life and health as it was for our prehistoric ancestors. Like air, water is bound up with man's evolution—and doubtless his destiny—in countless ways. One of the basic conditions on earth is that water be available in liquid form. The origin of all life on our planet is believed to be the sea, and today, after millions of years of evolution, modern man's tissues are still bathed in a saline solution closely akin to that of the sea when the earlier forms of life first left it to dwell on the land. Every organic process can occur only in the watery medium. The embryo floats in a liquid from conception to birth. Breathing, digestion, glandular activities, heat dissipation, and secretion can be performed only in the preserve of watery solutions. Water acts as a lubricant, helps protect certain tissues from external injury and gives flexibility to the muscles, tendons, cartilege and bones.

That is an interesting statement. Most countries in the world, as the Chief Secretary said when introducing this Bill, have found it necessary to introduce legislation to control the use of underground water. All those countries have been blessed with greater water resources than have we in South Australia, because this State has often been referred to as "the driest State of the driest continent in the world". This being so, it surprises me to find that we have lagged behind other States in introducing legislation of this kind to protect our meagre water resources. It is evident that in 1957 the Government's advisers on underground water resources considered that something should be done to prevent contamination and deterioration, because a Bill that sought to place legislation on the Statute Book for this purpose was introduced then in another place by Sir Thomas Playford. I give credit to Sir Thomas for his undoubted knowledge of what was best for South Australia regarding its water resources, whether they lie underground or in dams on the Murray River.

Apparently in 1957 a campaign of lobbying and the emergence of selfish interests caused that Bill to lapse. In 1959 you, Mr. President, as Chief Secretary and Minister of Mines, introduced a Bill which was designed to deal with underground waters and which was debated at some length in this Chamber. That Bill differed slightly from the measure introduced in another place in 1957. When replying at the close of the second reading debate you, Sir, said (and this can be found at page 1574 of 1959 *Hansard*):

Everybody knows the water from the Adelaide Plains has been used on many occasions to supplement the supply of water from the reservoirs. I would have thought that members were also aware of the result of that. A remark was made to me only yesterday by a landholder with property on the Adelaide Plains in the vicinity of where the first flowing bore was put down. I cannot vouch for the authenticity of his statement, but I think it was that water was obtained at 50 or 80ft. We did not know when we were pumping to augment supplies in previous dry periods that the water level was so lowered that some wells were rendered completely ineffective and an alternative supply had to be made to those people because we had taken from them the supply they had used for many years. That demonstrates that we thought we could pump water out indefinitely.

What you, Sir, said on that occasion demonstrated how urgent it was then to do something about this matter. For many years much has been written about underground water in other countries such as the United States of America and Canada and, more recently, in Australia. I doubt whether even now, with the great advances made in scientific research, we know all that there is to be known about this subject.

The South Australian Mines Department has periodically published pamphlets and booklets about the underground water resources of the State, and at about the time when the 1959 legislation was introduced the department published a groundwater handbook that contained much useful information for water users and also for the members of Parliament who were then studying the legislation. This is evidenced by the *Hansard* reports of their speeches. American publications indicate that, despite all the research that has taken place on the subject in that country, much is still to be learned. One authority is quoted as having said the following:

All the available groundwater data and the analytical studies give us much less than a complete picture of the resources throughout the country. Americans tend to give attention to groundwater resources when troubles appear. We know most about the regions where crises have developed, therefore, and far less about other regions.

There is no doubt that this applies also in South Australia. We hear more and appear to know more about the underground water resources, or lack of them, in the area around Salisbury and Gawler River on the Adelaide Plains than we do about those of other places, although I notice that in 1966 the Hon. Mr. Kemp referred to the condition of the water table at Langhorne Creek where, he said, the level fell over a short period from 35ft. to 60ft., and where 150 new bores had been put down in a short time.

The then Minister, the Hon. Mr. Bevan, said that, because the 1959 Act had not been proclaimed and was still being considered by the Government, the department had no power to control excessive pumping and serious depletion of the basin. We were told in 1959 that, as a result of the water being pumped out much faster than it could be replaced, a crisis had developed, because these areas were close to large expanses of salt water in the gulf and, because of the great pressures created by those great expanses of water, the fresh water supplies from underground resources were severely threatened.

We were told that, should the fresh water level get too low, the salt water would move in, which would completely ruin the fresh water supplies of the area for all time. With the progressive suburban development that commenced after the last war, market gardens that existed at Fulham and other closer-in suburbs were bought up for subdivision for housing and for industrial development purposes. This caused market gardeners to look elsewhere for suitable sites, and many of them moved to the Salisbury and Gawler River areas because an abundance of good water appeared to be available. No restrictions were then being placed on drilling for water or on the quantities drawn off from the aquifers. People were encouraged to go into that area, and this trend continued to occur despite the warnings issued in 1959.

The inevitable result was that the water level progressively dropped until it reached a critical stage. Within this knowledge of the seriousness of the situation, the Government introduced legislation to deal with the matter in 1959. However, despite all the speeches made at that time by nearly all members of this Chamber (and they voiced their concern regarding the need for power to control the use of underground water and the need for this type of legislation) the Act that resulted from the 1959 debate was not proclaimed until after the Labor Government took office in 1965. That Act was amended in 1966 during the term of office of the Walsh Labor Government, and it was proclaimed in February, 1967.

The principal Act as amended in 1966 and proclaimed in 1967 had for its purpose the conservation and prevention of contamination and deterioration of underground waters, which are important matters. Each year, with the expansion of industry and population, the danger of contamination grows. Industrial waste in other parts of the world, particularly in America, has progressively polluted all that country's major rivers, and some years ago it was estimated that it would take many billions of dollars to rid those rivers of pollution, and many millions to keep them unpolluted. The pollution of the rivers of America is also reflected in the pollution of the underground water resources, as a result of seepage and so forth from those industrial wastes.

The Hon. R. C. DeGaris: Do you think that is a problem in South Australia at present?

The Hon. A. F. KNEEBONE: It could be a problem in some areas. I am thinking, for instance, that in the South-East industrial wastes could have some effect on the underground water resources. This problem is getting more serious every year. Discussion has taken place recently on the possible production of power from atomic reactors and so forth, and I know that some concern has been voiced in America that possibly the wastes from this type of atomic reactor development could seep through into the lower areas and affect the underground waters. It is thought that although it might not affect anything on the surface it could have a cumulative effect on the underground water. If we are contemplating the production of power by such means as this in the future, then I consider that we need this type of legislation.

Although, as the Minister says, the industrial wastes may not have affected the underground waters here to any great extent at present, there could be cumulative effects and my thoughts are that perhaps we should have done something about this matter earlier. I agree with the principles of the existing Act and with most of the principles of this Bill. However, I consider that some of the provisions in this Bill are open to criticism. First, I draw the attention of the Minister of Mines to clause 6, which is the definitions clause. Under the existing Act, we find a definition of "deterioration" and, although the word is referred to frequently in this Bill, this definition has been dropped. Whether it refers to deterioration in quality or quantity is not clear. In the existing Act, it is the quality to which the word refers.

The Hon. R. C. DeGaris: It probably means that the definition has been widened.

The Hon. A. F. KNEEBONE: It is referred to, but I think it should be made clear what it means. I wish to refer now to another thing that I consider to be unusual. In the existing Act the definition of "the Minister" is "the person for the time being holding or acting in the office of Minister of Mines". The general practice is to specify the title of the Minister. Although the Bill refers to "the Minister" on many occasions, I think that only once in the Bill is the Minister of Mines specified. I consider it would be normal to specify that this Bill is to be administered by the Minister of Mines. Perhaps this is merely an oversight.

Another definition in the Bill contains a word which I found necessary to look up in the dictionary, and I think I would not be the only honourable member who did not know what the word meant. In the definitions clause we see the following:

"Well" means well, bore, hole, excavation or other opening . . . but does not include any well used exclusively for the drainage of waters from a private dwelling and its curtilage or any soakage pit . . . used for the disposal of effluent from any septic tank or of waste water from a private dwelling.

"Curtilage" is the word I found it necessary to look up in the dictionary. The definition in the existing Act merely refers to the words "roof or pavement run-off from a private dwelling". I find that this is probably what this means, because the dictionary states that the word is derived from the word "court" or "courtyard" and means "a court, a courtyard, a piece of ground included within the fence surrounding a dwelling".

If this is the way the word is used in the Bill, then the area from which drainage can be taken is extended. I have heard some funny stories, which probably I could not tell here, with regard to large paddocks and so forth. I can think of many farms and stations where there is no fence around the private dwelling. I think that we are widening the exemptions in this matter and that this provision should be closely looked at.

The Hon. L. R. Hart: As this could feed water back into the underground basin, perhaps it is a good idea.

The Hon. A. F. KNEEBONE: I do not know whether or not that is so, and I should like to hear the Minister say something more on this topic at a later stage; he may be able to convince me that this might be a good thing. On the other hand, it could lead to the contamination of water. If there is a big area that is not fenced, cattle or sheep could stray close to the home, and with a homestead area not enclosed by a fence the water could run through that area and down into a dam or well. Perhaps we are extending the definition a little too far.

Clause 7 is virtually the same as the provision in the principal Act. However, clause 8 contains a number of amendments. This clause refers to a well being "drilled", whereas the principal Act refers to a well being "sunk". I do not know whether this is a new way of describing it. I believe there are other means of sinking wells, and perhaps someone might be able to tell me whether or not the use of the

words "drilled" or "drilling" has any significance. I have heard it said that an attempt will be made to obtain water supplies by the use of an atomic explosion. That, in my opinion, would not be "drilling", so perhaps the word is not the correct one to use in this clause. I would like the Minister to consider that word and see whether my thoughts are correct and whether, perhaps, the word "drilling" is appropriate.

Clause 8 extends the provisions of the Act where subparagraph (*a*) reads:

Any well is drilled, constructed, plugged, backfilled or sealed off;

I do not know how a well can be "constructed"; I believe it can be dug, but surely "construction" indicates something above the ground and "drilling" something below the ground. However, that is my interpretation, and I agree with other amendments made in clause 8.

As pointed out in the second reading explanation, the Minister will now be required to refer some matters to the advisory committee; that seems to be a good idea. Clause 11 (2) requires that:

The Minister may, if he thinks that proper cause exists for so doing, extend the duration of a permit.

The permit shall, subject to this Act, remain in force for a period of 12 months whereas previously the period was "until it was lawfully revoked"; that gives the Minister an opportunity of reviewing the permit at a later stage. A new provision in clause 13 (2) stipulates:

The holder of a permit shall, within 14 days after any change in the ownership or occupation of land in respect of which the permit was issued, give notice in writing, personally or by post, to the Minister of that change in ownership or occupation.

I think that is a wise provision because it gives the Minister an opportunity of seeing when land ownership is changing. Although I have said that is a wise provision I draw attention to subclause (3), which could impose fairly harsh terms on a transferee once he has assumed ownership, because he does so in respect of land for which a permit has been issued. Subsequently, upon the transfer and taking occupation of the land and the transfer of the permit, the Minister may impose such further order or terms and conditions upon the transferee as the Minister may think fit, and endorse those terms and conditions on the permit.

That seems to be a little harsh on the transferee; I would have thought a provision could be inserted that, where a person is about to sell his land to somebody else, at that stage he should inform the Minister before disposing of the land so that any provisions the Minister may wish to make in connection with that land could be imposed before it was sold. If that were not done, a transferee would not know what he was taking over, and it would be possible for him to incur severe penalties that could make the land in question most unacceptable to him because of subsequent conditions imposed by the Minister being too onerous.

Clause 16 contains new provisions that read:

Where a permit is granted to permit the execution of any operations in conection with a well, the holder of the permit shall ensure that the operations are executed—

(*a*) by the holder of an appropriate licence; and

(*b*) in conformity with the terms and conditions of the permit.

This ensures, as I see it, that the work shall be carried out by qualified drillers. Clause 17 reads:

If the Minister is satisfied that action by the owner or occupier of land within a defined area on which a well is situated is necessary or desirable for the purpose of preventing contamination, deterioration, inequitable distribution, loss, wastage or undue depletion of underground water, or for the purpose of preventing the use of contaminated underground water, the Minister, after referring the matter to the advisory committee and considering its recommendations, may serve upon that person a notice under this section.

The wording in the principal Act relating to this matter is "for the purposes of preventing the use of contaminated or deteriorated underground water" whereas in the Bill the words "or deteriorated" are omitted; I would like to know why that has been done. Further, by clause 17 more power is given to the Minister, and I am in agreement with that being done, but subclause (2) reads:

Any such notice may direct the person to whom it is addressed to do, within the time specified, and in accordance with directions contained in the notice, any one or more of the following—

(*a*) to close and shut off the supply of underground water from a well;

(*b*) to restrict the amount of underground water taken from a well, and to install a suitable meter to record the amount of water taken from the well;

(*c*) to discontinue the use of the well;

(*d*) to disconnect all pipes or drainage works discharging into, or in the vicinity of the well, and to take all necessary action to prevent any fluid, gas, effluent or other substance from gaining access to the well;

The existing Act uses the words "or around the well", but the amending Bill uses the words "in the vicinity of the well". Both are vague terms.

The Hon. R. C. DeGaris: It is like the Licensing Act.

The Hon. A. F. KNEEBONE: Yes. Both terms are rather vague; it could be anywhere around the well, and how far does the word "vicinity" indicate? I suppose the Minister will probably say at a later stage that this allows a certain amount of discretion because distance is probably affected by the permeability of the area of land concerned. I can see the difficulty experienced by the Parliamentary Draftsman in this regard, but I still think the words are vague. However, I suppose they have to be in the circumstances, but that is my comment on them. The following new direction has been included in the clause:

(*g*) to carry out such repairs or modifications to the well, or to carry out such action, or refrain from such action, in relation to the well, as the Minister deems necessary and specifies in the notice.

In view of the importance of underground water both in the Adelaide Plains and in other areas, we must conserve it as far as possible. The change in the committee's title to the Underground Waters Advisory Committee is very good. The previous title gave the impression that the committee was restricted, although its actions were not restricted. The committee's membership has been extended to include an officer of the Agriculture Department; I am informed that such an officer was usually included in the discussions anyway.

The Hon. S. C. Bevan: He was consulted.

The Hon. A. F. KNEEBONE: Clause 24 (2) provides that one of the committee members shall be:

(*f*) a person who, in the opinion of the Minister, is a proper person to represent the interests of any council or councils whose area or areas is or are affected by any question referred to the committee under this Part;

The corresponding provision in the Underground Waters Preservation Act provided:

a person to be nominated by the council or councils of the local governing area or areas affected by any question referred by the Minister under this Part; provided that such person shall be a member of the committee only when the committee is investigating a question affecting the area or areas in respect of which that member is so appointed;

The new provision, instead of giving councils the power to nominate a member, leaves it to the Minister to appoint someone who, in his opinion, is a proper person. The councils may think that a right has been taken away from them and that they are better able to decide the right person to be appointed. I have no doubt that, if the present Minister of Mines acts as the previous Minister (Hon. S. C. Bevan) acted, he will consult the councils before making an appointment. In the Underground Waters Preservation Act there was no provision to appoint a deputy of a member to perform the duties of a member who was unable to perform them. There is provision for such a deputy member in this Bill, and I believe it is a wise provision. The committee's quorum has been increased, because of the greater number of committee members. Clause 28 provides:

(1) A person shall not . . .

(*e*) plug, backfill or seal off a well that is deeper than the prescribed depth,

unless he holds a licence of an appropriate kind, or is acting under the personal supervision of a person holding such a licence.

The purpose of this clause is to provide that only skilled men shall do work connected with drilling, constructing, deepening, etc. Great care is taken in this Bill that the men shall be qualified, but we then upset the whole situation by saying in subclause (3):

This section shall not apply in respect of anything done by a person upon land of which he is the owner or occupier, or by a person ordinarily employed by that person.

If people are unskilled they may do untold damage to the water resources of the area—but the owner of the property or Joe Blow, his offsider, who may be only an unskilled labourer, may drill, construct, deepen, etc. I admit that a similar provision was in the Underground Waters Preservation Act, and I was shocked that it was there. I am equally shocked that it is in this Bill. If everyone else doing this work must be skilled, why should subclause (3) be inserted? All sorts of things can be done in relation to the owner of the property—his property can be entered, his well can be modified to the extent that instruments can be put down it, and he can be asked all sorts of questions—yet we say, "If you like you can do the work on the well yourself—you do not have to be skilled." Consequently, I want to know why this provision has been inserted in the Bill. Under the Underground Waters Preservation Act we provided for A and B licences, but clause 29 (2) of this Bill provides:

Licences shall be of such types and shall contain such conditions as may be prescribed.

The new provision has the same effect: we tell one man that he can have an unrestricted licence and we tell another man, because he has had experience of only certain types of drilling, that he can have a restricted licence. I do not know why we cannot use the designations A, B, C, etc.

The Hon. R. C. DeGaris: A person with a B class licence felt that he was not a first-class tradesman, so we are trying to get away from the designations A, B, etc.

The Hon. A. F. KNEEBONE: The Underground Waters Preservation Act provided that a person had to satisfy the Director before he was granted a licence, but under this Bill he has to satisfy the Minister. I believe the new provision is all right, because the Minister should be the responsible person. Clause 30 provides:

A person shall not be entitled to be granted a licence unless . . .

(*b*) he has satisfied the Minister that he is in all respects a fit and proper person to be licensed.

I can understand that a man must pass examinations and must have qualifications, but in what other respects must he convince the Minister that he is a fit and proper person? Perhaps the Minister can inform me on that. I know that the provisions in regard to permits were inserted in the 1966 legislation but I am surprised that we did not include a drilling examinations committee at that time. I think it is necessary and see that this has been provided for in clause 35 and the immediately following clauses. I approve of that.

I come now to Part V of the Bill. When the Underground Waters Appeal Board was first constituted in the Act of 1959 that was never proclaimed, there were three members. In 1966 the number was increased to five, and it is now proposed that there shall be six members. The new member shall be:

. . . a person who is, in the opinion of the Governor, suitably qualified in geology or geophysics.

I think it is necessary that in regard to appeals there should be someone present on the board with this knowledge. A departure from the principal Act is that there shall be on the board:

. . . a landholder who is, in the opinion of the Governor, suitably qualified and experienced in agricultural matters.

Also, one of the members of the board shall be a person experienced in well drilling, while another one shall be a legally qualified medical practitioner. He will sit on the board only upon appeals that involve some question of the bacteriological contamination of underground water. I suppose it is a good idea that people with those skills (agricultural, drilling and medical) should sit on appeals concerning those matters only, and that the board should not be cluttered up with people possessing other skills. Clause 40 (4) provides:

The chairman shall, in relation to each appeal, determine which members of the board are entitled to sit upon the appeal, and his decision shall be final.

I have not been able to work out whether or not this Bill involves an alteration in the period for which a member shall sit on the appeal board. (Perhaps my mathematics are not good enough for me to work that out and some of my mathematically minded friends will be able to tell me this.) The principal Act states:

Subject to this Act, every member of the appeal board shall be entitled to hold office as such until the thirtieth day of June, in the fourth year after the year in which he was appointed.

Clause 41 stipulates a term of three years, which is probably a better way of expressing it. I have not yet been able to work out what the provision in the principal Act means; but it appears to be all right. Three years is long enough, anyway. I also notice something in clause 41 that I could not find in the principal Act—a provision about members of the board who die while in office, and so forth. Clause 42 provides for the procedure of the board. I think it could be expressed differently, as it is a little restrictive on the Chairman. Subclause (4) states:

Three members of the board shall constitute a quorum of the board, and no business shall be transacted at a sitting of the board unless a quorum is present.

Subclause (5) states:

On any matter arising at a sitting of the board, (*a*) a decision concurred in by a majority of the members present at that sitting shall be the decision of the board.

So far it is all right. Then:

(*b*) If the members are equally divided in opinion, a decision concurred in by the chairman shall be the decision of the board.

In the advisory committee the Chairman has a deliberative and a casting vote, but here it is expressed differently. I think it is restrictive on the Chairman because we all know of

many instances where people who preside over various bodies (even the Speaker in another place, although I agree it would not affect him in this way; I do not intend to link what I am saying with the Speaker in another place), having voted on a certain matter and thus created an equality of votes, are then restricted to their decision whereas, if they are given a casting vote, they may say, "To preserve the *status quo,* I give my vote to the other side." I have not thought extensively on this matter. This is an appeal board, and whether or not this is important I do not know. However, I think this could be expressed in a different way, perhaps as it is expressed in regard to the Chairman of the advisory committee—that he has a deliberative and a casting vote.

I come now to clause 44. I do not know why this new provision has been inserted in the Bill. It states:

(1) For the purposes of this Part the appeal board may—

(*a*) by summons under the hand of the chairman or a member require any person (except an officer of the Department of Mines, a party to the appeal or his servants or agents) to attend before the board.

I do not know the reason for that. I imagine that an officer of the department, a party to the appeal or his servants or agents would be present before the board anyway, so why express it like this? It was not in the principal Act. The wording of the principal Act is:

. . . by notice signed by the chairman or a member or the secretary thereof require any person to attend before the board . . .

Why the exception in regard to these people? It intrigues me why this provision is inserted, as these people would be present anyway. There may be not present another officer of the department who may be able to give the board information, so why insert this provision in three places—paragraphs (*a*), (*b*) and (*c*)? From the Minister's second reading explanation of the Bill, I cannot understand why this is done as it does not seem to have been mentioned, and I should like to know why. Clause 46 deals with the institution of an appeal. It states:

(1) An appeal must be instituted by written notice of appeal addressed to the Minister and served upon him not more than six weeks after the appellant is served with the notice of, or notice containing, the decision or direction appealed against.

This is an improvement on the 30 days. I agree with it because it gives a man time to look at it.

The Minister said when introducing the Bill that the powers of the board had been restricted to a certain extent. I do not disagree with that. Section 36 (*b*) provides at present that the board shall have power to inform itself in any way that it deems just and convenient, and I do not understand why that provision should have been dropped.

I think paragraph (*e*) in the Act, pursuant to which the board can make any decision or give any direction that it deems just either in substitution for or in addition to the decision appealed against, goes much too far, and I agree with the Minister's actions in dropping this clause. Previously, the board had power, pursuant to paragraph (*f*), to waive any of the provisions that would otherwise prevent the hearing of the appeal. Section 32 does just about everything that is necessary to put an appeal before the board. Under the Act the board has power to tell an appellant that, despite his non-compliance with the provision that he must lodge his appeal within a certain time, it will nevertheless go ahead and hear the appeal. All this power was given to the board, and I agree that this was out of place. I therefore concur in what has been done in this regard.

I notice that in clause 52, which comes under the heading "General Provisions", the Minister, Director or an authorized person may at any reasonable time enter and remain upon any land or premises for the purpose of making any inspection and may put questions to any person upon that land or premises. The Bill also provides that such a person must reply; otherwise he would be in serious trouble. This is a good provision, because it is not much good having these provisions unless they can be enforced. Pursuant to the provisions of the Bill, the Minister or any other authorized person has power to carry out whatever operations are necessary in connection with a well.

In other parts of the Bill the Minister is given power in respect of certain matters, and this is where I think this power should lie. Clause 55 provides that proceedings for offences against the Act shall be disposed of summarily, and subclause (2) provides that such proceedings for an offence against the Act shall not be commenced without the consent in writing of the Director. My experience has shown that the Minister should always have the power and should be able to give his approval in any proceedings for offences against the Act. When I was Minister of Labour and Industry I had to consent in writing

to such matters, and that is how it should be done. Clause 55 (3) also provides for this, which is correct. I will leave it to the good offices of the Minister to move an amendment accordingly and, if he does not do so, I may move it myself. With those few comments, I support the second reading.

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

DAIRY INDUSTRY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 25. Page 1770.)

The Hon. L. R. HART (Midland): I do not know whether it is by design that the Dairy Industry Act Amendment Bill should follow the Underground Waters Preservation Bill. In the past I have known of cases where people have been prosecuted for diluting milk with water, so if water is to be used for this purpose, it is essential that it be not contaminated in any way.

A number of Acts are involved with the dairy industry in a direct way. On a State basis we have the Dairy Industry Act, the Dairy Produce Act, the Dairy Cattle Improvement Act, the Cattle Compensation Act and the Health Act in its various forms, involving the local board of health, the county board of health and the central board of health.

On the Commonwealth scene is the Dairy Industry Act, under which the dairy industry stabilization scheme operates. This involves the Dairy Produce Export Control Act, the Research and Sales Promotion Act, the Processed Milk Products Act, and the dairy industry extension grant. More recently we have the Marginal Dairy Farm Reconstruction Plan, under which, with Commonwealth and State finance, it is proposed to phase the low-income sector of the dairy industry out of dairying and into a more economic form of production. Under this plan the Commonwealth Government proposes to make available a sum of money to the States, part of which will be in the form of a grant and part of which will be interest-bearing loans to be repaid.

It can be seen that the dairy industry is well fenced in with statutory controls. In past years much production in the industry came from sideline farms, in many cases the land being not entirely suitable for dairy farming. These producers have no doubt been sustained by the assistance derived under the dairy industry stabilization scheme, a plan under which the Commonwealth Government provided an annual bounty of $27,000,000.

It was with a view to relieving the Commonwealth Budget of this annual charge that the Commonwealth Government was induced to implement the reconstruction plan. Over the years many rural producers have turned to cows when a downturn in prices for other farm products has been experienced. Today, with dairy farmers seeking out highly productive land and specializing in dairy farming and aided by scientific feeding, we find ourselves with an excess of dairy produce, with all the increased production having to be used for manufacturing purposes and being sold on the export market in competition with highly efficient producers from other countries. There is, thus, a need to bring our legislation affecting this industry up to date, particularly in relation to efficiency and hygiene requirements.

Although Great Britain has in the past been our main customer (accounting for over 80 per cent of all butter exports), there is a significant market to be exploited in the near-Asian countries and also in some of the Pacific islands, particularly with dried milk powder products. There has been a considerable increase in butter exports to Japan, particularly unsalted butter, which is used to supplement supplies of fresh milk in conjunction with Australian and other imported dried skim milk.

The Bill before us is a short one which sets out to make about three amendments to the principal Act. One of the sections of the principal Act it sets out to amend is that dealing with the definition of "milk". Under the new definition included in this Bill, "milk" means the lacteal fluid product of a cow or goat.

I wonder whether this definition is quite wide enough to meet present-day needs. I know there are instances in which people with certain allergies have been prescribed asses' milk, and I question whether this definition in the Bill would cover the use of asses' milk for this purpose. In Victoria there is a person who is manufacturing a particular type of cheese, and who uses milk obtained from a flock of about 300 ewes. Although there is no similar industry in South Australia at this point of time, I question whether, if an industry of that nature were to establish in this State, the definition of "milk" would be wide enough. Clause 4 amends section 19 of the principal Act. The Minister of Agriculture, in his second reading explanation, said:

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.

This no doubt applies in some country areas where a dairyman obtains milk for the supply of his customers, and it is, of course, not reasonable to expect that he should pay for that milk according to the weight of the butterfat content. Therefore, to make it easier for the vendors of milk in country areas, the Act is being amended. Although it no doubt applies to other than country areas, this is where this Act has had some suppressing effect on the vendors of milk.

I would suggest that perhaps the same thing could apply to the supply of eggs. Under the new regulations, a storekeeper in a country town cannot buy eggs from a producer in that area unless the eggs are properly graded, and for this to be done they must be weighed and must be subjected to a light test as well. This makes eggs more costly to a vendor of eggs in a country town, and I suggest that the Minister might have a look at this aspect of the egg industry as well. With those few remarks, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Payment for milk."

The Hon. C. R. STORY (Minister of Agriculture): I move to insert the following paragraphs:

(*b*) by striking out from subsection (2) the passage "the producer thereof" and inserting in lieu thereof the passage "two or more producers thereof";

and

(c) by inserting after the word "factory" first occuring in subsection (3) the passage "to which milk or cream is sold or supplied by two or more producers thereof".

I am indebted to honourable members for the attention they have given to this Bill. The Hon. Mr. Kneebone raised a point regarding this clause and, although it is considered that the amendments he suggested are not essential ones, I have conferred with the Parliamentary Draftsman on the matter and I have now moved them accordingly. Some members queried why these amendments were necessary. We have in this State several instances of people who produce quite an amount of milk on their properties but who at times need to supplement that milk in order to supply their customers. This entails a great deal of running about by inspectors for the purpose of checking that the purchaser of the milk is actually conforming to the provisions of section 19.

If by agreement the person who is purchasing the milk from this one other person is agreeable to being paid on a gallonage basis at the ruling rate, that can now be done. It is not thought expedient to take it beyond one supplier for two reasons: first, if there are two suppliers there are likely to be disputes and, secondly, the gallonage that that person is buying would in all probability lift him above the permissible limit at which, under another section of the Act, he is allowed to operate.

I believe that this amendment will not only assist three or four not very large suppliers but also make the job of the board very much easier. It will save considerable expenditure by the three or four people involved. By and large, I think the amendment is a good one.

The Hon. A. F. KNEEBONE: I thank the Minister for his explanation. I rise now merely to say that I did not suggest to the Minister that he should make this amendment: I suggested to him that, if he wished to do what he said in the debate he wanted to do, this was the way to do it. In fact, I was not asking him to do it: I left it to his own judgment whether or not he did so.

I listened attentively to the Minister's explanation of why the amendments are before us. I do not see that, because a person who receives milk supplies from two different vendors has to comply with the requirements of section 19 of the Act, a person who accepts milk from one supplier only should have to do likewise. The man who accepts milk from one vendor may be receiving more milk than does a person who obtains his supplies from two vendors, and it seems to me it is a matter not of whether it is one supplier or two, but rather the quantity that is important.

The CHAIRMAN: As a result of the amendments moved by the Minister for the insertion of paragraphs (*b*) and (*c*) it will be necessary to insert "(*a*)" after "amended".

The Hon. C. R. STORY moved:

After "amended" to insert "(*a*)".

Amendment carried.

The CHAIRMAN: I shall now put the Minister's amendment for the insertion of paragraphs (*b*) and (*c*).

Amendment carried; clause as amended passed.

The Hon. A. J. SHARD: The Minister has an amendment on the file to insert a new clause. I was under the impression that when an amendment proposed to insert a new clause (as has been done on three occasions in this Chamber this session) a Notice of Motion should be presented beforehand; that is, there should be a contingent Notice of Motion. I understand that the proposed new clause widens the scope of the Bill, but there has not been any direction to the Committee that it has power to deal with this matter. I ask your advice, Sir, whether the Minister will be in order in moving the insertion of the new clause.

The CHAIRMAN: It is a consequential amendment to clause 2, where the words "cow or goat" are included.

New clause 5.

The Hon. C. R. STORY: I move to insert the following new clause:

5. Section 22a of the principal Act is amended by inserting after the passage "the cow" in subsection (1) the passage "or goat".

This is consequential upon the passing of clause 2.

The Hon. A. J. Shard: I still think it should have been done by way of contingent Notice of Motion.

The Hon. C. R. STORY: I respect your ruling, Sir, as I always have, and I do not see what the Leader is arguing about.

New clause inserted.

Title passed.

Bill reported with amendments; Committee's report adopted.

ADJOURNMENT

At 4.18 p.m. the Council adjourned until Thursday, October 2, at 2.15 p.m.