LEGISLATIVE COUNCIL

Thursday, October 2, 1969.

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

REAL PROPERTY ACT AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

QUESTIONS

DEEP SEA PORT

The Hon. A. M. WHYTE: I ask 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. A. M. WHYTE: During the search for a deep sea port in South Australia, and in particular Eyre Peninsula, some very conscientious and enthusiastic committees were formed which, through their personal knowledge and investigations, must have been of great assistance to the Government in coming to its final decision. The announcement by the Premier that Port Lincoln has been proved the most suitable site for ships with a capacity of up to 100,000 tons will be gratefully received as the first break-through of this kind for Eyre Peninsula. During these investigations I was concerned with a number of deputations to the Minister, who promised that no decision would be made without a thorough investigation of all proposals. The Minister no doubt has the results of these investigations. Will the Minister ask his colleague to make known these results to the committees concerned and to me?

The Hon. C. R. STORY: I will certainly inquire from the Minister of Marine and obtain a report for the honourable member.

TEACHERS COLLEGES

The Hon. H. K. KEMP: Has the Minister of Local Government, representing the Minister of Education, a reply to my question of September 23 concerning teachers colleges?

The Hon. C. M. HILL: It is not possible at present to predict when the new Western Teachers College will be built, but the honourable member can be assured that every effort will be made to have it erected as soon as possible. Deferment of expenditure on buildings at present under construction at Bedford Park Teachers College is not possible. They will all be completed and will be required for use by February, 1970.

Pending the erection of the new college, for which the Education Department is currently compulsorily acquiring land at Holbrooks Road, Underdale, conditions at the existing college have been improved considerably. Student enrolments have been reduced, a new wooden craft building has been completed, additions have been made to the library, and overall space has been increased. Work will begin shortly on installing cooling units in the timber buildings.

I might say that Bedford Park Teachers College is not being provided with "lavish swimming pools and similar ancillary equipment" as stated in the article in the *Advertiser* quoted by the honourable member. An unheated swimming pool is being constructed together with a gymnasium building. The pool will be shared between Flinders University and the college and will be used for training in swimming, lifesaving and physical education. The plans, including those for the swimming pool and gymnasium building, were approved by the Public Works Committee.

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: On Wednesday of last week I asked the Minister a question in relation to certain criticisms that had appeared in the press regarding the curtailment of the Barossa rail services, and in his reply the Minister said that much of the criticism that appeared in the press was not in accordance with the correct position. On Monday of this week there appeared a further letter in the press from Mr. E. R. Schulz, who had signed his name to one of the previous letters of criticism, as follows:

I must challenge the statement of the Minister of Roads and Transport that "10 railway employees had been transferred to other stations following cessation of passenger services at the Barossa Valley towns," and his reply that statements that all stations are still fully staffed "were not in accordance wtih the correct position."

Can the Minister clarify this situation and tell this Council just what is the correct position in relation to the curtailment of services in the Barossa Valley and the transfer of staff?

The Hon. C. M. HILL: The position is as I explained it when I replied to the remarks of Mr. Schulz and also some comments that appeared later in the press. I read with

interest the letter that appeared this week, and I have taken the trouble to ask the Railways Department to substantiate the fact that there have been 10 transfers. This information concerning the personnel and the stations to which they have been transferred has been supplied to me and I think it is proper that I should quote it. From North Gawler, porters Mincoff and Ball have been transferred to Gawler; from Angaston, junior clerk Martinson has been transferred to Yunta, porters May and Garrett to Gawler, and youth porter Hamann to Adelaide; from Truro, porter Wagonfeller has been transferred to Loxton, motorman Martin to Adelaide, and motorman Schultze to Gawler; and from Nuriootpa, porter Woods has been transferred to Gawler. The number of people involved within those details adds up to 10.

NURIOOTPA HIGH SCHOOL

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Local Government, representing the Minister of Education.

Leave granted.

The Hon. M. B. DAWKINS: My question relates to the situation obtaining at the Nuriootpa High School, about which I asked a question about two months ago. I received a reply to that question on August 13, part of which was as follows:

A master plan for the future development of the high school has been completed. New solid construction boys and girls craft blocks are at present under construction and are expected to be ready for occupation by February, 1970. A schedule of requirements is being prepared for major additions to the solid construction buildings.

Will the Minister ascertain whether the schedule of requirements referred to in the latter part of that reply has been completed, and is he in a position to give any further information regarding the construction of a new high school, or a considerable portion thereof, at Nuriootpa? I ask this question because rumours have been circulating in the Barossa Valley about a new high school, and some people would appear to have secured considerable details regarding it and they have asked members of Parliament about these details. As I have been unable to tell them any more than what was stated in the reply that the Minister gave me, will the Minister obtain from his colleague further information on the construction of a new high school at Nuriootpa?

The Hon. C. M. HILL: I shall refer the matter to the Minister of Education and see if I can obtain more information for the honourable member so that he can either confirm or dispel the rumours that have been circulating in the Barossa Valley.

WEEDS

The Hon. H. K. KEMP: Has the Minister of Agriculture a reply to the question I asked on September 24 regarding noxious weeds?

The Hon. C. R. STORY: The responsibility for administering the Weeds Act rests with the local government authorities. The Act requires that African daisy as a Schedule II weed shall be "destroyed or controlled in any way which will stop its propagation and spread" on private property as well as on roadsides.

The Act sets down the procedure to follow when requiring a landowner to control the daisy. A legal notice must be prepared, clearly stating the action required and the time within which it must be carried out. Provided each landowner in the buffer zone who will not voluntarily co-operate is issued with a legal notice that is practical and reasonable, there is no reason why the council's objective should not be reached. The Act has been tested many times in court, and the great majority of cases have been upheld in councils' favour.

KYANCUTTA RAILWAY YARDS

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

Leave granted.

The Hon. A. M. WHYTE: Four or five years ago approval was given for the construction of a loop line in the Kyancutta railway yards to facilitate the unloading of superphosphate and the loading of oats at the same time as wheat was being handled at the silos. As harvesting has begun on Eyre Peninsula, the people at Kyancutta are becoming concerned that this loop line will not be completed in time for this harvest. Can the Minister say when it will be completed?

The Hon. C. M. HILL: I cannot give that information offhand, but I shall treat the matter as urgent and obtain a report from the Railways Commissioner.

AFRICAN DAISY

The Hon. H. K. KEMP: Has the Minister of Agriculture a reply to my question of September 24 about woolly bear caterpillars that feed on African daisy?

The Hon. C. R. STORY: These caterpillars, commonly called woolly bear caterpillars, have been observed by departmental entomologists and weed control officers to be feeding on African daisy during the past 10 years. At times their numbers have built up to the stage where the African daisy has been defoliated over several acres but their effects are usually short-lived and the bushes quickly recover.

I am advised that there is no possibility of gaining effective long-term biological control by using the woolly bear caterpillar, for two reasons: (1) The caterpillar has been a natural part of the environment while the African daisy has spread throughout the Adelaide Hills. If it had been capable of controlling the daisy the weed would never have reached the proportions it has reached. (2) The woolly bear caterpillar is a cosmopolitan feeder and, if large numbers were bred and released, they would eat not only the African daisy, which recovers quickly anyway, but they would severely damage many other garden plants.

FLUORIDATION

The Hon. A. M. WHYTE: I ask leave to make a short statement before asking a question of the Minister representing the Minister of Works.

Leave granted.

The Hon. A. M. WHYTE: On page 3 of this morning's *Advertiser* the Minister of Works is reported as saying that the water supply in the southern portion of the metropolitan area will be fluoridated by December. The report in the *Advertiser* says, too, that the Happy Valley reservoir will be the first to be treated and that new plant is on order to dose other reservoirs. I have recently been approached by people who are opposed to fluoridation because they believe that the poison they claim is contained in fluoride will remain in the reservoirs forever. Through either ignorance or misunderstanding I told them that the fluoride would be administered to the mains through a metering system so that the correct dosage would be administered. However, I think the Minister's statement indicates that the reservoirs themselves will be treated, and this is almost opposite to what I told the people. Will the Minister of Agriculture ask his colleague to make a press statement on exactly how the fluoride will be administered?

The Hon. C. R. STORY: I will take up the matter with my colleague.

DAIRY INDUSTRY ACT AMENDMENT BILL

Read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 30. Page 1806.)

The Hon. S. C. BEVAN (Central No. 1): The Bill under consideration contains 37 amendments to what I believe is an important Act. I have had the opportunity of examining the proposed amendments and, in the main, I agree with them. However, I wish to comment on some matters and perhaps the Minister in his reply may answer some of my queries.

The first four clauses deal with interpretation, and I have no comment on them. Clause 5 amends section 24 of the principal Act by inserting after subsection (1) the following subsection:

(1a) The Registrar may, at any time, amend or vary a number allotted to a vehicle under subsection (1) of this section.

The principal Act contains a reference to the power of the Registrar of Motor Vehicles to vary a number allotted to a vehicle, but I would like more information on this subject. As I see it, the Bill will empower the Registrar to amend or vary a number allotted to a vehicle at any time he so desires. When a vehicle is registered it is allotted a number, and it is the owner's responsibility to obtain a number plate and fit it to the vehicle in the prescribed manner. Now it would appear that if the Registrar, for some reason or other, decides that a different number should be allotted the vehicle, then the owner must repeat the procedure, pay for another number plate and affix it to his vehicle. As the owner would have paid for the original number plate, even though it might not be an expensive item, it does not seem right that, if for no reason of his own the original number should be cancelled, he should be forced to obtain another plate at his own expense. I believe that amendment needs clarification.

Clause 6 deletes section 25 from the principal Act; that section was bound up with section 24, and contained reference to the

power of the Registrar to amend or allot another number to a vehicle. Clause 7 amends section 26 of the principal Act by striking out subsection (2) and inserting in lieu thereof the following subsection:

(2) The Registrar may reduce the period of registration by not more than 10 days (or with the consent of the applicant for a longer period) without adjusting the registration fee where the certificate of insurance lodged with the application for registration by the applicant would not otherwise be in accordance with the requirements of section 21 of this Act.

Then new subsection (3) states:

Subsection (2) of this section shall be deemed to have come into operation at the commencement of the Motor Vehicles Act Amendment Act, 1961.

So that is given retrospective effect. It appears that what has happened is that this provision was in the amending legislation in 1961 without the Registrar having the authority to do this; so we now have retrospective legislation to make legal such action taken by the Registrar. That is how I see this clause. I cannot see it in any other way. Otherwise, why would this new subsection appear in this Bill?

Clause 9 amends section 31 of the principal Act by extending the types of vehicle that may be registered without fee; they become eligible for free registration. This extension seems to be justified, but may we not be carrying this registration without fee a little too far? Many vehicles are being exempted. As long as they are covered by third party insurance I do not mind so much, because the proposed extension could easily be justified by anyone; but I am concerned, especially in view of the increasing volume of traffic on our roads, and particularly country roads, whether these vehicles are adequately covered by insurance. If an accident occurs, what will happen? I hope these vehicles are not exempt from third party insurance as well as from a registration fee. Of course, we are all aware that we cannot register a vehicle without producing a third party insurance certificate at the time of registration. Are these vehicles to be free of third party insurance as well?

The Hon. A. J. Shard: I think they are.

The Hon. S. C. BEVAN: If they are, I shall have something further to say about this in Committee, because a vehicle of this kind may be involved in an accident, as a result of which a person may be killed or at least injured in such a way as to become a cripple for life, and he will have no insurance cover. In that case, much money may be involved in litigation if he tries to secure adequate compensation. I hope the Minister of Roads and Transport will comment on that when he replies to this debate.

Clause 15 amends section 76 of the principal Act, which deals with licences and learners' permit fees, by adding a new paragraph. Clause 16 amends section 77 of the principal Act, which deals with the prescribed amount of money, by striking out from subsection (1) "a fee of twenty-five cents" and inserting "the prescribed fee". In the principal Act these words "a fee of twenty-five cents" do not appear, for the old sterling currency is used in both section 76 and section 77. The Decimal Currency Act provides that in any Act sterling currency shall automatically become decimal currency. As this Act is now being amended, I should have thought the Minister would take the opportunity of bringing the currency up to date.

With those few points on some of the proposed amendments, I now come to the most important Part of this Bill—Part IIIB, "Points Demerit Scheme". I am not very happy about the effect of this Part. I think these provisions are contrary to British justice. The coming into force of this Part will mean that an offender will be punished twice for the one offence. If a motorist contravenes the Road Traffic Act, he is prosecuted and, if found guilty, fined in court; but now he is again punished by having points debited against his licence. I am aware that an offender must be caught in breach of the Road Traffic Act and found guilty by the court before any fine is imposed on him. The same conditions will apply in respect of Part IIIB: an offender must first be caught, prosecuted and found guilty before any points are debited against his licence.

However, I am well aware of the road accident position today and believe that something must be done in an attempt to reduce the accident frequency. This proposed new Part is an attempt to do that by being directed against the repeating offender. The trend today in the manufacture of motor vehicles is for more powerful and faster cars, and this, coupled with the ever-increasing traffic density on our roads and the inadequacy of our roads to cope with this increase in traffic, is making greater demands upon the drivers. Driving a motor vehicle under modern traffic conditions is becoming a highly complex task. A driver must be capable not only of meeting these complexities but also of making a series of observations and decisions in a very short

time, otherwise road accidents, instead of decreasing, will increase.

The cost to the State both financially and in the loss of life is far too great to allow the present situation to continue without some action being taken. The Australian Medical Association is fully aware of this and is attempting to institute some action to decrease the road toll. The editorial in its recent publication *Ahead* has this to say:

Australia's record in driving accidents is among the worst in the world. Road accidents are responsible for the deaths of some 3,000 people each year. In addition, some 75,000 people are injured. More than one-third of the deaths are in the 17 years to 29 years age group. Under the age of 35, road accidents are the commonest cause of death in the community. In fact, over the whole range of life, deaths from road accidents are exceeded only by those from cardio-vascular disease and cancer. The steady rise in the road toll must distort the record as far as improvement in the overall health of the community is concerned.

An article in the same journal, prepared by Dr. E. S. Stuckey, the Deputy Secretary-General of the A.M.A. states:

Co-ordinated research is therefore the central theme of the A.M.A. policy on road safety. The document points out that considerable research is devoted to both cardio-vascular and malignant disease, which are the only two disease groups which account for more deaths in the community than do road accidents. Under the age of 35 years, road accidents are the commonest cause of death in the community. It is predominantly the young and healthy who fall victims to this disease.

As I say, the A.M.A. is fully alive to the position regarding the road toll and is definitely attempting, through its policy, to do something about it. The official figures released recently for the 12 months ended December 31, 1968, show that 3,382 persons in Australia met their deaths as a result of road accidents. Of these, 50.9 per cent were under 30 years of age and 29.6 per cent were under 21 years of age; 39.2 per cent of persons killed were drivers. Apart from the number killed, 82,210 persons were injured as a result of road accidents during this 12-monthly period. I think we can safely say that the overall Australian percentages would apply in this State.

I wonder at times whether we are not tackling this problem in the wrong way. I consider that a programme of driver improvement should be instituted as a first step, and this would not entail a very great deviation from the principle dealt with in this Bill, for points would still be awarded. The driver, after amassing a certain number of points, would be called before the appropriate authority, which could be the Motor Vehicles Department or perhaps, in various areas of the State, the police. That driver could then be told that, following certain convictions, so many points had been debited against his driving licence. The authority could perhaps try to assist such a person and to improve his driving habits. If this failed, and a driver continued to offend, he would still get points against him until they reached the maximum allowable limit, and then, depending on the circumstances, his licence would be suspended or cancelled.

The Hon. C. M. Hill: He is going to get a warning under this scheme halfway along the line.

The Hon. S. C. BEVAN: I am aware of that. However, if what I have suggested is not practicable, there are some clauses in the Bill before us with which I cannot agree. The first of these is subsection (6) of new section 98b under the Part dealing with the points demerit scheme. This new subsection provides:

Where it is practicable so to do, the Registrar shall, when the number of demerit points recorded against any person exceeds one half of the number required for the suspension of his licence, send by post to that person a notice—

(*a*) notifying him of the number of points recorded against him; and

(*b*) warning him that further convictions for prescribed offences may result in the suspension of his licence.

I ask members to note the words "where it is practicable so to do". I consider that new subsection (12) has an important bearing on new subsection (6). New subsection (12) provides:

The Registrar shall, when the demerit points recorded against a person amount to a prescribed aggregate, cause to be served personally or by post upon that person a notice . . .

That is mandatory on the Registrar. Why is this not the position in respect of new subsection (6)? Why could the Registrar not bring this person before him and have a talk with him? If a certain course of action is praticable in one instance, surely it is in the other instance. I can appreciate the use of the words "where it is practicable", but this is a let-out, for all the Registrar has to say is that it was not practicable for him to do something. Therefore, in some instances action may not be taken. I am not making any suggestions against the Registrar, but here is a let-out for the Registrar or an officer who may be delegated by him. Whereas in new subsection (6) the Registrar may do something if it is

practicable to do so, new subsection (12) stipulates that he shall do it in other circumstances.

I refer now to proposed new section 98*b*(15), which deals with appeals against convictions to the Supreme Court and which provides:

The appellant and the Crown shall be entitled to be heard upon the appeal but, whatever the event of the appeal, no order for costs shall be made against the Crown.

The purport of this new subsection appears to be to make a person think twice about lodging an appeal against the decision suspending or cancelling his licence, because it is a direction to the Supreme Court that, irrespective of the finding of that court, no costs shall be awarded against the Crown. This means that an appellant, whoever he may be and irrespective of the decision of the Supreme Court, is liable for the payment of all costs. Why should this be the case? Why cannot the court have the same discretionary power in this instance as it has in other instances?

The Hon. F. J. Potter: You say "all costs", but it does not mean that he will have to pay the Crown's costs.

The Hon. S. C. BEVAN: The new subsection provides that the Crown shall not be liable for any costs; even if it were completely wrong, the Crown would not have to pay the appellant's costs. If the court considered that the action previously taken was not justified in the circumstances and it upheld the appeal, nothing could be done because of this provision. The court should have the same discretionary powers in relation to costs as it has in relation to other matters, and it should be able to determine whether an appellant should bear his own costs or whether some costs should be awarded against the Crown. I ask the Minister to reconsider this matter, as this new subsection has no place in the Act. Indeed, if it remains in the Bill, in Committee I may move an amendment to this clause to delete the words "no order for costs shall be made against the Crown."

Proposed new section 98b (16) provides that, if the Supreme Court is satisfied by evidence given on oath by or on behalf of an appellant that it is not in the public interest that his licence be suspended, it may order that the aggregate of the demerit points recorded against the appellant be reduced by a number not exceeding one-quarter of that aggregate. This applies particularly to drivers of commercial motor vehicles who from time to time are prosecuted for breaches of the Road Traffic Act. When this new demerit system begins to operate, such a driver could reach the stage where his own employer could say to him, "You have had a series of prosecutions and fines for various offences. You need get only a couple more and you will lose your licence. You had better look elsewhere for work." If that were done, a man's livelihood would be lost, as it might be hard for him to find another job. This provision therefore gives the Supreme Court a discretionary power when hearing appeals of the type I have mentioned.

My final objection to this proposed new subsection is that the offences that will carry demerit points and the number of demerit points that will be debited against an offender for certain offences will be determined by regulation: in other words, by Executive action. I objected to a similar provision last week when speaking on another Bill. Whatever is decided in this respect will merely have to be published in the *Government Gazette*, but how many motorists would have a copy of that so that they could see what offences were punishable and how many points would be debited against them for certain convictions for breaches of the Road Traffic Act?

On the other hand, if Parliament is not sitting, no member of Parliament has an opportunity to look at the regulations and see the effect they have until Parliament reassembles, and Parliament could have prorogued for up to six months. Indeed, on many occasions this Council has been prorogued for that length of time, and this could happen again in the future. Therefore, these regulations could be promulgated just after Parliament was prorogued and could operate during the adjournment period and, although the demerit point for a certain offence could be debatable, no-one could do anything about it until Parliament met again.

Not having a copy of the *Government Gazette*, a driver would not be able to see the regulations unless they were widely publicized in the press and would not know, until after he was notified, just how many points he was liable to lose. It would be simple to spell out this matter in a schedule to the Act so that Parliament and everyone else would know about it. It is no secret that the Minister appointed an expert committee to determine what offences would carry points to be debited against the offender and how many points should be lost for certain offences. I know that the committee has reported its findings to the Minister, who is therefore in possession of this material. Why should Parliament not also

know details of the number of points that would justify the suspension of a licence and the number of points that would be debited for various offences? I can see no hardship being caused by the Government's releasing that information. It is done in the other States.

The Hon. C. M. Hill: Which other States?

The Hon. S. C. BEVAN: I have a report dated April 2, 1969, of the Joint Select Committee on Road Safety, which was set up by the Victorian Government. These schemes apply in other States at present. They have operated for some time in Queensland, for about 12 months in New South Wales, and I understand they are now operating in Western Australia. This Bill brings them into operation in South Australia. I am not sure whether any definite move has been made in Victoria to bring a similar system into operation.

According to this report, Queensland has a discretionary system. It is not incorporated in the traffic regulations but is sanctioned by a Cabinet minute. The schedule of points that may be lost is set out. In New South Wales the points demerit system is administered by the driving-licensing authority, the Commissioner for Motor Transport; it was introduced on March 1, 1969. In this document is a schedule of the offences and penalties that apply in Queensland; the number of points applying to each offence is stated. A similar schedule is given for New South Wales. The schedule for that State is as follows:

Offence	Points
Drive negligently	4
Exceed speed limit by more than 10 miles per hour	4
Cross centre line at grade or curve	4
Pass stopped vehicle at marked footcrossing	4
Not give way to pedestrian at marked footcrossing	4
Not stop after accident (unless disqualified automatically or by Court order)	4
Not give way to vehicle on right	4
Not comply with traffic light signal	4
Exceed speed limit by less than 10 miles per hour	3
Cross unbroken separation line or unbroken lane line	3
Drive on wrong side of separation line	3
Not make right-hand turn properly	3
Not make left-hand turn properly	3
Not draw out from boundary of carriageway with safety	3
Not keep wholly within traffic lane	2
Not observe "Halt" or "Stop" sign	2
Not give proper signal	2
Not have proper control over vehicle	2

The same thing applies in New Zealand: offences carry various points. The highest number of points that may be recorded for an offence is 40; the points and the offences are enumerated. So, we see that no motorist in some other Australian States or New Zealand has any excuse for not knowing what the offences are and what points will be recorded against him. On the back page of this document is the points demerit system proposed for Japan, and here again the points are listed. Since it is done elsewhere in Australia and in other countries I see no reason why such a schedule cannot be provided in this Bill.

The Minister has this report, which recommends what offences should be embodied in a points demerit scheme and the number of points that may be lost for various offences. Surely such a list could be included as a schedule to the Bill; it could then be amended by Parliament at any time. I hope the Minister will see the justification of the two points I have raised—the question of the Crown's freedom from liability for Supreme Court costs and the question of embodying a schedule in the Bill. I hope the Minister will amend the Bill accordingly; if he does not, I will deal with these matters further in the Committee stage. Clause 32 provides:

Section 124 of the principal Act is amended by striking out from subsection (5) the passage "for an offence under this Act" and inserting in lieu thereof the passage "(including an arbitration) between the insurer and the insured person and proceedings for an offence under this Act".

Section 124 (5) of the principal Act provides:

A notice given in compliance or purported compliance with this section shall not be admissible in evidence in any proceedings except proceedings for an offence against this section.

So, the words proposed to be struck out are not in the subsection at all. We surely cannot strike out words that are not in the subsection. Somewhere along the line there may have been an amendment to the provision, but I have been unable to find it. If what I am saying is correct, clause 32 should be amended. I support the second reading.

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

UNDERGROUND WATERS PRESERVATION BILL

Adjourned debate on second reading.

(Continued from September 30. Page 1814.)

The Hon. L. R. HART (Midland): The Underground Waters Preservation Act, which this Bill repeals, is of far greater importance than many people realize. It was enacted in 1966 after several abortive attempts to have

legislation on this subject accepted in earlier years. When the Bill for the present Act was debated, I spoke at length on the Bill on July 26, 1966, and dealt with a considerable amount of historical background relating to water problems in general and to this State in particular. Also, in the Address in Reply debate in 1966, I spoke on a similar subject. On this occasion I wish to make a few comments on the present and possible future situation in this State if there continues to be a deterioration in our available underground or subsurface waters. My knowledge of the subject is confined largely to the Adelaide Plains where in past years large supplies of good quality water have been available at depths of from 200ft. to 400ft.

The areas of recharge in the underground basin have not been fully established, although it is known that the basin is fed through certain faults along the foothills. With the development of reservoirs, much of the water that found its way to the Adelaide Plains is now retained in the reservoirs and is not available for recharging the underground basin, if the underground basin is, in fact, recharged from areas on the Adelaide Plains. No doubt the shallow basin over the years has been recharged by this means, and it is considered that at the present time there is a possibility that the deep basin is recharged from the shallow basin. It must be remembered that there has been a development of cities on the Adelaide Plains. This means that where water previously found its way to the shallow basin through these areas there now exist sealed areas of pavement from which water is drained and channelled out to sea, in most cases, as quickly as possible. It can be seen that these sources, which undoubtedly had some influence on the recharging of the underground basin, are no longer available.

In 1962 the Commonwealth Government agreed to establish the Australian Water Resources Council. Following a recommendation by that council, the Commonwealth Government passed the States Grants (Water Resources) Act, 1964, which provided financial assistance for the States in assisting with the measurement and investigation of surface and subsurface water. This money is paid into a trust account, and the departments involved in research are reimbursed from that account. I understand that the fund at present is in credit with an amount of about $150,000; so there is no shortage of money available for the investigation of the underground water situation.

Water conservation in this country is a subject that always raises considerable public interest, and consequently it is not unusual to have people "jumping on the band waggon" on this subject. A multiplicity of bodies dealing with water research and conservation have also been established; what is needed, perhaps, is more co-ordination of those bodies rather than the formation of more similar authorities.

With the increasing number of bores being sunk on the Adelaide Plains during the last two decades, considerable technological data on the underground water situation has been accumulated, particularly on the geographical features of the various aquifers from which water is drawn. It is the knowledge derived from this acquired information that prompted the present Government and also the previous Government in this State to acknowledge the seriousness of the situation and introduce legislation to prevent further deterioration. The impact of the legislation and of the regulations under the Act has had, and will continue to have, an increasingly dampening effect on the economy of the gardening areas on the southern Adelaide Plains.

For the proposed legislation to be fully effective, further restrictions on the quantity of water that can be safely drawn from the underground water supplies will need to be imposed. I believe it is accepted that quotas will be applied to all bores in the area. Just how those quotas will be applied has as yet not been announced, but they will undoubtedly severely depress the sociological and economic life of the district. For a quota to be established and applied it would be necessary to establish a base year, and possibly 1967-68 may be the base year for that purpose. In any case, it will also be necessary that all bores in the area be metered and this, of course, will be an added cost to irrigators in the area. They will suffer considerable economic disadvantages by having quotas imposed, and I wonder whether the added cost of the meters is something that could be borne by the Government instead of by the individual.

A quota can be established in two different ways: first, by a flat rate of so many hundred thousand gallons of water an acre, or secondly, a rate established on the type of crop grown and the amount of water required to produce that crop. Unfortunately, if a flat rate is established, there will be an amount of, say, 500,000 gallons of water an acre, which might be insufficient for certain types of crop but more than the quantity necessary for certain other types. If that is to be the situation,

the possibility must be faced that some producers will cease to produce a certain type of crop because it requires water in excess of the amount that would be allocated and they will produce another type of crop using a lesser quantity of water. By doing that, there is always the possibility that producers would grow a type of crop that at present is, perhaps, an economic proposition, but with greater production there would be the possibility of an over-supply on the market resulting in depressed prices. If a quota were applied on the type of crop grown and the water required for that type, then perhaps the overall quantity of water used in the future may not be any greater but we would retain within the industry the type of production being carried on at present. I trust that when quotas are established (and I do not think there is any question that they will not be established) then they should be so applied that they will not be to the disadvantage of any individual more than necessary to reduce the overall amount of water used at present.

The Hon. Mr. Kneebone dealt at considerable length with various clauses contained in the Bill, and I do not wish to repeat all the points he made. However, I am interested in Part II, which deals with wells. Clause 8 reads:

(1) If within a defined area—
(*a*) any well is drilled, constructed, plugged, backfilled or sealed off;
(*b*) the casing, lining or screen of a well is removed, replaced, altered, slotted or repaired;
or
(*c*) a well (whether in the course of construction or not) is deepened,
except in pursuance of a permit, the owner and occupier of the land on which the well is situated, and the person (if any) employed to carry out the work, shall each be guilty of an offence.

That means that the Minister has control over all wells. We see that under clause 10 (1) (*b*) nothing shall be done to cause inequitable distribution of underground water. One wonders what the situation is in the case of a person lowering a pump into an existing well. Other producers could have their pumps down, say, 100ft. into the existing wells and, to obtain a greater amount of water, one of them could lower his pump perhaps 50ft. and by doing so would draw off a greater quantity than his neighbours, thus causing an inequitable distribution of the underground water. Admittedly, he is possibly on a quota and is allowed to pump only a certain amount of water in a specified time, but he could create a situation in which other irrigators would be forced to lower their pumps to obtain a supply of water. Clause 11 deals with the term of a permit and states:

(1) A permit shall, subject to this Act, remain in force for a period of 12 months.
(2) The Minister may, if he thinks that proper cause exists for so doing, extend the duration of a permit.

That is a wise provision, of which probably some people will avail themselves in due course. Clause 13 (3) provides:

Upon the transfer of a permit, the Minister may impose such further or other terms and conditions upon the transferee as the Minister thinks fit and endorses upon the permit.

This is a necessary stipulation, because a permit may be granted to a particular person taking into consideration his economic or sociological situation, but the same circumstances may not apply to a person who purchases that property. So the Minister should have this power, which I think will be used from time to time. Clause 16 deals with the duty of permit holders. This virtually ensures that a person employed to sink a well shall be a qualified operator. This is necessary because the sinking of wells is costly if an inefficient operator is employed. Clause 22 (2) states:

A person who extracts from any well underground water in excess of his reasonable requirements shall be guilty of an offence . . .

Here, I wonder who determines what are the "reasonable requirements" of a permit holder. Are they according to the requirements of a particular crop? His "reasonable requirements" at a certain time of the year may be far greater than at other times. For instance, in the hot weather tomato growers need extra water to keep their tomatoes alive. I should like the Minister to explain in his reply how the "reasonable requirements" of an operator are established and when he is pumping in excess of what are regarded as his reasonable requirements.

Part III of the Bill, dealing with the Underground Waters Advisory Committee, is important. It provides for an advisory committee that may be considered a better balanced committee than that operating under the present legislation. Here, we find that it is mandatory for an officer of the Agriculture Department to be appointed to the committee. Previously, I think one was appointed, but it was not mandatory upon the Minister to appoint him. Clause 24 (2) (*g*) provides for:

. . . such other persons, of whom one shall be a landowner, as the Minister thinks necessary.

It does not stipulate how many of these "other persons" the Minister may appoint; nor does it say when they are entitled to sit on the committee. I presume a person appointed under paragraph (*g*) is a permanent member of the committee. This is another matter I think the Minister should clarify in his reply. Paragraph (*f*) provides:

. . . 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;

Previously, the councils themselves nominated their representatives. In this case such a representative is appointed by the Minister, but no doubt the Minister will have recommendations submitted to him by the various councils. I agree with subclause (3), which states that a council representative shall hold office as a member of the committee only whilst the committee is investigating a question affecting the area with which he is concerned. Clause 26 (1) states:

The members of the advisory committee shall elect one of their number to be chairman.

I should have thought it better to have an independent Chairman on the Underground Waters Advisory Committee, particularly as he will, in the case of an equality of votes, have a casting vote. The Chairman could represent a particular interest, and it is fair to ask: should the Chairman who under this Act will represent a point of view of the organization he represents have two votes? I know it is accepted that a chairman usually has a deliberative as well as a casting vote, but in this case I believe he should be an independent Chairman. In his second reading explanation the Minister said it was:

. . . . obligatory for the Minister to refer any question relating to wells, permits and notices to the committee for investigation and report.

I accept what he says but can find no reference to it in the Bill.

Part IV of the Bill deals with well drillers. This, too, is important. One thing that concerns me about this Part is the position of the present licensed well drillers. I cannot find any provision that the existing licensed well drillers will automatically be licensed under the new Act, whether they will have to apply for licences or whether they will be permitted to carry on with their present licences, and I particularly ask the Minister to explain this matter. Under Part IV relating to well drillers, clause 28 (3) states:

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.

I question whether it is necessary to have this provision at all. If it is, why is this class of person exempt from complying with the various conditions? No doubt he will require a permit to sink a well, and perhaps the conditions will be laid down in that permit. However, I question whether it is necessary to have this particular exemption. Clause 29 (3) states:

The Minister may grant a licence of such prescribed type and subject to such prescribed conditions as he thinks fit.

I assume that the person to whom the licence will be granted will have already passed the examination as required in another portion of the Bill. Clause 34(2) states:

The holder of a licence shall carry out operations in pursuance of the licence in accordance with the terms and conditions of the permit held by the owner or occupier of the land upon which the operations are carried out.

Under certain conditions unforeseen things can happen in the sinking of a well, for when a well driller starts to sink a well he never knows what he may encounter. The permit may carry a requirement to observe certain terms and conditions and, if these unforeseen circumstances arise and it is necessary to vary the permit, there is a possibility always that there will be some considerable delay before the appropriate authorities can give the necessary permission. I ask the Minister to have a close look at this to see that in such circumstances facilities can be provided to enable a permit to be varied at short notice, because the services of a well driller, once employed, can be very costly to the person having a well put down, and any delay can have an adverse effect on people who may be waiting for this man to come and drill on their properties.

Well drillers may be permitted to drill in certain areas and to certain depths, and there are various methods by which wells can be drilled. For instance, there is the cable-tool type of well, and then there is the rotary drilling rig. I believe that this particular Part of the Bill is most necessary and that it will be an adequate protection to those people who are employing well drillers.

Part V of the Bill deals with appeals and sets up an Underground Waters Appeal Board. I think it would be fair to say that the appeals board that has operated under the existing Act has probably exceeded the powers intended by

Parliament. Under this Bill we find that the board is an enlarged one and that it probably has a more appropriate group of people on it.

Clause 40 (2) sets out that the appeal board is to consist of six members appointed by the Governor of whom one, who shall be entitled to sit only on appeals against decisions or directions of the Minister under Part II of this Act, shall be a landholder who is, in the opinion of the Governor, suitably qualified and experienced in agricultural matters. I wonder whether this person who will be appointed will be the same man on all appeals, or whether it will be a different man when an appeal concerns a different part of the State. For instance, a person who is on the board in this category in respect of an appeal concerning the Adelaide Plains may not be the most suitable person to sit on the board if the appeal concerns a South-Eastern area. Clause 42 (5) (*b*) states:

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

In this particular case the chairman does not have both a deliberative and a casting vote: he has only the one vote. The Hon. Mr. Kneebone raised a question in relation to this provision. The honourable member said that the chairman should also have a casting vote in this matter and that, by so having it, he should see that the *status quo* was maintained. I am not too sure whether I agree with that point or not. Clause 45 stipulates the decisions against which appeals may be made. I consider it necessary that we should set out and spell out the areas in which appeals can be made, otherwise we could very well have many frivolous appeals occupying the time of the appeals board.

Part VI deals with general provisions, under which clause 52 (1) provides:

The Minister, the 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 such questions to any person upon the land or premises for the purpose of obtaining any information that he deems necessary or expedient for the administration or enforcement of this Act.

I believe this provision is essential, for if we are to prevent any further deterioration of the underground water supplies it is necessary that the appropriate authorities should have all the information available to them so that necessary action can be taken.

Clause 61 is the regulation-making clause. Much of the action that will be taken under this Act will be by regulation. I consider it appropriate that the Parts of the Act in respect of which regulations can be made should be specified, and I fully agree with the regulation-making portion of the Bill. If I have overlooked other matters in this Bill, I will be able to deal with them in Committee. With those remarks, I support the second reading.

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

ADJOURNMENT

At 3.52 p.m. the Council adjourned until Tuesday, October 7, at 2.15 p.m.