LEGISLATIVE COUNCIL

Thursday, October 9, 1969.

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

LICENSING ACT AMENDMENT BILL

In Committee.

(Continued from October 8. Page 2042.)

New clause 8a—"Retail storekeeper's licence."

The Hon. C. M. HILL (Minister of Local Government): This amendment moved by the Hon. Mr. Geddes, which inserts new clause 8a, seeks some compromise in the measure that he endeavoured to achieve earlier in the debate when he sought to provide that holders of retail Australian wine licences should be able to sell both spirits and beer as well as Australian and imported wine, which they have the right to sell under the Act at present. He is now seeking the opportunity to give these licensees the right to sell spirits in addition to wine. I have had an opportunity to consider fully this amendment, but I cannot support it. It would be a considerable change from the present principles, for it would automatically allow the holder of a retail storekeeper's licence to sell spirits as well as Australian wines. This is an additional privilege or right that the honourable member is endeavouring to write into the Bill.

The original purpose of the Bill was to try to overcome problems that have arisen since the measure first came into force in 1967. Even though we want to assist as many interests in the industry as we can, it has not been the Government's intention to break new ground such as proposed in this amendment.

Under the amendment, the holders of a retail storekeeper's licence would have the opportunity to buy in stocks of spirits and sell those spirits from their shops. Quite understandably, of course, this would provide wider and greater selling outlets both in the suburbs and in the country. However, the Government believes that the bottle departments of hotels provide a very good service to the public.

The Government recognizes that honourable members have every right to endeavour, as the Hon. Mr. Geddes has done, to add new clauses and thus break new ground if they so wish. We recognize that right, and we appreciate the motives behind the honourable member's intention to strike some compromise in what he is endeavouring to achieve for the interests that he is supporting. I appreciate the fact that he has shown his willingness to compromise as he has done. Having considered the whole matter fully, the Government cannot support the amendment.

The Hon. R. A. GEDDES: I thank the Minister for his explanation and for his comments. As I have said before, I consider the whole question of retail storekeeper's licences to be one where consideration for the economic need of the storekeepers is lost because of certain provisions of the Act stating that to have a licence they must prove the need of the public. I consider that, with the limited number of retail storekeeper's licences in existence, the problem would not be a major one for the trade. As the Minister has said, my amendment would result in a greater distribution point in supplying liquor, particularly to people who do not wish to go into the bottle department of a hotel.

We must realize that not all hotels in the country have the facilities that exist in many hotels in the metropolitan area and in the large country towns or cities. However, there is a growing interest in drinking and many people who want to drink in their own home might not necessarily want to go to a hotel to obtain their liquor supplies.

Wine is a product that is made in South Australia; we cannot quibble about that fact, and provision for it has already been included in the Act. The word "spirits" in my amendment is intended to include brandy, which also is a home-grown and locally-produced product, and it is only fair and reasonable that if a person wants to take home a bottle of brandy or riesling he should also be able to take home gin and whisky.

The Minister has said that I have tried to compromise in relation to this problem. My case is genuine and is not a frivolous one. Also, other honourable members have suggested that I am trying to support one person, but that is not so. This Committee should consider this principle in its function as a House of Review. If one section of the trade is not able to increase its economic selling outlets without costly litigation, something should be done to help it, and I urge honourable members to have another look at the amendment and favourably consider it.

The Hon. A. J. SHARD: I oppose the amendment, which is designed to enlarge the number of outlets for liquor.

The Hon. R. A. Geddes: Not more outlets.

The Hon. A. J. SHARD: I know what it is intended to do. For as long as we have had storekeepers' licences in this State, they have

been limited to Australian wine licences, and this amendment is an extension that I cannot support in any circumstances because the number of outlets in this State are, generally speaking, sufficient. The whole purpose of this legislation is to allow the court at its discretion to increase the number of outlets, and if Parliament, irrespective of what Government is in power, starts to direct courts to do certain things, we are heading for trouble.

As it at present stands, the Act is wide enough to enable the court to look after the needs of the people of South Australia, and I oppose directions being given to the court regarding what it should or should not do in this respect. I have heard many comments regarding the need of the community, but if the court considers that a need is not being met in certain circumstances it can inform the responsible Minister accordingly, or mention it in its judgments. The present provision is wide enough and should not be extended.

The Hon. A. M. WHYTE: I support the amendment, about which I know a great deal. It stemmed from a case in which we considered at the time an injustice had occurred.

The Hon. Sir Arthur Rymill: Do you mean that the court did an injustice and, therefore, you will alter the Act?

The Hon. A. M. WHYTE: I thought the court acted well (within its limitations) but, as a legislator, I thought that we had done a very poor job of telling the court what it could do. We now have an opportunity to correct some of the anomalies in the legislation. I have previously referred to the following case: the holder of an Australian wine licence, knowing that the expiry date of his licence was due, had no alternative except to apply for a retail storekeeper's licence. When he applied he was opposed by the Australian Hotels Association and involved in considerable legal fees. The result was that at the end of the case he still had only a wine licence. This is not what Parliament intended when it dealt with the principal Act.

I commend the Hon. Mr. Geddes, who took over from me responsibility for this amendment and who has done such an excellent job on it. The sale of brandy has been included in the provision. The Hon. Mr. Shard is incorrect in saying that a retail storekeeper's licence has always been restricted to the sale of wine: many holders of retail storekeeper's licences are able to sell wine, beer and spirits. By providing for the sale of brandy the amendment alleviates a position that I hope will eventually be changed so that the licensee will not be restricted and so that he will not be opposed by powerful organizations. A small enterprise is restricted in the sense that it cannot afford high legal fees and, consequently, it is deprived of what is justly due to it. I support the amendment.

The Hon. Sir NORMAN JUDE: When I spoke yesterday on the original amendment moved by the Hon. Mr. Geddes, I found myself supporting the right of the court to use its discretion. I did not realize until I read details of a recent case before the Full Court what strength it had in this matter. We are indebted to the Minister for reporting progress yesterday to enable us to consider this amendment. I made it quite clear that I thought that including beer in the provision would create unfair competition. I could see problems of refrigeration with a small turnover. Having given much thought to this matter (on my own at home, I might add) I point out that the majority of these licences have been substituted for Australian wine licences.

Whilst I am not prepared to support the inclusion of beer or imported spirits, I think there is considerable room for a reasonable compromise. The Australian Hotels Association and the Wine and Brandy Producers Association (the latter obviously represents many important people and companies in the State) would wish to have every possible outlet for brandy. If the Hon. Mr. Geddes would approve of deleting the word "spirits" from his suggested amendment and inserting in lieu thereof the words "Australian brandy" (not even imported brandy) I would be prepared to support the amendment, but not otherwise.

I believe that it is possible, and I might say probable, for applicants to make a reasonable living by permitting them to sell just one additional form of liquor. However, I also believe that the principle behind the introduction of an Australian wine licence was to encourage the sale of a product of this State. I think that any Government of the State, whatever its colour, should be prepared to permit the sale of its own produce within the State.

The Hon. R. A. GEDDES: I thank the honourable member for his suggested alteration to the amendment standing in my name. From investigations I have made during the morning, I find that possibly I am a little ambitious in wanting to provide assistance for the retail storekeeper by empowering a court to grant this storekeeper a permit to sell spirits as well as wine. However, the suggestion by the Hon.

Sir Norman Jude to delete the word "spirits" and insert in lieu thereof the words "Australian brandy" would be acceptable to me if by so doing it would obviate the necessity of directing the court what it is to do as to any written-in guarantees when issuing a retail storekeeper's licence.

At this stage I would like to quote from a statement made by Mr. A. D. Preece, President of the Wine Grapegrowers' Council of Australia Incorporated when he said:

Wine grapegrowers generally were of the opinion that any liberalization in the scope of trading outlets would be beneficial to the public and the industry as a whole.

Mr. Preece further remarked:

The amendment, if passed, would readily make available a full range of grape products to the ordinary everyday consumer. Most buyers would, with the amendment, be able to obtain all their requirements without having to purchase from vendors they normally did not patronize and this would give some sections of the public a more convenient service.

May I ask for directions whether I may delete the word "spirits" and insert the words "Australian brandy" in lieu thereof in my proposed amendment?

The CHAIRMAN: The honourable member may ask for leave to amend his amendment by deleting the word "spirits" and inserting in lieu thereof the words "Australian brandy", if that is what he desires to do.

The Hon. R. A. GEDDES: Yes, twice occurring.

Leave granted; new clause amended.

The Committee divided on the new clause, as amended:

Ayes (9)—The Hons. M. B. Dawkins, R. A. Geddes (teller), G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, R. C. DeGaris, C. M. Hill (teller), A. F. Kneebone, A. J. Shard, and C. R. Story.

Pair—Aye—The Hon. V. G. Springett.
No—The Hon. Sir Arthur Rymill.

Majority of 1 for the Ayes.

New clause thus inserted.

Clause 9—"Vigneron's licence"—reconsidered.

The Hon. H. K. KEMP: I move:

Before paragraph (*b*1) to insert the following new paragraph:

(*b*a) by striking out from paragraph (i) of the proviso the passage "or fruit" and inserting in lieu thereof the passage ", fruit or vegetables".

In paragraph (*b*1) to strike out "berried fruit" and insert "fruit or vegetables".

In new subsection (4) to strike out "berried fruit" wherever occurring and insert "fruit or vegetables".

These amendments merely extend the materials from which fermented beverages may be made and sold under a vigneron's licence. When the legal lions were consulted by people engaged in making and selling these beverages, they found that those people were not completely covered by Sir Norman Jude's amendment. There is no very large manufacture and trade in these commodities, but it is an established trade. In the result, I was awakened early one morning to what might be described as a passionate plea to preserve the prerogative of producing parsnip wine.

It was pointed out that cherries were chosen fruit and were not covered. It is claimed that dandelions make delectable wine, and there are many other things like that. The devotion to these claimed delicious decoctions can be protected by changing to "fruit or vegetables" the term "fruit and berried fruit" where appropriate.

The Hon. C. M. HILL: I accept the amendments.

Amendments carried; clause as amended passed.

Bill reported with further amendments.

Bill recommitted.

Clause 25—"Club permit"—reconsidered.

The Hon. R. A. GEDDES: Honourable members will remember that yesterday afternoon I spoke against this clause and suggested that it could be deleted from the Bill. I thank the Committee for allowing me to discuss this provision again. The Committee may have been a little confused when it voted yesterday on this important clause that could materially affect club permits, and particularly those in the country. Whether an appeal should be heard before a court is a valid point taken by the Hon. Sir Arthur Rymill when he spoke yesterday, but I remind honourable members that we are dealing now with a club permit.

This is a permit for sporting clubs in the country wishing to allow their members to enjoy the convivial glass. The court has already laid down rigid conditions in relation to hygiene and the type of building. The court has had so many applications for permits that it has been more or less swamped.

Section 67 deals with clubs that were in existence prior to the passing of this Act. Subsection (1) provides:

Any club that was in existence at the date of the commencement of this Act, whether licensed under this Act or not, may, upon application

to the court . . . be granted a permit for the keeping sale or supply of liquor for consumption. . . .

The court has its inspectors, and I have been reliably informed that these inspectors report to the court both on the conditions of the club and on the number of clubs that exist in any town or area where a new permit is being requested. Since 1967, and particularly since the amendment inserted last year dealing with small clubs such as bowls clubs and small Returned Services League clubs, this section has been operating fairly satisfactorily for these clubs. Before 1967, a justice of the peace, in conjunction with the police officer in the local town, adjudicated on whether or not a permit should be granted for the sale of liquor.

The Hon. R. C. DeGaris: Did anyone have the right of objection in those circumstances?

The Hon. R. A. GEDDES: Yes, at a local source: the justice of the peace could refuse to sign.

The Hon. F. J. Potter: It was usually the police who objected.

The Hon. R. A. GEDDES: It is a moot point whether it was the police or the justice of the peace. Often the matter was decided on local conditions. Under this clause, if an objection is taken a local sporting body may find it difficult to prove its case. I consider that this clause would be detrimental to the good management of the Act and a thorn in the side of progress in relation to the clubs with which we are all familiar. Therefore, I ask honourable members to have another look at this matter.

The Hon. C. M. HILL: The honourable member spoke along similar lines yesterday, when I opposed the removal of this clause. I appreciate the honourable member's motives in trying to pursue the issues he has in mind. However, this clause deals with one of the many changes that the Government is endeavouring to introduce to improve the legislation.

This matter has been considered. I understand it was put forward by the various interests who collectively are endeavouring to have the legislation amended so that for the public and their own industry there can be a better Act than the existing one. The conditions in new subsection (6c) would tend to be a deterrent against frivolous objection, because there is a liability there for costs if the court thinks that there has not been a good and sufficient reason for the objection. This would mean that it would have to be a fairly strong reason that would compel an objector to put his case before the court.

The Hon. G. J. GILFILLAN: When this clause was before this Chamber yesterday few members had had an opportunity to study its full implications. The Minister has said that it is brought forward to overcome anomalies under the Act and to streamline the legislation so that it can be handled properly by the court with the minimum of expense and trouble to people.

This question of permits is very different from the question of club licences, for a club with a full licence is openly competing with hotels and other sections of the liquor industry. The club permit system was designed to provide a service for club members, and the liquor it purchases must be purchased at retail prices from a hotel in the vicinity. A permit can be issued for any period from one day up to 12 months. I am sure that some members do not understand the problems that confront many small clubs in this respect. Many secretaries or club representatives have to travel hundreds of miles to put their case before the court. As the Hon. Mr. Geddes has said, their premises have already been inspected and approved. These permits have to be renewed from year to year. It has been found under the present system that the court, in order to deal with the many initial applications, has had to put on extra staff.

Although the Minister has said that the Bill is designed to streamline the Act, the clause introduces a factor that could completely upset a system which at last, after almost two years of operation, has started to work satisfactorily. The provision will not assist any other section of the industry, and at the same time it will spoil something that we have already achieved only with great difficulty.

The Hon. Sir NORMAN JUDE: If organizations such as darts or bowling clubs applied for permits, a local publican would think twice before appealing, because his business would not last very long if he did. However, a different situation applies in relation to the larger organizations, particularly in the city, and there might be reasonable cause for people to protest against an application. Some clubs are far larger than the local hotels, and protests could reasonably be lodged. However, such protests cost money, so everything acts against one's making flimsy protests.

On the other hand, if people could object to the granting of short-term permits, the court would become so cluttered up that it might be impossible for it to hear and determine such

an objection before the date for which the permit was required, and it would be unjust if an application for a permit were refused as a result.

The Government apparently wants this clause inserted. I therefore sincerely trust that it has taken every care (which is its primary duty) to ensure that sufficient reasons exist for its inclusion and that it has taken expert evidence. I support the clause.

The Hon. A. M. WHYTE: I oppose the clause. The court has sorted out many of the small club licences so that these clubs now know where they are going. I believe there is merit in hearing opposition to applications for permits, but such opposition is usually organized to the point where much money is involved in its presentation, and legal costs are involved in defending the matter. To include this clause would be a retrograde step.

Clause negatived.

Bill reported with a further amendment. Committee's report adopted.

APPROPRIATION BILL (No. 2)

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

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 8. Page 2031.)

The Hon. H. K. KEMP (Southern): I support the Bill, the introduction of which is, unfortunately, necessary. It gives members the prerogative to debate the matter of organized fruit marketing, which is the function of the Citrus Organization Committee. This is an important subject in the South Australian fruit industry as a whole and it needs ventilation. Many fruit industries have got into the unfortunate position that the cost of sending their fruit to the markets that we have traditionally supplied has become excessive; for example, it costs $2.43 to freight a bushel of fruit to a European market. Packing the fruit, preparing it, moving it to shipboard and then getting it on board also involve additional charges, as a result of which the growing of certain lines of fruit for the export market has become unprofitable. Unfortunately, the freight charge is weighted heavily against canned fruit, because its overall weight, when compared with that of the fruit contained in the cans, is high. This is often a vital factor with such lines as dried fruit, where the product is to a large extent concentrated.

The future of these industries as a whole is uncertain. It is merely chance that the citrus industry is the first to run into this problem acutely and this, in turn, is most unfortunate for the growers of the citrus fruits. Of course, growers of other types of fruit must also face the same problem. The difficulties faced by these industries, all of which essentially have a high proportion of hand labour, are not appreciated. They face rising costs in Australia for materials and they have to pay Australian wage rates. This is very serious.

The problem is to achieve a fair cost of production for fruit sent to the United Kingdom or the European market. The realized price in Great Britain or Europe tends to be such that ordinary people there cannot pay for the fruit. The break-even level for a box of apples today is about £3 sterling. Similar prices have to be obtained for citrus and other fruits and for canned fruits.

Since a box of fruit contains only 40 or 42 lb. of fruit the grower must obtain more than two shillings sterling a pound before he gets enough to live on. Because the citrus grower cannot make a living, many hard things have been said about the work of the Citrus Organization Committee. The C.O.C. is not to blame: primarily, the low returns have been brought about because there is too much fruit to go around. It is the growers themselves who must take the blame because they have over-planted without looking ahead and without considering what outlets will be available for their produce. In this case, there is no possibility of an easy outlet.

There cannot be an easy solution to the ills facing this industry. The grower nets only 40c or 50c for a box of apples, and the difference must be made up out of his own pocket. It is very easy to talk about organized marketing but it is difficult to organize the marketing of a commodity of which there is a surplus. Such marketing can be carried out only in the way that the C.O.C. has carried it out—by sharing the available sales among the people who have fruit to offer. This method is inevitably costly, because the cost of recording numbers of trees and size of crops and the cost of policing the scheme must come out of the returns from the fruit.

Such a marketing scheme must, in its early years, reduce growers' earnings, but this is not often appreciated by those people who with louder and louder voices are demanding that similar organized marketing schemes be extended to other fruits.

Undoubtedly these people should stop and think: if a similar organization is set up for other fruits it must be paid for by the growers themselves. If these people realized this point, they would be more hesitant about raising their voices.

There is a need for organization of fresh fruit sales in Australia and, to a lesser extent, of canned fruit sales. There must be co-operation between the sellers of the fruit. At present all outlets face hard buying. Since the war years there has been a complete change in the destinations to which growers' fruit is sent and in the route it takes to the consumer. A high proportion of growers' fruit does not go to the "corner" greengrocer shops that used to exist. No longer does a man take a cart up suburban streets to sell fruit to his customers.

Well over 50 per cent of the sales today go to the supermarkets and the big retail organizations, which are marketing very efficiently and providing services for their customers but, in doing so, they obviously buy and sell to the best advantage. This inevitably means hard buying, and the man in business in a small way is completely helpless when he deals with them.

It is vital that there be co-operation among the growers to meet this situation. They must have sufficient loyalty to be able to say to these big buyers, "We will not sell until we get a reasonable price." All too commonly a man comes to the market with a surplus of produce and he is approached by a big buyer, who says, "Look, I can get this fruit for so many cents less down the road." So, to avoid losing a sale, the man reduces his price. Then, the big buyer goes to another man, and says, "I have bought this fruit for a considerably smaller price," and this small man has to reduce his price, too. And so the vicious circle continues in the fresh fruit market today.

To meet this situation and to get a reasonable deal, there must be co-operation between the growers. Except for the citrus industry, which was faced with a huge problem, I do not think we need organizations similar to the C.O.C. in other branches of fruit production. Rather, we should beware!

Although there is greater co-operation now than there has been in the past, I am sure that the canning industry should beware, too. We have had many canneries in South Australia over the years, including canneries at Nuriootpa, Murray Bridge and in the Adelaide Hills. I can recall six or eight canneries that had great difficulty in paying their way because of the trouble they experienced with big buyers and because their prices were undercut by competitors elsewhere in Australia.

Those canneries are reaching the stage of finding that the cost of exporting fruit (and it is not refrigerated fruit) is becoming a greater factor in reducing profits from oversea sales. I think canneries must be asked to improve their organization because, although the canneries are not cutting prices as they did a few years ago, they are experiencing great difficulties which should not exist, and which would not exist if proper organization ensured a better price for their fruit.

I could speak on this subject at great length, but I do not think it would be profitable to do so at this stage. However, I believe the need for better organization of growers should be strongly emphasized, and preferably the establishment of an organization that would not involve such very high costs being imposed when arranging the sale of a crop.

It is also essential that the sale of fruit should not be compulsory through one organization alone. Until costs can be distributed equitably, I am afraid that growers must accept slightly reduced returns at this stage. Mostly I fear a similar organization attempting to be set up in Australia at present for the export of apples to Britain, which has become unprofitable, or is on the verge of being unprofitable.

A greater number of people are engaged in this trade than are engaged in the production of citrus fruit. Tasmania, in particular, has a huge surplus of 7,000,000 to 8,000,000 cases of apples that normally would have been sold overseas. In addition, in Western Australia the surplus is 1,000,000 cases over requirements.

If an Australia-wide organization is not established to control the apple industry then a terribly difficult situation will arise for people engaged in that industry. I commend this Bill to honourable members; it is a specialized subject, but I can assure them it is one they can support in the certainty that it is desired by the industry.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 8. Page 2033.)

The Hon. R. A. GEDDES (Northern): I rise to speak in favour of the Bill. I have some points of criticism to raise with the Minister and, if necessary, I may need some

explanations in the Committee stages in order to reach agreement on some problems. Clause 10 deals with registration fees for incapacitated persons and, in my opinion, presents a problem. Subclause (3) provides that if the registered owner of a motor vehicle that has been registered at a reduced fee should die then the registration shall continue in force for a period of 14 days after the death of the owner.

I have no quibble with reduced registration fees being granted to an incapacitated person, but I ask the Minister to examine the proposal that registration is to remain in force for only 14 days after death. When a wife loses her husband she is normally deeply distressed. If she is expected to remember that within 14 days the vehicle must be re-registered then I think it is asking too much of her. I suggest that at least 30 days be granted in the circumstances, even if the amount of money to be paid is backdated. I make that suggestion for compassionate reasons, because I have had some experience of cases of this nature through my association with Legacy. It takes time for people to return to proper thinking at a time like this, and to find suddenly that, in all innocence, in association with other worries, the vehicle is no longer registered merely adds to the widow's difficulties. I am sure the Minister would not wish to cause that kind of embarrassment.

The Hon. C. M. Hill: I shall have a look at that matter.

The Hon. R. A. GEDDES: I thank the Minister. Clause 11 raises what may be an insurmountable difficulty; it deals with registration fees for certain invalids where a motor vehicle is owned by a person in receipt of a Commonwealth pension granted because of invalidity. Subclause (1) (*c*) provides:

> The motor vehicle will, during the whole of the period for which it is to be registered, be used wholly or mainly for the transport of that person.

What would be the position if a wife received a Commonwealth pension for invalidity, attended church on Sundays, but the husband drove the vehicle to work every day of the week while it carried that reduced registration fee? It may then be difficult to say that the vehicle was used wholly or mainly for the transport of the wife. I understand that this does occur, and if such concessions are to be granted then they should be more closely examined.

Clause 20 is an interesting exercise in compassion and leniency, and the sideheading reads:

> Cancellation or suspension of licence where driver disqualified in another State.

Proposed new section 89 reads, in part, as follows:

> If an applicant for a licence . . . the Registrar may refuse to issue a licence to that person, or may suspend a licence held by him for all or part of the time during which he is so disqualified, prevented or prohibited.

It seems to me that if a person is disqualified from holding a licence, in say Victoria, and his job is selling insurance and his company sends him to South Australia, then the Registrar here may issue him with a licence. That does not seem to be quite consistent with justice for a person who has lost his licence anywhere in Australia. I think there would be just cause for complaint. Even though there is an Australia-wide law saying that licences shall be suspended or cancelled throughout Australia, the common understanding should be that, if it is good enough for Victoria to make a law for a person to have his licence taken away from him, it is good enough for South Australia to do likewise. I turn now to a problem that I guess will be another burden on motorists, who will have to be constantly looking over their left shoulders now—the points demerit scheme.

The Hon. C. M. Hill: It is nothing like that at all.

The Hon. R. A. GEDDES: That is an interesting comment. Until we see what sort of demerit points will be awarded, I think there will be a degree of worry about this system. Motorists will think, "I wonder am I doing the right thing? I wonder whether my trafficator was working long enough before I changed lanes." Amongst other things, the motorist will wonder whether he is maintaining his motor vehicle in a safe condition. "Maintaining a motor vehicle in a safe condition" is a broad statement that will cause great concern because, even though the average motorist takes care of his vehicle, he can lose a headlight or a tail light—

The Hon. G. J. Gilfillan: What about fogged up windows?

The Hon. R. A. GEDDES: Yes—fogged up windows. Until we see just how the Government intends to interpret "maintain a motor vehicle in a safe condition" many motorists will be worried. I realize that the fundamental principle of this system is that it should be a method whereby drivers who are identified as

being in need of improvement in their driving can be assisted by the allocation of these points upon conviction for traffic offences. Repeating offenders can be isolated, but a driver or a group of drivers having been isolated, who in a period of three years have lost sufficient points for them to lose their licences, there is nothing in this Bill to indicate what the Government will do to help them. This point should be considered, instead of saying, "Very well; let us give demerit points to those drivers who repeatedly commit traffic offences, either major or minor, so that eventually they will lose their licences."

What about the person who is on the road all the time—the commercial traveller, the truck driver or the taxicab driver—who of necessity from time to time picks up points for comparatively minor offences, since he is always on the road? That is one group of people that would almost necessarily incur demerit points through being on the roads for such long periods. We may say about them, "They should know how to drive because they are always on the road; so they should be treated, if treatment is needed, in a particular way." However, as I understand it, this part of the Bill is designed to catch the person who is not naturally a good driver and who, because he is often breaking some part of the law, needs to be shown, helped and controlled. If he is to lose his licence for three months and then go back on the road, that is not quite good enough.

The person who has lost his licence should be put through the police driving wing again and possibly be issued with another learner's permit. That could be done in the case of somebody who is apprehended so many times for failing to give way to a car on the right, or because he has failed so many times to use his trafficator when crossing from one lane of the road to another. Why do people do these things? They are a danger to the public and themselves. There must be a way of helping them. To me, it is no good just taking away a licence for three months and then returning it to the driver unless somebody is prepared to examine the reasons why the offences occurred. If that is not done, there will be a great deal of wastage in the points demerit system.

The press was vocal some months ago when it was announced that there would be no appeal to the court on this points demerit system. I note that a person whose licence is to be suspended may appeal to the Supreme Court; also, that when he appeals to that court there shall be no costs awarded against the Crown. This is a difficult point. I think that a man who has incurred points under the points demerit system should be allowed to have his plea reviewed by a special magistrate sitting in chambers, as we have provided in section 83 of the principal Act, which states:

(2) On the appeal the special magistrate may—

(*a*) hear the parties and their witnesses;
(*b*) confirm, reverse or vary the decision appealed against;
(*c*) make any other order which he deems just including any order as to costs.

It would be a man of substance who would be able to afford to approach the Supreme Court. Certainly, his case would not be frivolous if he appealed to the Supreme Court; but, with the proposed intermediate court or a special magistrate, we would be much better off, particularly in respect of many of our immigrants, who not only are not yet integrated in this country but also have problems with their jobs. I imagine that many such people would be affected by the points demerit system through their lack of complete integration in the country. In a three-year period after coming to Australia, they could earn enough demerit points to lose them their licence for three months, and in some cases they would need a vehicle for their jobs. Those people could not afford to go to the Supreme Court. They could not even entertain the idea, so much hardship would be involved there. The same story would apply to boys leaving school, some of whom get jobs as truck drivers; in those cases their livelihood would depend on being allowed to drive. A hearing before a special magistrate, as already provided for in the Act, would speed things up and enable those people concerned to feel that justice had been done as far as possible.

Again, the court should be able to review the reasons for a particular person making an appeal—not so much in respect of his occupation as whether he is the built-in traffic hazard type of person who just cannot help, for no apparent reason, suddenly changing lanes; therefore, he changes lanes indiscriminately, without warning. He is the menace on the road, the one we have to try and help, because of the safety factor. However, if it is a person whose driving record is fair and reasonable over a number of years, and if there were no unusual circumstances that a special magistrate could find and adjudicate on, then the chance would be that this type of person could have a second—

The Hon. C. M. Hill: But that type of steady driver has nothing to fear from the points demerit scheme whatsoever.

The Hon. R. A. GEDDES: That will be proved when the time comes. The law is designed to do certain things. I know that a person first has to be convicted of a road traffic offence. The steady person is not often convicted, but when it comes down to perhaps the lack of tail lights on a motor car, the failure to use traffic indicators, and such things, I think that many people could build up some points—not many points, but who can tell over a period of years how many points one could build up? Who could tell but that at the end of three years, because of some problem at that time, a person could not lose his licence, and his only appeal is to the Supreme Court.

I query whether the Minister should not write into the Bill what will happen to these people. For instance, will they be ordered to attend the Police Driving Wing or take another driving test? This is something on which I would like the Minister to comment. I wonder, too, whether some leniency should not be used in respect of the provisions of clauses 10 and 11. These clauses prescribe that within 14 days after the death of an incapacitated person the registration must be renewed. I suggest that there should be some leniency here, not just to cheat the Government but to ensure that a widow does not forfeit the registration of the vehicle. As this is a Committee Bill, I reserve the right to comment further at a later stage.

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

UNDERGROUND WATERS PRESERVATION BILL

Adjourned debate on second reading.

(Continued from October 8. Page 2036.)

The Hon. G. J. GILFILLAN (Northern): I rise to support the principles outlined in this Bill. I believe there is a growing realization among the people who are interested in the future of this State that of all the resources within the State the most valuable is that of water, which we have in limited quantity. This applies particularly to underground water. Much of the State is still supplied with water from underground sources, and in some instances the water could have taken hundreds of years to fill and underground basin. Until we know something more of the replenishment rate in relation to the rate of use of this water, it is very wise indeed that we should look closely at the use and particularly any waste of these resources.

Other honourable members have spoken with some knowledge of this problem, so I do not intend to weary the Council at any length. I appreciate the motives behind the Bill. Perhaps some of its provisions will cause concern to some landholders, but I believe that, in the interests of the overall needs, the Bill is justified. As a landholder myself, I am well aware that people on the land consider that the fixtures on the land are their own personal property. Also, it has been accepted that the water below the land is there for the use of the landholder. We now realize, of course, that any undue use of this water can lead to the diminution of the supply to an adjoining property holder.

I think this was very well illustrated in the pattern that has evolved in the Upper South-East in some portions of the area to be served by the Tailem Bend to Keith pipeline. If one studies the pattern of water usage there, one sees that there are areas of good water surrounded by areas of saline water, and in many instances it can be shown that, where there is undue waste of good water, these areas of good water are diminishing and the saline water is creeping in to take its place. In other areas, although perhaps not in that immediate vicinity, there are levels of saline and good water, and indiscriminate sinking of bores could quite easily lead to the contamination of the better water.

The honourable members for the Midland District have spoken of the problems in the basin immediately north of Adelaide which supplies a large market garden area. Here we have a problem of another kind. In the area farther north we find the emphasis tending to move towards the use of underground water to supply stock. If we had priorities in the use of underground water, probably human consumption would come first and stock needs would come next. In areas where there is a limited underground supply and limited replenishment, any move to use excess quantities for irrigation, particularly irrigation of crops, can lead to a lessening of water available for stock.

This was illustrated in a number of areas during the 1967 drought when some people, in circumstances where there was a reasonable underground supply, set up irrigation spray plants to irrigate lucerne in an endeavour to maintain a nucleus of their breeding stock.

It was found that supplies in the vicinity that were used for stock water were rapidly decreasing. Fortunately, the season broke and a crisis did not occur. All these things illustrate how important it is that we have an authority to watch over the preservation and conservation of our underground water supplies.

This is not a blanket Bill as far as South Australia is concerned. It refers to prescribed areas, which will be proclaimed by regulation. I should like to ask the Minister one or two points about the Bill, the first of which relates to the obligations of landholders because, in a prescribed area, they could be considerable. They could refer not only to the sinking of bores or wells but also to the maintenance and repair work that has to be done in that respect as well as to the replacement of bore casings. A landholder could proceed with his work with little thought for what laws might have been passed by Parliament since he last did that type of work.

When the Bill becomes law, the obligations on landholders will indeed be heavy. The fact that an area has been proclaimed a prescribed area in the *Government Gazette* would mean little to 99 per cent of landholders. Indeed, I doubt whether one per cent of them would ever see the *Government Gazette* from one year to another and, even if they saw that a certain area had been proclaimed, they would not necessarily be aware of their obligations under the Bill. I hope that when an area is proclaimed every effort will be made to make the landholders aware of their obligations.

Some clauses of the Bill make it clear that a person in a defined area has certain obligations. However, clause 20 (1), which relates to artesian wells, provides:

An artesian well shall be capped or equipped with valves so that the flow of water from the well can be regulated or stopped.

The clause does not contain the words "defined area". I ask whether, in clauses such as this one, this provision applies to the whole of the State or whether it is limited merely to a defined area. In clause 22 a somewhat similar obligation is placed upon the landholder regarding the wastage of water. It provides:

A person who causes, allows or permits any underground water from a well to run to waste shall be guilty of an offence and liable to a penalty of $200 for the first day on which the offence is committed . . .

In that respect, I question what "waste" means. It is common practice throughout the rural areas where bores are equipped with windmills and a tank for the windmill to be turned on in order to fill the tank, which might be half a mile away. If a strong wind rises at night, the tank might fill and then overflow when, I suppose, the water would be presumed to be running to waste. Of course, this does occur on many properties. However, if a person had a patch of lucerne growing near the tank, I assume the water would not be wasted. I should like to raise with the Minister the point that the words "within a defined area" are not contained in many clauses, particularly those relating to the capping of artesian bores. Does this mean that these clauses contain powers which could be used in other than defined areas?

With those remarks, I support the principles contained in the Bill, which I believe is in the best interests of all concerned. Although some objections might lie, I consider that, generally speaking, this Bill is a positive step by the Government to conserve the resources of this State, particularly such a valuable one as water.

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

OPTICIANS ACT AMENDMENT BILL

In Committee.

(Continued from October 8. Page 2043.)

Clause 6—"Appointment of members"—which the Hon. V. G. Springett had moved to amend by inserting the following new subsection:

(3) A legally qualified medical practitioner nominated by certified opticians pursuant to subsection (1) of this section must be a duly qualified opthalmologist.

The Hon. R. C. DeGARIS (Minister of Health): The Bill as presented has the complete support of the Optical Registration Board as well as the optometric profession, the former having deliberated for many months on this legislation. The amendment moved by the Hon. Mr. Springett is that the nominee of the certified opticians shall be a qualified ophthalmologist. I point out that ever since the board has been in existence this has been the case: a qualified ophthalmologist has represented the opticians on the board. There are two medical representatives on the board, one of whom is nominated by the Minister; I have already mentioned the other member. The medical representatives on the board have had opportunities to influence the final draft of the Bill, which contains no far-reaching changes and preserves the *status quo* as we have known it until now, and which in no way jeopardizes the livelihood enjoyed by anyone in this profession.

Some of the amendments, including the one before us now, have some far-reaching effects.

If this amendment is carried, it will be somewhat restrictive. At present the medical representative need not be an ophthalmologist, although in practice he has always been one, and I am sure these circumstances will continue. I cannot therefore see any advantage being gained by the amendment.

The Hon. V. G. SPRINGETT: In my second reading speech I pointed out that this Bill is in many ways unhappily named, and that it should really be called the Optical Act instead of the Opticians Act, because it covers a wider range of people than opticians alone. The Minister of Health said that the Bill would improve and modernize the principal Act. I point out that the principal Act goes back 49 years, and at that time there were no registered specialists in any branch of medicine. Today, there is a specialists register, on which are recorded the names of those people who have specialized in branches of medicine. They are recognized by their peers and by the community as specialists.

I am not in any way denigrating the board's past work, but it is time we modernized this part of the legislation. We have recognized ophthalmologists and it seems reasonable that we should clearly state that at least one of the two doctors on the board shall be concerned with eyes. I agree that, in practice, one of the board members has been such a doctor. In providing for the composition of the Egg Board, surely we do not say that it shall consist simply of primary producers: surely we ensure that poultry farmers will be on the board. All I am suggesting is that, instead of saying there shall be doctors on the board, we shall say that one of the two doctors shall have specialized knowledge of eyes.

The Hon. R. C. DeGaris: There are no bookmakers on the Betting Control Board.

The Hon. V. G. SPRINGETT: I think there is a slight difference between the Betting Control Board and the Opticians Board. The legislation deals not only with opticians but also with ophthalmologists and other workers in the field of eye care. My amendment will do nothing but good.

The Hon. L. R. HART: The honourable member drew an unfortunate analogy when he referred to having poultry farmers on the Egg Board. The man who recently retired as Chairman of the Egg Board is a retired Army Colonel, and he has now been appointed Chairman of the Australian Meat Board. Further, the Chairman of the Australian Wool Board, who has recently retired, previously worked in the paint industry. The man who was Chairman prior to him came from the motion picture industry. So, the best members of boards do not necessarily come from the industries with which the boards are concerned. Since it has been the normal practice for an ophthalmologist to be appointed a board member, I see no reason why we should alter the Bill.

The Hon. V. G. SPRINGETT: It is unfortunate that the honourable member suggested that the care of his eyes should be left in the hands of a group of people that does not include an eye specialist. I am not saying that optometrists do not do a good job —they do work that is greatly valued by doctors. However, in view of the legal limitations on their field of work, I affirm that the board cannot work effectively without an ophthalmologist. This has been proved in practice over the years. It is in the interests of the public that the board should, by law, have at least one ophthalmologist.

Amendment negatived; clause passed.

Clauses 7 to 20 passed.

Clause 21—"Persons who may practise optometry."

The Hon. V. G. SPRINGETT: I move:

In new subsection (3) to strike out all words after "to" second occurring and insert:

(*a*) a student of ophthalmology or optometry who has attained a prescribed standard in a prescribed course of study in ophthalmology or optometry in respect of anything done by the student under the strict supervision of a legally qualified medical practitioner or a certified optician;

(*b*) a person who has prescribed qualifications and experience in the practice of orthoptics in respect of anything done by him in the course of his practice as an orthoptist;
or

(*c*) a person registered under the Nurses Registration Act, 1920-1968, in respect of anything done by him for the purpose of testing eyesight under the supervision of a legally qualified medical practitioner or a certified optician.

My amendment enables a student of ophthalmology or optometry who has attained a prescribed standard to work under the strict supervision of a legally qualified medical practitioner or a certified optician. The legislation will provide that legally qualified medical practitioners and certified opticians can test eyes, practise optometry, and dispense prescriptions, but it cuts out other people such as medical students and folk of that nature who need further training. Orthoptists, to whom reference is made in paragraph (*b*), are not described or

defined in the Bill, and the Bill would need to be recommitted if this amendment is passed in order to insert a definition of an orthoptist because they are not permitted to practise as the Bill now stands. There are six registered orthoptists in this State, all of whom are registered with the Orthoptist Board of Australia, all are registered and practising in Adelaide, and they work only in association with ophthalmologists. All patients attending an orthoptist must be referred by an ophthalmologist, to whom they must always be answerable. As the Bill stands, without my amendment, orthoptists are not covered and would not be able to carry out their work.

All doctors employ nurses in their rooms, some of whom are trained in ophthalmic nursing, and some are not, but it would be impossible for those nurses to carry out some duties required of them if the Bill is allowed to remain as it stands. A nurse would not be permitted to test eyesight with a visual card at the direction of the doctor; and my amendments are necessary in order to tidy up the Bill and make sure that medical students, optometry students, orthoptists, and registered nurses may carry on their work, as they have in the past. These amendments should be inserted in the Bill, which at present specifically states who shall and who therefore, by inference, shall not practise. The people I have mentioned all work for the doctor, under instruction from the doctor, are part of his staff, and should have the right to do their work.

The Hon. S. C. BEVAN: I do not know what attitude the Minister of Health will take in this matter, but I remind him of his remarks when he said that the Bill as it stands is acceptable to the profession and to the optometric trade. From those remarks I take it (although I admit I may be wrong in my assumption) that the Minister may not support any of these amendments but agree to the Bill as it now stands. I take the opportunity at this stage of expressing my opposition to the amendments proposed by the Hon. Mr. Springett. I would not mind so much about paragraph (*a*) as far as a student of ophthalmology is concerned, but I believe it is not necessary when another part of the Bill provides that students shall be able to carry out certain classes of work in conformity with their training.

I believe that students at the university are covered by the principal Act at present as far as is necessary. I think the Hon. Mr. Springett has just made statements contrary to those he made when supporting his first amendments. Ophthalmology is a profession as much as the A.M.A. is a profession; optometry is also a profession of high standing, yet the honourable member proposes an amendment that would enable a registered nurse, acting under the provisions of the Nurses Registration Act, to do this class of eye work. I appreciate that the amendment reads "testing eyesight under the supervision of a legally qualified medical practitioner or a certified optician"; originally the amendment contained the word "strict". That word has now been deleted.

If it were "strict supervision" then the medical practitioner would have to be in the room with the person performing certain work, but if this amendment were approved the doctor in question could be attending another patient in his consulting rooms while the nurse carried out eyesight tests in another room. I think the Hon. Mr. Springett would admit that optometry is one of the most important of the professions because it involves testing eyesight, yet he asks us to write into the Bill a provision that a registered nurse, acting under the Nurses Registration Act, shall be allowed to perform this work.

If that nurse is performing this work now it does not mean that it has been right for her to do so. The word "supervision" has a wide meaning; what is meant by it? Would that nurse be under the supervision of a doctor if he were attending a patient in one room while the nurse carried out work in another room? It could mean that the nurse could make a written report to the doctor who, in turn, would present a prescription to the patient authorizing the supply of spectacles. I strongly oppose the amendment.

The Hon. V. G. SPRINGETT: I think that, perhaps, I did not make myself clear. I am not suggesting that a nurse should test eyes in the same way as an optometrist does. I suggest a typical example of what I have in mind is that of a nurse going to a school clinic to test the eyesight of schoolchildren. In that case the nurse does not conduct the full eye test as would be done by a doctor or by an optometrist; she conducts a simple chart test, with a chart similar to that hanging in many doctors' rooms. Theoretically, she cannot even do that as the Bill now stands. A doctor, as with many other professional men, employs people qualified in various ways to do all kinds of work, but he is responsible for their work. Obviously, by tradition and for his own personal safety, a doctor would not allow any

work to be carried out that he did not think would be done competently. That applies to a nurse and to anybody who works in a doctor's rooms.

The Hon. S. C. BEVAN: The amendment does not contain what the Hon. Mr. Springett has said, and it merely reads:

A person registered under the Nurses Registration Act, 1920-1968, in respect of anything done by him for the purpose of testing eyesight under the supervision of a legally qualified medical practitioner or a certified optician.

Imagine what would happen if that was written into the principal Act: any nurse registered under the Nurses Registration Act could perform an eye test.

The Hon. V. G. Springett: The doctor would take the responsibility for her work.

The Hon. S. C. BEVAN: I suggest to the honourable member that in some instances in this State this is being done, and has been done; the proposed amendment is merely trying to make what has been done legal. That is the present position: who is taking the responsibility today?

The Hon. V. G. Springett: The doctor.

The Hon. S. C. BEVAN: I agree that the doctor would have to.

The Hon. G. J. Gilfillan: In what way?

The Hon. S. C. BEVAN: He is the responsible person. A person does not make an appointment to see the nurse—he goes to see the doctor. The doctor then transfers that person to somebody else, who may be a registered nurse. If the amendment meant that a registered nurse had to prove her qualifications by making application to the board to be registered in order to do that class of work, then I would raise no objection because she would have to be qualified to do so. However, there is nothing in this amendment to say that this registered nurse should be qualified, and that she can do this work. I will not have a bar of the amendment; I hope it is defeated.

The Hon. A. M. WHYTE: Perhaps paragraph (*c*) is not so bad, with the exception of the word "strict", which has been deleted from the original amendment on members' files. Who will judge what is "strict supervision" and what is "supervision"? "Strict" has been struck out of paragraph (*c*) and it should be struck out of paragraph (*a*), too. "Direct supervision" would be all right, but who assesses whether it is strict or lenient? I suggest that "strict" is used in paragraph (*a*) incorrectly. In paragraph (*b*) what is meant by "prescribed qualifications"? This would have to be explained more precisely before I could support this paragraph, because it is so wide.

The Hon. F. J. Potter: I think the Hon. Mr. Springett said he would insert a definition in the Act.

The Hon. A. M. WHYTE: In that case, I would find paragraph (*b*) acceptable, but at present I cannot accept it.

The Hon. L. R. HART: I am not happy with these paragraphs. Paragraph (*a*) sets out to broaden new subsection (3) by including an ophthalmologist—and I have no objection to that; but it includes also a legally qualified medical practitioner as well as a certified optician. The legally qualified medical practitioner is not mentioned in the present Bill. That may not be very important but I am also concerned about the definition of "supervision". In other parts of the principal Act where "supervision" appears, it is qualified. For instance, section 30 goes as far as saying "the actual personal supervision". Whether that is going too far, instead of saying "strict", I do not know but at least it would ensure that there was strict supervision. This is important.

I am not happy with paragraph (*b*). I do not know what "orthoptics" means. I cannot find it defined anywhere, so I do not accept paragraph (*b*). In paragraph (*c*) the phrase should be "the actual personal supervision"; that, too, is important. In this case, an ophthalmologist may employ a nurse who has had no previous experience in orthoptics, ophthalmology, optometry, or the testing of eyesight; yet, under this amendment, she would be allowed to co-operate in doing the work. These amendments need to be tightened up considerably before I am prepared to support them.

The Hon. V. G. SPRINGETT: Honourable members seem to be slightly muddled about the terminology "a student of ophthalmology". First, the study of ophthalmology is a part of the training of every medical student even if he is studying to be a gynaecologist or an obstetrician. All medical students must do a certain amount of ophthalmology. This is part of the ordinary training of the medical student. If I say "eye doctor" instead of "ophthalmologist", honourable members understand what I mean.

Secondly, it is quite true that the other branches of medicine may ask a nurse to check a patient's eyes with a chart because an investigation of the eye is not only part of the study of eye diseases but is also an important link with general medicine and general surgery.

There are many practising doctors and specialists who gain much information about their patient from a study of the eye.

So far as the nurse is concerned, I repeat what I said just now: at present the doctor has to take full responsibility for what any of his staff do—nursing, clerical or anything else. In the laboratories there are people who do certain routine tests without necessarily being qualified bacteriologists. In a general practitioner's room very often the doctor will get a nurse to come and rough-check an eye by a chart on the wall. Obviously, he will not do more than that because he does not do more than that himself: he usually sends the patient to an eye specialist.

Therefore, if the clause stands as it is at the moment it will be difficult, if not illegal, for a doctor to use a nurse in that connection and for a nurse to go to a school clinic and test children's eyes, as nurses have done in the past, by checking them against a chart. Obviously, it does not cover all nurses. Why not? Somebody has to be responsible for that work. After all, they often do many things now when the doctor is not standing by their side but is out of the room and sees the results afterwards. Everyone who has been in hospital has at some time received treatment from a nurse with the doctor not standing by her side. She has been responsible to him ultimately. That is how I view these amendments.

The Hon. R. C. DeGARIS: Briefly, I reiterate that the Government prefers the Bill as it is. Let me deal with the three parts of this amendment. I do not want to cover the points raised so ably by other honourable members, but I do appreciate the reasons behind this amendment, although it is not acceptable to the Government. I understand very well the honourable member's reasons for the amendment. The purpose of paragraph (*a*) is to include a student of ophthalmology who is virtually doing a medical course. I suggest that this would be adequately covered by the Medical Practitioners Act. Secondly, it has already been said that the word "orthoptics" is a new word requiring definition and that the prescribing of qualifications must be done by regulation. At the moment, we see no need for this to be included in the Act.

Thirdly, while I appreciate that nurses do a certain amount of work under the school health services—checking children's eyesight in front of a chart—nobody will take this to its ridiculous extreme. It has always been the situation and will continue to be so. Once we have an amendment such as this, we must then have a whole series of regulations in which exactly what a nurse can do in this regard is laid down. I suggest the clause is better left as it is at present.

Amendment negatived; clause passed.

Clauses 22 to 32 passed.

Clause 33—"Amendment of Fourth Schedule to principal Act."

The Hon. S. C. BEVAN: Paragraph (*d*) of this clause inserts in the Fourth Schedule a provision in respect of the prescription of a code of ethics to be observed and obeyed by all certified opticians. As I dealt with this matter at length in the second reading debate, I do not intend to weary honourable members with further argument on it. I oppose this provision because I consider that the board already has ample power to control the ethics of the profession.

The Hon. R. C. DeGARIS: It is customary for professions to practise under a code of ethics, and we have examples of this under the Dental Act and the Veterinary Surgeons Act. At present, under section 16a of the Opticians Act, there is a provision for the board to determine unprofessional conduct. However, I believe that a code of ethics would assist the board and the profession by defining what is and what is not regarded as unprofessional conduct.

The Hon. S. C. Bevan: The Act contains power to determine unprofessional conduct.

The Hon. R. C. DeGARIS: This has not proved completely satisfactory. The Government considers that it would be more effective if all the matters pertaining to this subject were grouped under one heading in the regulations. For instance, in such things as advertising it is extremely difficult to define exactly what is unprofessional conduct and exactly what it is that has to be abided by. I point out once again that this provision has the support of the board and of most members of the medical and optometric professions.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

GOODS (TRADE DESCRIPTIONS) ACT AMENDMENT BILL

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

ADJOURNMENT

At 4.38 p.m. the Council adjourned until Tuesday, October 14, at 2.15 p.m.