LEGISLATIVE COUNCIL

Wednesday, October 15, 1969.

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

QUESTIONS

INCOME TAX

The Hon. G. J. GILFILLAN: I ask leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. G. J. GILFILLAN: Recently I drew the Minister's attention to the problem that could exist with regard to income tax on over-quota wheat. I realize that income tax, as such, is a Commonwealth field but, from information I have received since I previously raised this question, I believe that over-quota wheat delivered to the silo system could be free from income tax in the year in which it is produced. I believe, too, that this could apply also to wheat held on properties as stock feed. However, it seems that the taxation obligations of a wheatgrower who has to build storage facilities on his own property are quite serious for that year. This wheatgrower appears to be in a most unfortunate position in that he not only has to meet the cost of added storage but also can be severely affected by the income tax provisions. Has the Minister anything further to report on this matter?

The Hon. C. R. STORY: We are indebted to the honourable member for raising this point. As he says, the matter has been taken up with the Deputy Commissioner of Taxation in this State, who has given certain rulings on it. The Government is very interested in it and the State Treasurer is currently having a letter prepared which, if Cabinet agrees, will be forwarded to Canberra for a ruling. I strongly support the honourable member's contention that wheat that is produced this year and has to be stored at the expense of the farmer should not be required to be taken into the assessment for this year, because on occasions people have been put to real inconvenience by including in their current income tax assessment items that subsequently were not finally paid for. I will bring the honourable member a considered report next week.

DEEP SEA PORT

The Hon. R. A. GEDDES: Has the Minister representing the Minister of Marine an answer to my question of October 8 about whether there would be more than one deep sea port on Eyre Peninsula?

The Hon. C. R. STORY: The Government has announced that there should be one "super" port on Eyre Peninsula to accommodate vessels of at least 60,000 deadweight tons. The seismic survey recently conducted indicated that there is sufficient depth to provide for vessels up to 100,000 deadweight tons. It is therefore proposed that Port Lincoln be developed as the major deep sea port on Eyre Peninsula. A dredging contract has been let for work on deepening and straightening the channel at Thevenard, which is expected to commence late this year.

FLUORIDATION

The Hon. A. M. WHYTE: I understand the Minister representing the Minister of Works now has a reply to my question about how fluoride will be added to our water supplies.

The Hon. C. R. STORY: At five dosing stations—Barossa reservoir, Millbrook reservoir, Myponga reservoir, Clarendon and Mannum—the fluoride will be injected into the main. However, at Happy Valley and Hope Valley reservoirs fluoride will be added to the inlet of the reservoirs. I am assured that there is no substantiated evidence that "fluoride will remain in the reservoirs forever".

LOTTERY AND GAMING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 8. Page 2030.)

The Hon. R. C. DeGARIS (Chief Secretary): This is a very short Bill that achieves only one purpose—giving the Totalizator Agency Board the right to pay out after the last race of any race meeting. In dealing with this matter in his second reading explanation, the Hon. Sir Norman Jude mentioned that, when the T.A.B. legislation was first before this Council, some doubt was expressed about pay-outs after the last race on any race day. Doubts were expressed whether there would be a return to the days of the old betting shops system. I know that every honourable member here would not like to see a return to those conditions in South Australia. This is why at that particular stage no move was made to have the pay-outs made from T.A.B. after the last race of a meeting.

We must accept the fact that the operation of T.A.B. in South Australia is totally different from the concept of the old betting shop days. The Government clearly accepts the position that this Bill is in no way a step involving

pay-outs by T.A.B. after each race. I assure the Council that if the Government accepts the measure put forward by the Hon. Sir Norman Jude, it will strenuously oppose any move to have pay-outs on T.A.B. after each race.

In his second reading explanation Sir Norman dealt with the situation obtaining in the other States, and I do not wish to reiterate what he said. However, I know of cases in Queensland where payments not being made on the day of the race meeting caused much overloading of the pay-out facilities there. This also causes some disabilities in South Australia. I think all honourable members appreciate that in holiday resorts (which I know would be more numerous in Queensland, although we have such resorts here) the pay-outs on the Monday following the Saturday race meeting are quite unacceptable to most people at such resorts. Also, one can envisage the difficulties that would be involved in the present situation where people go into a central country town for the weekend and are often unable to return on the following Monday to collect their winnings. Indeed, I believe that country areas particularly favour a system of pay-outs after the last race. Of course, other factors are involved, and Victoria has been concerned regarding the amount of money that its agencies have to retain for a long time. If the T.A.B. were able to make pay-outs after the last race this problem would be overcome.

The Government is at present examining the future of the 1¼ per cent that is involved, to which much publicity is being given in the newspapers at present. This matter is being actively considered and, whilst an amending Bill on this point is intended to be introduced, the Government at the same time is considering the whole question of pay-outs on T.A.B. after the last race.

The Government raises no objection to the principle of this Bill, because this is an improvement on the present system. It is interesting to note the results of a recent Gallup poll, when 88 per cent of the people using T.A.B. facilities in South Australia said they required pay-outs after the last race from a T.A.B. agency. The Government is therefore prepared to support the Bill.

The Hon. A. J. SHARD secured the adjournment of the debate.

LAND VALUERS LICENSING BILL

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

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

That this Bill be now read a second time.

Its purpose is to establish a greater measure of regulation and control over the activities of valuers of land and real estate in this State. Several cases have arisen in which the incompetence or dishonesty of persons holding themselves out as land valuers has been very detrimental to the interests of the public. Indeed, a land valuer occupies a position in which a high level of competence and a high degree of impartiality and fairness is required if justice is to be done between all parties to a transaction. However, no effective control exists at the moment to ensure that land valuation is carried out competently and fairly.

This Bill therefore establishes a board which is to license land valuers and exercise a disciplinary authority in cases of misconduct. The Bill provides for the progressive introduction of higher educational standards for persons engaged in this important and exacting occupation.

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 sets out certain definitions necessary for the purposes of the Bill. Clause 4 establishes the board. The board is to consist of five persons appointed by the Governor of whom three shall be nominated by the Minister, and one of these (the chairman of the board) shall be a legal practitioner of not less than seven years' standing; one shall be a valuer nominated by the Commonwealth Institute of Valuers, and one shall be a valuer nominated by the Real Estate Institute of South Australia Incorporated. This constitution permits the Minister to establish a board consisting of the present Land Agents Board with one additional member.

Clause 5 provides for the term of office of a member of the board and establishes the conditions upon which a member holds office. Clause 6 regulates the quorum of the board and certain aspects of the procedure that it must adopt. Clause 7 exempts a member from any civil liability arising from his statutory functions and provides that the proceedings of the board shall be valid notwithstanding technical defects in the nomination or appointment of its members.

Clause 8 enables the Governor to provide allowances and expenses for members of the board. Clause 9 permits the board, with the approval of the Minister, to employ legal practitioners and other persons to assist it in the performance and discharge of its functions and duties.

Clause 10 deals with the licensing of valuers. It provides that the board may grant a licence to any person who satisfies it that he is a person of good character and repute and is competent to carry out the duties of a licensed valuer and who (*a*) applies for a licence within 12 months after the commencement of the Act and has had not less than five years' practical experience in the valuation of land; or (*b*) applies for a licence within five years after the commencement of the Act, has passed an examination conducted by the board, and has had not less than four years' practical experience in the valuation of land; or (*c*) is the holder of a prescribed qualification certificate or diploma and has had not less than four years' practical experience in the valuation of land. The effect of this provision is to ensure that ultimately all land valuers shall be fully trained in a recognized course of land valuation.

Clause 11 provides that neither the board nor any of its members shall be debarred from hearing and determining an application by reason of the fact that the board or any member has authorized or taken part in any investigation in connection with the application. Clause 12 deals with the term of a licence and its renewal. Clause 13 exempts a valuer employed in the Public Service from payment of fees for the grant or renewal of a licence.

Clause 14 exempts a licensed valuer from the provisions of the Appraisers Act. Clause 15 requires every applicant for a licence to make on oath a declaration that he will make every valuation impartially. Clause 16 requires the board to keep a register of persons licensed under the Act. Clause 17 provides that the names of all licensed valuers shall be published in the *Gazette* at least once each year and provides that the *Gazette* shall be evidence for certain purposes.

Clause 18 deals with inquiries into alleged misconduct by licensed valuers. It provides that the board of its own motion or pursuant to a complaint made to it by any person may inquire into the conduct of any licensed valuer. Subclause (2) provides that the licensed valuer shall be entitled to appear personally or by counsel before the board. Subclause (3) permits the licensed valuer to require the board to permit members of the public to have access to the inquiry. Subclause (4) invests the board with a discretion as to the manner in which the inquiry shall be conducted.

Subclause (5) provides that if the board finds on an inquiry that a licensed valuer has been guilty of negligence or incompetence in making a valuation, is mentally or physically unfit to perform the functions of a licensed valuer, is guilty or has been convicted of any offence punishable by imprisonment, has obtained his licence by fraud or in any other improper manner, or is guilty of any conduct discreditable to a licensed valuer, the board may do one or more of the following: (*a*) reprimand the valuer; (*b*) order the valuer to pay the costs of the inquiry; (*c*) impose a fine not exceeding $100 on the valuer; (*d*) disqualify the valuer from holding a licence either temporarily or permanently or until the fulfilment of a condition imposed by the board or until the further order of the board; or (*e*) cancel the licence.

Subclause (6) provides that a person aggrieved by a determination of the board may appeal therefrom to the Supreme Court. Subclause (7) provides that such an appeal shall be by way of a re-hearing and empowers the judge to make such order as he thinks just.

Clause 19 provides for the recovery of a fine or costs awarded against a licensed valuer. Clause 20 invests the board with certain powers necessary for the performance of its functions. Clause 21 provides that after the expiration of 12 months from the commencement of the Act a person shall not carry on business or hold himself out as a valuer of land or real estate unless he is licensed under the Act. Thus, in effect, there is a grace period of one year before the penal provisions of the Act come into effect.

Clause 22 contains certain evidentiary provisions. Clause 23 provides for the summary disposal of proceedings. Clause 24 deals with appropriation. Clause 25 empowers the Governor to make regulations. In particular, he may prescribe a code of ethics to be observed and obeyed by licensed valuers and may declare that a breach or non-observance of the code shall constitute conduct discreditable to a licensed valuer; and he may prescribe the various maximum rates of charges that may be made by licensed valuers for services of various kinds defined in the regulations.

The Hon. A. J. SHARD secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

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

TEXTILE PRODUCTS DESCRIPTION ACT AMENDMENT BILL

Second reading.

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now read a second time.

The principal Act requires that the label on any textile product shall specify the fibres that are contained in that product, in order of dominance by weight. For several years this provision has caused difficulties in administration in relation to synthetic fibres, as the effect of the present legislation is that the chemical name of the fibre should be shown, which would mean nothing to the average purchaser.

There is similar legislation in all other States and similar provision in the Commonwealth Commerce (Imports) Regulations. Lengthy discussions have taken place between representatives of the States, the Textile Council of Australia and the Drycleaners Association of Australia in order to obtain a satisfactory method of describing synthetic or artificial fibres. The matter has also been discussed by the State Ministers of Labour at their last three conferences. The differing views which were originally expressed have now been resolved, and at their conference in July of this year the State Ministers of Labour agreed on the manner in which synthetic fibres should be described. The object of the legislation is to ensure that the buyer of a textile product is not misled about its fibre content, by the use of a false trade description applied to the product, or by the absence of any trade description whatever. While this is of primary consideration, regard has been had to the desirability, if possible, of using terms which will assist the consumer and drycleaner in knowing how to care for the garment during its life.

The Ministers have agreed that artificial fibres should be described by one of 12 generic terms (which terms are used in the Brussels Tariff Nomenclature) but if any synthetic fibre does not fall within any of those generic terms (and at present this would be an exceptional case) then the words "artificial fibre" or "man-made fibre" will have to be used on the label. With the rapid development of synthetics it appears preferable for the actual generic terms (such as acetate, polyester, etc.) to be described by regulation rather than having to amend the Act every time a new type of synthetic fibre is developed, and the Bill so provides.

Another amendment concerns the filling substances (often referred to as loading or weighting) which may be used in any textile product. The present provisions in the Act permit "ordinary dressing" to be used. That term is impossible to define properly and the present provisions of the Act have been circumvented. Instances have been brought to the attention of Ministers of cotton products which have been imported into Australia which after washing have been found to contain 20 per cent or more of filling. The Textile Council of Australia suggested, and the Ministers in all States have agreed, that instead of the present provisions in the Act any textile product that contains loose filling exceeding 5 per cent by weight should be so labelled.

Up to the present time inspections under this Act have been made by inspectors through their authority under the Industrial Code to enter shops and factories. They have no power to take for examination a sample of any textile product which is not labelled, or which they suspect is incorrectly labelled. As it appears doubtful whether inspectors have sufficient powers to ensure compliance with this Act, three new clauses regarding the power of inspectors are included in the Bill. While the penalties have been changed to decimal currency, the maximum penalty has been increased to $500, which is similar to the penalty in other Acts for comparable offences.

To consider the Bill in some detail: clauses 1 and 2 are formal, and clause 3 provides for a definition of "filling substance". Clause 4 provides for the labelling of textile products that contain excessive filling substances and also provides for the description of artificial fibres used in the product. Clause 5 proposes new sections 7a, 7b and 7c, which relate to the powers of inspectors, and follows the usual form in these matters.

Clause 6 makes an amendment to section 8 consequential on the amendments effected by clause 5 and also raises the maximum penalty for a second offence by the equivalent of $100. Clause 7 makes a decimal currency amendment.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

FOOTWEAR REGULATION BILL

Second reading.

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now read a second time.

The Footwear Regulation Act, 1920-1949, has been amended only once since it was passed in 1920. Originally, legislation on this matter was

uniform in each State, and there were complementary regulations of the Commonwealth Government in respect of imported footwear. Although no amendments have been made in South Australia since 1949 the laws in some other States have been altered in certain respects; this has created difficulties in connection with footwear that is made in one State and sold in another. The object of the legislation was to protect consumers from buying shoddy footwear. At that time practically all good-quality footwear had leather soles, and the Act was framed accordingly.

With the introduction and widespread use of synthetic materials in the soles of footwear, some of the provisions of the present law are impossible to implement in footwear made of synthetic materials. For example, shoes with synthetic soles are required by the Act to be branded on the shoe with a true statement of the materials comprising the sole. Because the materials comprising the sole are chemical synthetic products, often with long unpronounceable names, the practice has grown up of using a trade name instead of the name of the material. There are certain types of footwear, (for example, thongs) that are made of material which it is impossible to imprint or emboss on either the sole or the inner sole.

Representations have been made by the footwear manufacturers section of the South Australian Chamber of Manufactures for amendments to the legislation to make it meaningful in today's conditions, and the problems which have been faced throughout Australia have been discussed at several conferences of State Ministers of Labour. Agreement was reached at the 1968 Ministerial conference to introduce uniform amending legislation, but because of the pressure of last year's legislative programme it was not possible to introduce a Bill then. In the drafting of amending legislation it was found that all except three sections of the present Act would need to be amended and, rather than make wholesale amendments to an Act that is almost 50 years old, the Bill provides for the repeal of the present Act and the enactment of fresh legislation on the matter.

The Bill provides that manufacturers of footwear must show the name of the manufacturer and indicate the type of sole in each pair of footwear. In the case of leather soles the words "all leather sole" must be used, while soles of other materials can show the words "non-leather sole" or a true statement of the material comprising the sole or, if the sole consists entirely of synthetic material, the words "synthetic sole". As corresponding legislation is proposed by all States of Australia, similar provisions will apply in respect of all footwear manufacturers in Australia. In the case of imported footwear the Commerce (Imports) Regulations of the Commonwealth require the country of origin but not the name of the manufacturer to be shown on all imported footwear. By the provisions of clause 6 of the Bill, a seller will commit an offence if he offers for sale imported footwear not branded in accordance with the Commonwealth regulations. The details regarding the location of the brand and the manner in which the branding shall be done will be prescribed by regulation.

To consider the Bill in some detail: clauses 1 to 3 are formal, and clause 4 sets out the definitions used in the Bill. Clause 5 sets out in some detail the provisions relating to marking of shoes (which by definition include all articles of footwear) and is generally self-explanatory.

Clause 6 makes it an offence to make or sell shoes that are not marked in accordance with clause 5, but excepts shoes intended for export for the reason that, amongst other things, they may be required to comply with the particular requirements of the country to which they are to be exported. Also, as already mentioned, imported shoes that comply with the relevant Commonwealth law will be exempted, as will shoes that have been bought by a retailer where the retailer shows that he could not have been aware of the fact that, by reason of their construction, the shoes should have been marked in a particular manner.

Clause 7 is intended to prohibit improper practices in relation to the "weighting" of the soles of shoes. Clauses 8 to 11 relate to powers of inspectors and follow the generally accepted form in these matters. Clause 12 is an evidentiary provision and is intended to facilitate proof in prosecutions. Clause 13 provides for the making of regulations, and clause 14 vests jurisdiction for offences in the courts of summary jurisdiction.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

APPROPRIATION BILL (No. 2)

Adjourned debate on second reading.

(Continued from October 14. Page 2148.)

The Hon. A. J. SHARD (Leader of the Opposition): The Treasurer has on this occasion introduced a Budget which, on his

own admission, cannot cope with the needs of the State and in which, without special Commonwealth assistance, we may expect one of the heaviest deficits ever budgeted for. It would appear that the Treasurer did not do this with any great joy in his heart: he has submitted it to us in the spirit that it is a poor thing that is done, and he has commended it to this place on that basis. Whatever criticisms one can make of the priorities evident in the allocation of moneys available, the plain fact that comes from the Budget is that the State is unable to meet its obligations in education and other services because of the continued refusal of the Commonwealth Government to agree to revise its financial arrangements with the States.

At the time of the Premiers' Conference in June of this year, we heard much from the Premier on this score. I remind honourable members of what he said. No doubt, because of political events of another kind immediately pending, he has gone rather quiet about these things, but at the time he said some things quite as rugged as anything we ever said when we were in office, and probably rather more so. He said that, if we were to get only what the formula would provide, then, to all intents and purposes, the Premiers would come back next year as representatives of claimant States; that would be their position because the Commonwealth-States system would no longer be working. The Premier said bluntly at the end of the general discussions that the system had broken down. Addressing the Prime Minister, he said:

> Whether you agree or not, the States are back to the impossible situation of knowing that they cannot provide for their State needs.

The Premier talked to the Commonwealth Treasurer and took him to task for referring to the Premiers and their constituents. He said:

> I remind you that they are also your constituents, and these constituents are beginning to grasp from these unedifying wrangles the bewildering complexities of State problems brought about by wage rises and the interest charges on the public debt.

The Premier went on to say that there must be an equitable sharing of resources in the public debt structure in Australia, that we needed at least a share of an extra $12,000,000 built into the allocation or the Budgets of the States would be in chaos, and that the list of economies and curtailments made in South Australia during the current financial year had been extreme. We all agree with that.

It is quite clear from the Budget that, as time goes on, we will get further and further into difficulties forced upon us by a Commonwealth Government that refuses to recognize the needs of the States to provide adequate services in the areas of their responsibilities. This is not a new situation. We wish that, when members opposite had been in Opposition, they had got behind us in the protests that we made as unequivocally as we on this side of the Council get behind them in the protests they are making, because undeniably this State is being deprived of the means of carrying out its responsibilities to its citizens; and this is the deliberate policy of the Commonwealth Government.

Let us go back a little in history to see what was done on the score of Commonwealth-State financial relations. In 1966, the Commonwealth Government undertook that in February, 1967, there would be a review of the situation. In February, 1967, there was no review of the situation, but a special grant was made. Because the Commonwealth Government recognized that there were some difficulties, it said it would make an interim grant to tide the States over. Each one of the States was then invited in June, 1967, to make a complete revision of the Commonwealth-State Financial Agreement. Every State sent its Treasurer to the Premiers' Conference and the Loan Council meeting with submissions for a complete revision of the Commonwealth-State financial arrangements. When our Treasurer got there, along with the other Treasurers, the Commonwealth Government would not listen to even one of the submissions. The Treasurers had them all ready, but they were then told that they had to accept the amount proposed for the Loan Council agreement—the total amount of Loan works money prescribed by the Commonwealth.

When the Commonwealth Government had made some minor adjustment as a result of the States' protests, it said that the condition of its agreeing to the added amount of Loan works money was that they accepted the existing formula, and it would listen to none of the submissions made by the States for a revision of the formula. The Treasurers and Premiers had been invited to go there in June, 1967, with submissions for the revision of the revenue formula. They had them there, but the Commonwealth would not listen to a word of them. The result was immediately apparent in every State of the Commonwealth, and the Liberal Premiers, wherever they existed, protested so much that the then Prime Minister scheduled

for February, 1968, a meeting to revise the revenue formula. However, it was never held. We all know that Mr. Holt died tragically, and Mr. Gorton never held the meeting.

Immediately Mr. Gorton took office there were protests and immediate requests for the meeting to be held, but it was never held. In June, 1968, no revision of the formula took place; nor did it take place in June, 1969. Now we are told that the meeting, which was originally promised for February, 1967, will be held in February, 1970; but at this stage of the proceedings we have no better indication that the States' needs in health and hospitals, in education, in development and in assistance to the poor will be listened to by the Commonwealth; and the States are given no opportunity to assess the priorities within these areas, because the State Budgets are so tight that we cannot meet our existing needs, let alone set any sort of variation in the priorities that we have within these areas.

In these circumstances, how can it be said that the present Commonwealth Government is meeting the needs of the State? We notice that the Premier, when he was in Canberra, talked about the kind of buildings he could see there. We have heard recently about this. Anybody who goes to Canberra and observes the amount of money spent within that enclave on education buildings and education facilities and compares that with what is available within the States (for instance, the schools in New South Wales, immediately outside Canberra, and those in this State, compared with the schools in the city of Canberra itself) can see what sort of priorities the Commonwealth Government sets in expenditure.

The Commonwealth Government has been prepared to increase expenditure in its own areas of responsibility and to ignore the fact that the States have responsibility in particular areas where, in every comparable country, the annual increase in expenditure has exceeded the increase in population. In such countries the annual increase in education, hospitals and health expenditure, as well as in development expenditure, all exceed the rate of increase in population. Yet we in the States are, as a result of a deliberate decision of the Commonwealth Government, confined to a formula which provides that our increases in these areas for which we have responsibility are tied to the increase in population and to changes in wage rates alone, with no adequate betterment or increase factor.

South Australia is in the peculiarly difficult position that it has two things written into the formula that constantly place it at a singular disadvantage. One is that the original formula was written at a time when this State's expenditure in the welfare area was proportionately lower than that of any other State. That was the basis of the original formula and, because we were spending less on the total of welfare programmes, on education, health and hospitals, on law, order and public safety, and on relief for the poor and the aged than was being spent by any other State, we were then tied to a formula that meant we received less in respect of these areas than did the other States.

Since then the Labor Government has submitted to the Commonwealth that the formula should be revised to bring us into line with the budgetary standard of the other States, and the present Government has done so, because the same submission that we made (that the increase in expenditure in the welfare areas, in hospitals and health, and in education was entirely justified and necessary in this State to bring us into line with the other States) was taken up by the present Government when it went to Canberra. It was taken up in June, 1968, and it was agreed that the formula was wrong upon that basis. The second thing is, of course, that the original estimates concerning population were wrong and, consequently, we are at a disadvantage on that score. The Commonwealth Government refused to listen to us when we produced the figures and pointed out that the estimates had been completely wrong and that we were at a disadvantage as a result. All the Commonwealth Treasurer could say was, "What you gain on the swings you lose on the roundabouts, and we are not going to go into that." We have heard that many times. All this has meant that our Treasurer is in the situation that he outlined at the beginning of his Budget explanation, when he said:

> Unfortunately, we must proceed without any adequate assurance other than that the Prime Minister will meet the Premiers some time in the new year to review these matters and, in addition, to commence the review of the new arrangements that will apply for a period commencing with the financial year 1970-71.

If something does not happen before then, we will be in a bad way. We have no such assurance. The Prime Minister said he would meet us, just as he said previously he would but he did not do so. His predecessor said he would meet us, and he did not. At the moment we have no adequate information to

show that we will get any sort of better deal in the future than the deal that the Premier has said will produce a complete breakdown in the system.

I do not wish to speak at length on the priorities within the Budget, because, while there are some complaints that I can make about certain Budget lines (and I think that some mistakes have been made), they are matters of detail, and I want to refer to the general position of the Budget. As far as new policies are concerned, there is not much to talk about, because there are none. This Budget is one not of change but of continuation of existing expenditure procedures.

The Treasurer has tried to do his best to hold the line and to do no more than that, because of the difficulties with which he has been faced by the Commonwealth Government's policies. However, what amazes me in these circumstances is that, in the present political situation, people in this State who say they are concerned to maintain the rights of the States to be able to carry out their responsibilities are not, regardless of any sort of political consideration, out on the hustings to campaign for South Australia's getting its rights. I support the Bill.

The Hon. F. J. POTTER secured the adjournment of the debate.

GOODS (TRADE DESCRIPTIONS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 14. Page 2142.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the second reading. In order to make myself conversant with what the Bill is designed to do, I did some research into the principal Act and found that some of the matters contained therein were originally contained in the Trade Marks Act, 1892, which dealt mainly with trade marks and the legal effects of registration.

With the passing of the Commonwealth trade marks legislation, that part of the South Australian Act dealing with trade marks was superseded. The old South Australian Act contained several provisions dealing with trade descriptions. At that time much confusion existed among business people regarding the legality of the State Act, as many of its provisions had been superseded by the Commonwealth legislation. It was in those circumstances that the present Act was introduced in 1935, although it was not proclaimed until March, 1937. Section 2, which reflects the background upon which the Act was built, provides:

> This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the extent that where any enactment thereof would but for this section have been construed as being in excess of that power it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

It has been found that, because of the further education of people regarding the legal position of the Commonwealth and State Acts, it has not been necessary in recent years to include this type of provision in our legislation, the inclusion of which merely indicated the confusion that existed regarding State and Commonwealth legislation.

I think we all agree that it is desirable for goods to be supplied according to description on the label, which is the purpose of the principal Act. However, in past years there have been numerous occasions on which purchasers have asserted to me and to other members of Parliament that goods they have purchased have not been true to label, that descriptions have been falsified or that there has been misrepresentation. Indeed, this happens even today. The area from which most complaints come (I think every honourable member would have received some of these complaints) is the secondhand motor car field. Anyone passing a secondhand car sales yard would see notices on cars such as "completely overhauled" and "cars in as new condition". I should think most honourable members would have had constituents reporting to them their sad experiences after they had purchased secondhand vehicles which had been so glamorously described to them in notices.

I consider that the intention of the principal Act was to control this type of activity. In fact, we have other Acts of Parliament which could also cover this activity. A Bill to amend one such Act, the Textile Products Description Act, has come before us only this afternoon. I consider that the Act with which we are now dealing, the Textile Products Description Act, and the Fair Prices Act, 1924-1935, have not been used to any great extent to control the type of activity to which I have referred regarding misrepresentation, and I can see that it will never be properly controlled until we have some legislation along the lines of an unfair trade practices Act or an Act of a similar nature. The main administrative section of this Act is section 5, which states:

No person shall sell any goods to which this section applies unless there is applied to the goods themselves, or if so prescribed, to any covering, label, reel, or thing used in connection therewith, a trade description of such character, relating to such matters, and applied in such manner, as may be prescribed. This section applies to specified goods specified in accordance with the provisions of this section. The Governor may, by proclamation, specify the goods to which this section shall apply as and from a date specified in the proclamation not earlier than 12 months after the date of publication of the proclamation. The Governor may, by proclamation, revoke, amend, alter, or vary any such proclamation.

It is interesting to note how the Act has been applied and to what sort of goods it has been applied. I find that the one proclamation that was issued refers only to leather goods and it names in the schedule to the proclamation the variety of leather goods to which it applies. There is a long list of these, starting off with trunks, kit bags, suitcases and similar travel goods, and ending with such things as boxing gloves, cricket gear and golf bags, leggings, and so forth; in other words, the type of things that are made of leather. However, further on the schedule refers to fibre and vulcanite, or material resembling fibre or vulcanite, and also plastic. Regulations issued in regard to these items laid down how the description, which was necessary in view of the proclamation under section 5, should be worded. Also, the regulations limited the size of the article to which the description was to be made: it was stipulated that they were not to apply to articles of a total outside area measurement of less than 24 sq. in. or to straps. The regulations also laid down how articles should be described.

It is interesting to note that this is the only proclamation that was made, despite the fact that I, as a member of Parliament, have had people approaching me and complaining about descriptions of goods in all sorts of different fields that did not come up to the standard that they were described to be. It amazes me that there has been only one proclamation over all those years since 1935, and that that proclamation was issued exactly 20 years after the principal Act was proclaimed. It amazes me, too, that despite all these things that we have heard about there have been no prosecutions under the Act.

I had thought that this was an important piece of legislation, and it must have been considered so when it was first introduced. However, we find that it has not been used. This happens to much legislation which, when passing this Chamber, is considered by us to be important. Despite what appear to the layman to be breaches of this type of legislation, we find that there have been no prosecutions launched and that, as in this case, there have been no proclamations covering the matter.

The Hon. D. H. L. Banfield: Perhaps it was just window-dressing at the time.

The Hon. A. F. KNEEBONE: I do not know. We find that the amendments in this Bill are of only a minor nature and, in view of what I have said regarding the way the principal Act has been administered, it seems that they will not have a great deal of effect. From what I can see, the only important thing in the Bill is that, as all the States will be passing similar legislation, the Commonwealth Government will be enabled to ratify an industrial convention. If the Act were going to be properly administered, the effect of the amendment relating to the characteristics of goods would be important. The proper administration of the Act would be sufficient to protect people from misrepresentation and from being with requirements regarding the description of goods. Clause 3 provides that a description shall be a description of how goods can be used. It stipulates that a trade description shall describe the purpose for which the goods are suitable. That widens the area in which action can be taken against people who do not comply with requirements regarding the description of goods for sale. I support the second reading, and I hope that the principal Act will be better administered in future.

Before concluding, I would like to mention that the Act is under the administration of the Minister of Labour and Industry. I was most concerned to hear that the Hon. Mr. Coumbe, the Minister in question, had been laid low by illness. I am indeed sorry that such a conscientious Minister has been struck down. I hope that he will soon be on his feet again, and I wish him a speedy recovery.

The Hon. F. J. POTTER (Central No. 2): I support the second reading, but before speaking to the Bill I would like to associate myself with the remarks of the previous speaker, the Hon. Mr. Kneebone, and say that, along with all honourable members of this Chamber, I wish the Minister a speedy recovery from his present illness. He is a very hard-working Minister, and it is hoped that it will not be long before he will be able to resume his duties.

The honourable member who has just spoken in the debate was at one time Minister of Labour and Industry. I gather from his

remarks that he would have been surprised if in the course of his duties he had been confronted with a problem arising under the Goods (Trade Descriptions) Act. I do not think that the present amendments to the Act would change its effectiveness from the point of view of this State unless it is the intention of the Government at some future time to extend the operation of the Act by prescribing further goods to which its provisions shall apply. In addition, the Government may, perhaps, follow up people who sell goods not in accordance with the trade description.

The Act is limited to a covering label, or something used in connection with goods, and maybe that is one of the matters that has limited its application. I do not know exactly what has given rise to the introduction of this Bill, but I note that the Minister said that the main reason for its introduction was to enable South Australia to become a party to the Lisbon Revision of the Paris Convention for the Protection of Industrial Property.

I clearly remember that some few years ago it was common for international conventions to be referred to various State Governments to see whether or not legislation existed that was in any way comparable with the international convention, or whether, if such legislation was on the books, it was entirely on all fours with the convention. I rather suspect that this is the position here, and perhaps the reason for the proposed amendments is that an inquiry has originated from an international source and it has been found that although legislation in this State was at least something along the lines of the international convention, amendments were required to bring it more into line with that convention.

Having said that, it does not necessarily mean that the effectiveness of the Act within this State will be much different from what it is at the present time. It is good to have legislation, where possible, in line with international conventions, but this seems to me to be an obscure one. I have not heard of the matter before, and what it does I would not know, but it certainly appears from the Act that it is, perhaps, one of those long-forgotten things that could be used more effectively in the future. Whether it will be so or not is a matter for the Government to decide by administrative action whether to extend the operation of the Act beyond leather goods, as mentioned by the Hon. Mr. Kneebone.

The amendments are minor ones. I have not examined the international convention in question, but I accept the Minister's assurance that these small amendments will bring the existing Act nearer to the international convention, and accordingly I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Punishment."

The Hon. C. R. STORY (Minister of Agriculture): I thank honourable members for the attention they have given this measure. As was pointed out, it is a simple piece of legislation that gives the State, as mentioned by both honourable members who have spoken, an opportunity to step into line with other States, thus enabling the Commonwealth Government legislation to function better. My main reason for rising at this stage is to thank the two honourable members for their comments concerning the illness of the Minister of Labour and Industry. I join with them in hoping that he will soon be well, and I shall convey to him the expressions of good wishes for his speedy recovery.

Clause passed.

Clause 5 and title passed.

Bill reported without amendment. Committee's report adopted.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 14. Page 2150.)

The Hon. G. J. GILFILLAN (Northern): Previous speakers have made constructive and worthwhile contributions to this debate, particularly in connection with the serious problem of road accidents. Clause 5 inserts new subsection (1a), which provides:

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

This provision represents a new departure in amending legislation. The Hon. Mr. Bevan questioned whether a person should be forced to change the number on his vehicle. Personally, I do not think this is the purpose of the provision, but I shall be interested to see whether special provision is made for people who have a number that is of sentimental value to them. The Minister's second reading explanation gave little reason for this provision. Clause 10 relates to reduced registration fees for incapacitated persons. The Hon. Mr. Geddes raised a good point in connection with the period of 14 days within which the balance of the registration fee must be paid, following the death of the incapacitated person who had owned the vehicle. New subsection (3) provides:

If the registered owner of a motor vehicle that has been registered at a reduced fee in accordance with this section dies, or ceases to be the owner of the vehicle, the registration shall, subject to this Act, continue in force for a period of fourteen days after his death, or the cessation of his ownership, and shall, unless the balance of the registration fee, as defined in section 40 of this Act, is paid, become void upon the expiration of that period.

I believe the honourable member raised a valid point when he said that the period of 14 days is a short period in the circumstances that surround a person's death. Although the Minister has undertaken to consider the matter with a view perhaps to extending this period, I wonder why it is necessary at all. When a person dies it is only natural that the ownership of that person's vehicle will, within a reasonable time, be transferred to someone else either by sale or by inheritance. Surely the appropriate time for the payment of the balance of the registration fee is when ownership is transferred.

The small amount of additional time involved should make very little difference to the amount of revenue received by the Government and, in addition, we must remember that it is a very serious offence to drive an unregistered vehicle. New subsection (3) at present provides that the registration of the vehicle shall automatically become void upon the expiration of 14 days if the balance of the registration fee is not paid within that period. I ask the Minister: is such a provision necessary at all?

The Hon. A. M. Whyte: There is a provision in the principal Act that the registered owner can destroy the registration disc.

The Hon. G. J. GILFILLAN: In this case, because the registered owner has died, he is unable to destroy the disc. Clause 20 repeals section 89 of the principal Act and enables the Registrar to refuse to issue a licence to a person who is—

by reason of any judgment, order or decision given or made pursuant to a law of any other State or territory of the Commonwealth or of any country outside the Commonwealth, disqualified, prevented or prohibited from driving a motor vehicle in that State, territory or country.

I note that the Registrar has an option, in that he "may" refuse a licence. I can readily understand that co-operation between States is necessary in order that all people may be fairly treated. Extending this provision to disqualification in territories outside the Commonwealth is perhaps going a long way. I hope that, in the administration of this provision, people who have driven in other countries under different conditions and different laws will be given consideration. I now come to the topic causing honourable members most concern—the points demerit scheme. In this connection the Hon. Mr. Bevan and the Hon. Mr. Kemp made some very valid points. The Hon. Mr. Bevan said that this Bill does not list the points but merely sets out a proposition without actually defining the number of points that will be involved.

The Hon. S. C. Bevan: Or the offences.

The Hon. G. J. GILFILLAN: Yes. I realize that honourable members prefer regulation to proclamation. I question whether it is fair that clause 23 should provide for the making of regulations instead of writing a schedule into the Bill. As the Hon. Mr. Bevan said, although Parliament can disallow a regulation, it can be gazetted and be in force for some months whilst Parliament is in recess. Further, Parliament cannot amend a regulation, whereas it can amend legislation. Again, a member of Parliament cannot move to have a regulation altered in a positive sense but, if he feels it is justified, he can introduce a private member's Bill—

The Hon. S. C. Bevan: Or an amendment to the schedule itself.

The Hon. G. J. GILFILLAN: Yes. However, he cannot take this action in connection with regulations. I strongly believe that, if we are to answer the questions of many people outside this Parliament who are interested in the way this scheme will work, it is only fair that a positive schedule should be written into the Bill before Parliament is asked finally to vote on it. In his constructive speech the Hon. Mr. Kemp used an argument that I have used privately in that he said he believed that the allocation of points for an offence should be a maximum and not an arbitrary number, and that it should be left to the court to fix the actual number of points to be awarded against a person as well as the penalty to be imposed. I agree that this could cause more difficulty in the administration of the Act, because it is not such a simple procedure as it may appear to be at first sight.

The first consideration is the safety of people on the roads, but justice to those people is a matter of equal importance. Each misdemeanour in our various Acts, whether in relation to motor vehicles or to other things, is covered by a maximum fine. For instance, it may be that $100 is the maximum fine for

going through a "stop" sign. The courts generally take all relevant circumstances into consideration when fixing a fine. For instance, using the example I have just given of a maximum fine of $100 for going through a "stop" sign, in certain circumstances the court may fix the fine at $50. I see no real problem in allocating points in a similar fashion. For instance, if a misdemeanour carried a penalty of four demerit points, the court when fixing a fine of $50 instead of the maximum of $100 could easily at the same time fix two points as the penalty for that misdemeanour under the points demerit system.

The Hon. S. C. Bevan: The court today has power to delicense a person if necessary.

The Hon. G. J. GILFILLAN: That is true. Every person who drives on the roads today will, if he is honest, admit that there are times when through inattention or distraction he will commit a minor misdemeanour. Again referring to the offence of driving through a "stop" sign and bearing in mind the words "degree of culpability" used by the Hon. Mr. Kemp in his speech, a driver who fails to bring his vehicle to a complete standstill so that the wheels are stationary at a "stop" sign where there are no other vehicles in sight is committing an offence very different from that committed by a person who drives through a "stop" sign at 15 m.p.h. to 20 m.p.h. across a busy highway. Yet, under the arbitrary points demerit scheme, the penalty could be the same in each case. It is true that the court, under this proposal, may issue a certificate of triviality, but what is "triviality"? An offence carrying a maximum penalty of $100 is unlikely to be trivial, even though the person who breaches the law may do so in a minor way.

The Hon. F. J. Potter: It is not the offence; it is the circumstances surrounding it.

The Hon. G. J. GILFILLAN: Quite, but the matter of triviality is not spelt out. In the allocation of points and the administration of the Act, we are getting away from the whole principle of our legislation dealing with misdemeanours and offences.

The Hon. C. M. Hill: The principle of triviality applies to other Acts, too.

The Hon. G. J. GILFILLAN: Yes; I do not question the Minister's desire to make our roads safer to drive on but I do question the way in which it is intended that the points demerit scheme shall work. I agree that the prospect of having demerit points recorded on one's driving record will have an effect on many people. I wonder whether this will apply in all cases, that a person who has scored a number of demerit points may become a nervous driver instead of a confident driver—because over-caution can sometimes be as dangerous as over-confidence. There is still insufficient evidence over a wide field to show the effectiveness of the points demerit scheme as a means of reducing road accidents.

We have recently witnessed the concern in New South Wales, which has been referred to at length in this debate so I do not intend to go over it again. I do not oppose the principles of the points demerit scheme but I do question the manner in which it is intended to administer it under this Act. I certainly believe it is only fair that honourable members should know precisely what they are voting for, in the allocation of points, before the Bill passes through this Council.

The matter of the Supreme Court is important. We use the word "democracy" freely in Parliament. With other honourable members I believe that democracy does not finish in the ballot box: it is continued throughout the handling of legislation. One of the principles of democracy is equality of people before the law. When we write the Supreme Court into an Act of this description, we run the risk of depriving people without sufficient financial resources of the right of having their case heard. (Perhaps that is a bad choice of words, and I should say "depriving people of the opportunity".) However, even if this legislation was amended by substituting a magistrate for the Supreme Court, it would be a step in the right direction; but again there would be a number of people who perhaps would prefer to take their three months' suspension of licence and start again with a clean sheet rather than go to the expense of having the total of their demerit points reduced by a maximum of 25 per cent. Although this may be a move in the right direction, I do not think it is the answer to a right of appeal.

If the points are a maximum and not a fixed number of points for an offence and the allocation of them is left to the court, to be made in keeping with the penalty imposed, that is the time that the appeal should be made, when there are grounds for

appeal. That is the point when this should be done, and not at this final position of appealing against the total points awarded.

I have one further question to ask the Minister, and in this respect I refer to clause 29, which refers to the responsibilities of the insured person when his spouse is injured. It strikes out paragraph (*d*) of section 118 (5) and inserts in lieu thereof the following:

(*d*) within such time as would prevent the possibility of prejudice to the insurer,

given to the insurer full particulars of the act, omission or circumstances alleged to have caused the injury and to have given rise to the cause of action and the date and place on and at which the act, omission or circumstance occurred.

Although these words apply elsewhere within the Act, I am interested to know what is meant by "within such time as would prevent the possibility of prejudice to the insurer". It appears to me that this sentence has a wide application, and I should appreciate clarification of that point.

I return now to a point that I missed previously in relation to the registration of motor vehicles and the assessments of horse power. Clause 8 is meant to cover new rotary-type engines. The present Act contains a formula for assessing the horsepower of each type of vehicle, with either a piston motor, an electric motor, or a steam engine, and the only category that is left to the Registrar's discretion is that of a steam engine, if it does not have a fire grate. All the other provisions relating to this matter include a formula, although I admit that the formula regarding piston engines is somewhat out of date, and I wonder why the section has not been amended in view of modern engineering, where there is a trend towards engines with a larger bore and a shorter stroke. The Act provides that the horsepower is assessed on the bore only without regard for the stroke of the motor, which has a large bearing on its developed horsepower.

I therefore question whether it is wise to include this type of provision in the Bill without attaching a formula to it, because it should be possible to include a formula to assess the horsepower of a motor of this description. If there is not a formula, how can the horsepower be assessed? This type of engine in new to the public in the engineering field, and it must sell in competition with other types of engine, and any mistake that is made in the assessment of the registration could affect its popularity. Some commercial interests could be involved, and for this reason we should ensure that the formula cannot be misconstrued.

The Bill needs serious consideration and alteration in relation to its points demerit proposals before it is passed by Parliament. At present the Registrar has some wide powers under section 80; that section is to be repealed and replaced by clause 17, which is couched in similar terms. That clause enables the Registrar, if he considers that a person is unfit to have a licence, to cancel that licence and to specify that a person must take certain procedures and tests before his licence can be issued. Therefore, the present Act already contains powers whereby the Registrar may question the renewal of a person's licence and he may refuse a renewal. This can be done without the points demerit system. I am not aware (and perhaps the Minister could elaborate on this aspect for me) whether any offences against the Road Traffic Act are listed with the Registrar. I have no doubt that this action could be taken administratively if there was a dangerous driver on the road.

The Hon. A. J. Shard: You would need a good type of filing system for that.

The Hon. G. J. GILFILLAN: That would be necessary under the points demerit system: records will have to be kept. With those remarks, I support the second reading.

The Hon. JESSIE COOPER (Central No. 2): I support the Bill, and in doing so congratulate the Government on taking a definite step to name the people who are consistently nuisances on the road and who menace the smooth working of our modern transport system.

The Hon. C. M. Hill: And they kill and maim others.

The Hon. D. H. L. Banfield: People are still being killed where points demerit systems are in operation.

The Hon. C. M. Hill: But the fatality rate is increasing all the time.

The Hon. JESSIE COOPER: We are constantly told to change this and that in the matter of traffic control. Every variety of panacea is recommended to us, but the real problem is that too many people on the roads are completely unwilling to follow the simple rules prescribed for the safe physical movement of vehicles. We have far too many consistently careless and selfish drivers using the roads who commit a series of minor

offences until they cause someone's death. This type of points demerit system, which keeps a record of offences and ultimately entails loss of one's licence, may well be an excellent way of reducing the number of mentally incompetent people driving motor vehicles.

When I refer to selfishness and incompetence on the roads, I am bearing in mind that the greatest single group of road deaths in South Australia in the present time of very fast motor vehicles has not occurred in collisions between motor vehicles or between motor vehicles and pedestrians but has recently been occurring on more or less open roads as a result of the incompetent handling of high-speed vehicles which have run off the road, turned over, gone off the road at corners or hit trees. For these reasons, people are dying on our roads in groups of two, three or even four at a time.

I suggest that the type of person who handles a vehicle carelessly at high speed is frequently the same person who is a nuisance at low speed in ordinary traffic situations. I can give an example of this, and I am sure that every honourable member could also give examples of the person who stalls his vehicle or is unwilling to move off at busy intersections. Such a person looks this way and that and becomes petrified, yet once he crosses the intersection he speeds off at about 50 miles an hour ahead of the traffic that he previously kept waiting. Either such a person has a low intelligence quota or has slow reactions to danger. In any event, in the words of A. A. Milne, such persons are "bears of very little brain".

The Bill is designed to catch the person who consistently fails to control his vehicle in the prescribed manner and who is fundamentally undesirable behind the wheel of a motor vehicle. I therefore support the Government wholeheartedly. However, I am not completely satisfied with one matter about which the Hon. Mr. Geddes spoke last week and the Hon. Mr. Gilfillan spoke today. I refer to clauses 10 and 11, which relate to the registration of vehicles owned by incapacitated persons. Clause 10 (3) provides that should an incapacitated person die while holding a registration at a certain fee, such registration shall become void 14 days after his death. I ask honourable members to note that there will be at this stage, presumably, no communication to this effect from the Registrar of Motor Vehicles to the deceased's executors or the lawyers or, indeed, the heirs, for it cannot be presumed that the Registrar will examine all certificates of title or even be aware of the names and addresses of those holding responsibilities associated with the deceased's estate.

We have here the situation where a motor vehicle, being portion of a deceased person's estate, may be used and moved while unregistered; in other words, the registration has become void before the executors have had a proper chance to examine the papers and assets of the deceased. This is a dangerous situation when one realizes all that having an unregistered vehicle entails.

I cannot believe that there will be many cases falling into this category, and I feel that an amendment extending the 14 days to three months would be reasonable and sensible. I cannot see that such an amendment would mean much loss in revenue, and I hope that the Minister will look into this matter. Otherwise, I support the Bill most firmly.

The Hon. D. H. L. BANFIELD (Central No. 1): I support the second reading of this Bill, which makes a number of amendments to the Motor Vehicles Act. Clause 3 amends section 12 by adding to the number of farm implements already exempted from registration. I have no objection to this amendment, although I point out that it merely highlights the protection given to primary producers compared with other sections of the community. Clause 5 allows the Registrar at any time to amend or vary the number allotted to a vehicle. Obviously, there is a good reason for giving this power to the Registrar. However, it is a pity that the Minister did not take this Council into his confidence and tell us for what reason the Registrar requires this power, and I hope that he will give us this information before the Bill gets into Committee.

I join with other speakers in their hope that if the Registrar exercises this new power it will be without any added expense to the owner of a vehicle. However, in no part of the Bill is this stipulated. We assume that the Registrar will do this under his own steam, as it were, and that possibly it will be without added expense to the owner. However, I should like an assurance from the Minister that this is to be so.

Clause 9 extends the category of certain vehicles that may be registered without fee. I am also in accord with this provision. It is nice to see that under clause 11 certain invalid pensioners need pay only one-third of the prescribed registration fee. However, I point out that some primary producers' vehicles are allowed on the roads free of

registration fees and that some other vehicles operated by primary producers are allowed on the roads for one-quarter of the prescribed registration fee. This brings me back to the point I made earlier that primary producers seem to be very well protected whereas other members of the community, especially the invalid pensioners, are not so well looked after.

The main interest in this Bill centres around clause 23, which provides for the points demerit scheme. When this scheme was first mooted it was said that the Bill would make provision for corrective measures. However, there is no measure in the Bill that I can see which provides any type of corrective treatment for a driver. The plain fact is that if a driver has his licence suspended after accumulating a certain number of points he is simply debarred from having a licence: he is not entitled to go to a learner's school to pick up on where he missed out, and at the end of three months this same reckless driver is handed back his licence without having been subjected to any corrective measures to make sure that he is less dangerous on the road in future.

This clause introduces the system about which the Minister made certain dictatorial statements earlier in the year when he gave the impression that he was to be the strong man of the day and that he would not bend in any circumstances. It is obvious from the journal published by the Royal Automobile Association that he clashed badly with that body to the extent that he has had to bend somewhat. I do not think he bent far enough but, nevertheless, under weight of pressure and with the elections not far off, he decided that he had to take a different stand from what he had taken 12 months earlier.

The Hon. C. M. Hill: The election is a long way off.

The Hon. D. H. L. BANFIELD: The Gallup poll is already showing a swing against the Government to the extent that it indicates the Government might find itself out a little earlier than expected.

The Hon. C. M. Hill: You are getting the elections all mixed up.

The Hon. D. H. L. BANFIELD: No, I am not. The fact is that the Minister has his statements mixed up. First, he was not going to bend one little bit in regard to the Bill: he was going to wield the big stick. However, he has now bent somewhat under pressure.

The Hon. C. M. Hill: You mean that I have been democratic.

The Hon. D. H. L. BANFIELD: If the Minister had been democratic, certain measures that are now contained in this Bill would not be there today. In fact, there is no sign in this proposal of anybody having been democratic. I say that the Minister has bent somewhat from his earlier position, because the Bill is different from that promised by the Minister some months ago. It was suggested that the introduction of the points demerit system would be the means of lessening the accident rate on our roads. I am not fully convinced that this system will achieve the desired effect. However, I am prepared to lend my support to the principle of the scheme in the hope that it will do something to lessen the accident rate which, as we know, is far too high at present.

Unlike the Hon. Mr. Hart, I am not happy with the idea of the Government's having the power to make regulations providing that a prescribed number of points shall be recorded against the person convicted of a prescribed offence. I consider that Parliament should know how many demerit points are to be debited for certain offences. Some people have already suggested that the accumulation is likely to be 12 points, while others have said that three points will be debited for certain offences. However, at no stage has the Minister given any indication regarding the number of demerit points, either for the accumulation or for the numbers for various offences, and I think this is wrong. As has already been pointed out, regulations could be introduced when Parliament was not sitting. Already it has been whispered around the corridors that we will not be in session after mid-December this year until June of next year.

The Hon. C. M. Hill: I don't know where you heard that.

The Hon. D. H. L. BANFIELD: Perhaps it was something louder than a whisper: perhaps it was fact. If the regulations come in in January and they are too severe, we cannot do anything about them until some time in June, and then all we can do is disallow them: we cannot amend them. Yet the Minister suggested a moment ago that I said he was being democratic. I do not think he is being democratic. He was adopting a dictatorial attitude in the early stages, and in this matter he seems to be adopting the same attitude. If the Minister already knows what

the number of points is going to be, what is wrong with his putting this in the schedule, and what is wrong with this Council debating that matter? What is wrong with this Council having the opportunity to amend the schedule if it so wishes? Perhaps there is something sinister behind the move to provide for this matter in regulations. I do not think it is a reasonable proposition.

I hope the Minister will have second thoughts on this matter and allow the Council to debate the question of the number of points to be allocated. I believe that some time ago the Minister, in his desire for publicity, gave a hand-out to the press about what he intended doing. However, he has not said a word about it to this Council. I wonder whether that was only a publicity stunt, and I wonder also whether what he envisages might be something worse than what he forecast some time ago. What is wrong with its being in the Bill at this stage? If the Government knows what it intends doing, surely there would be nothing wrong in including a schedule in the Bill.

With regard to the provision concerning the suspension of a driver's licence for a prescribed period not exceeding three months, I think that Parliament should be able to decide the prescribed maximum period. We do not know whether the period will be three months or what it will be. Why does not the Minister say that the period shall be three months instead of inserting in the Bill a provision for a "period not exceeding three months"? If it is to be mandatory at the time of a licence suspension, then it should be clearly stated in the Bill and not merely provide that, by regulation, the period will be "not exceeding three months". I suggest that a maximum period should be prescribed, with the right of a defendant to have a court decide what the period of suspension should be. I agree with other honourable members that a court should decide on the period of suspension after hearing all the evidence in a case.

The Hon. Sir Arthur Rymill: Why not a computer?

The Hon. D. H. L. BANFIELD: I see that in Japan it is being done by way of computer, and possibly that would be a fairer system; at least in that country they know what the situation will be. The information is fed into a computer and the person concerned knows the period of suspension that will be prescribed after all aspects of the case have been taken into consideration. That could possibly be a fairer way than that proposed by the Minister in making it mandatory. At least it gets the case to a court, because I understand that in Japan the computer is to be operated under the direction of a court.

I do not think it reasonable that a driver who has accrued a prescribed number of demerit points on minor charges should lose his licence for the same period as the driver who has accrued his total demerit points by consistent major breaches of the traffic laws. I think that a system of that kind is wrong, and that a court should be entitled to take into consideration all the circumstances in connection with a particular case.

I agree with the provision that the Registrar of Motor Vehicles shall notify a driver when he has accrued half the allowable number of demerit points, but that does not go far enough. I think the Registrar should call the driver in question before him and point out where he is making mistakes and tell him how it is possible to correct them. Merely to notify the driver that he has accumulated half the allowable number of demerit points will not be of any help, but if the Registrar called that driver in and perhaps gave him some advice—sent him to a psychologist or sent him somewhere for treatment—then that may assist the driver in correcting his faults, and I believe it would be a good system. It would be of no help to a driver merely to be given a notice advising him that he has accumulated half his allowable number of demerit points.

The Hon. R. A. Geddes: Would you send the Registrar of Motor Vehicles to a psychologist?

The Hon. D. H. L. BANFIELD: No, I have great faith in the Registrar; I believe he is a sound person, and he is already "putting it over" the Minister, so he is a capable person, too. He wants to take as many powers to himself as are held by the Minister, so he is just as capable as the Minister is. Therefore, if the Registrar has to be sent to a psychologist, then the Minister must go along also.

The Hon. C. D. Rowe: If you brought a man over from Ceduna, do you think the Government should pay his fare?

The Hon. D. H. L. BANFIELD: The Government is not going to pay anybody's fare; it will not pay the court costs if an appeal is brought before a court, even if the defendant should win that appeal. Surely the honourable member does not think the Government would pay the fare? It could be that somebody in Ceduna could be called to the police station there to be given instruction; the person would

not go to Adelaide for a driving test if he had to take one—he attends at the nearest police station, and surely an offending driver could be directed to the nearest police station to be given sound advice? A driver gets his licence from a police station, and he could be given advice at the same place.

With regard to paying out money, the Minister does not believe that when a defendant wins an appeal he should be awarded costs. That is only another instance where the Government does not want the matter to go to a court. The cost acts as a deterrent by stopping a motorist from lodging an appeal against something that the motorist considers he has had unjustly inflicted upon him.

The Hon. R. C. DeGaris: How could he be "unjustly inflicted" with it?

The Hon. D. H. L. BANFIELD: Because, without having the circumstances of the case taken into consideration—it may be involvement in an accident—the driver is inflicted with, say, three demerit points. Once a matter has been decided by a court, irrespective of whether a defendant was involved in a major or a minor accident, the defendant must be given a certain number of demerit points to be added to his total. That is where the system is unfair. Why not let a court decide upon a fair number of demerit points in a case of that kind? That is why I say that the system is unjust, because it is a mandatory system and does not take into consideration the circumstances surrounding an accident.

As an illustration, a man may be driving along King William Street at 25 m.p.h. during a peak hour traffic period and the car in front of him may stop so suddenly that the driver behind is unable to avoid a collision. In that case, it would not be the man in the front vehicle who committed the offence, but the man behind him, who had no possibility of avoiding a collision. The driver of the latter vehicle would be charged, and obviously he would be guilty because he had not been travelling the prescribed distance behind the vehicle in front of him. The resultant accident would not really have been his fault, and yet he would be awarded the same number of demerit points as the person who deliberately drove into the back of another motor vehicle. Of course the system is unfair! Let the court decide on the merits of the case—never mind the demerits; let the court decide and award the demerit points.

I believe that the court must have the right at all times to decide on a penalty to be inflicted on any person. It has the right in criminal cases to vary a statutory maximum penalty; surely if it has that right it should have the right in the circumstances I have outlined of deciding demerit points to be awarded against a driver. I am opposed to the existing provision. Paragraph (11) of the points demerit scheme reads:

> If a court is satisfied by evidence given on oath that an offence is trifling, it may certify accordingly, and if such a certificate is given, demerit points shall not be recorded in respect of that offence.

I suggest that, if an offence is that trifling, there should not be any demerit points allocated for that offence and it should be noted in the schedule—

The Hon. R. C. DeGaris: Isn't the honourable member arguing against the previous point he endeavoured to make?

The Hon. D. H. L. BANFIELD: The provision is in the Bill, and I have already said that where an offence is trifling it should not attract any demerit points. On the other hand, the Minister says that it shall attract one to 12 demerit points. If an offence is trifling and a court has to decide on the number of demerit points involved, then why should any demerit points be awarded for a trifling offence? In leaving it to the court to decide, it could be left to the person defending himself to ask the court for a certificate that the offence is a trifling one. I suggest that if the Minister thinks there is some occasion where awarding of demerit points is not warranted, then the Bill should provide that demerit points should not be awarded against the defendant for a trifling offence. Paragraph (12) of the points demerit scheme reads:

> 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 informing him that his licence has been suspended and he is disqualified from holding or obtaining a licence and the suspension shall take effect upon the service of the notice, or where a suspension or disqualification has been otherwise imposed, upon the expiration or termination of that other suspension or disqualification.

This, again, is quite contrary to what happens in the courts at present. If a man is before a court on two counts and is sentenced to three months' gaol on one count and to one week's gaol on the other count, the court often allows these sentences to be served concurrently. However, the court has no opportunity to do this under this Bill: it distinctly says that the period of suspension shall not be served during the period of the previous suspension. New section 98b (15) 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.

This provision is most unjust because, if the convicted person wins his appeal, at least some of the costs should be paid for by the Crown. This provision acts as a deterrent to a motorist, but he should have the right to recover part of the costs if he wins his appeal. I support the second reading.

The Hon. Sir NORMAN JUDE secured the adjournment of the debate.

UNDERGROUND WATERS PRESERVATION BILL

Adjourned debate on second reading.

(Continued from October 9. Page 2112.)

The Hon. A. M. WHYTE (Northern): I support the Bill. I am well aware of the shortage of water in this State, and I am in accord with legislation to place its distribution under control wherever that control will preserve our meagre water supplies. Similar legislation has been in force in various countries for many years, and legislation in this State has attempted to control the supply and pollution of underground water. The honourable members representing the Midland District and the Hon. Mr. Kemp made very good contributions to this debate when they referred to the position in the Virginia area, in the Adelaide Plains basin. These honourable members fully understand the acute position there, the need to preserve the supplies available, and the need to distribute them in the best possible way.

The Bill has been very well framed. The provisions relating to the right of appeal and the advisory committee have been well considered. I am sorry that such a Bill could not be termed a Bill for an Act to provide (as well as preserve) underground water, because not enough has been done to increase underground water supplies throughout the State. In saying this, I do not wish to detract from the efforts of the officers of the Mines Department, who at all times have been most co-operative and have sent geologists and hydrogeologists whenever and wherever they have been available. I can say quite sincerely, however, that there are not sufficient of these officers in this State and nowhere near enough investigation has been made of our water resources.

Not sufficient investigation has been made, either, to see whether there are underground water supplies in areas not yet covered. The

Stockowners Association recently drew a series of maps and suggested to the Minister of Mines that Commonwealth aid be given to assist in the search for underground water in this State. I believe the Commonwealth Government is sympathetic toward this suggestion, and the Minister of Mines thought that the areas depicted on our maps were well worth investigating. However, at present the department is hamstrung because it does not have sufficient qualified staff to carry out the necessary search. I hope that this position can be rectified very soon.

Too much has been left to those intrepid souls who pushed out into dry country and who, over the years, have provided much of the State's income. Very little credit can be given to Governments in this connection. If a detailed survey could be made by experts and if a series of drillings could be undertaken in various areas, geologists could supply the necessary information to be passed on to the private individual who is at present using his own resources to find water

During the search for oil, good supplies of stock water were found in several areas previously regarded as quite waterless. I wonder whether, during seismic surveys, full use was made of the data gained from the drilling. (I realize that most of the drilling was only shallow.) Some money spent on the search for water has not been used to the best advantage. At one time drilling expeditions were limited to a depth of 250ft. in areas where water had not been found, and it seems ridiculous that several of these holes were not continued to perhaps 1,000ft. The plant was sufficient and the driller was competent, and I am sure he could have provided considerable knowledge of the strata in the area.

It is vital that further investigations of this State's underground water resources be made as soon as possible. Clause 6 makes efforts to define a "defined area"; it provides:

"defined area" means an area constituted a defined area by regulation.

This is good legislation in that it gives Parliament and those concerned some chance of speaking against an area being constituted a "defined area". Perhaps the Minister could give me some further information on clause 13, which provides:

(1) A permit shall not be transferable except by the endorsement of the Minister upon the permit.

(2) The holder of a permit shall, within fourteen days after any change in the ownership or occupation of land in respect of which

the permit was issued, give notice in writing, personally or by post, to the Minister of that change in ownership or occupation.

Penalty: Two hundred dollars.

(3) 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.

I wonder whether the holder of a permit should not give notice to the Minister prior to the expected change of ownership. If a purchaser of land is to be faced with the possibility of a reduction in the terms of his permit after the purchase has been made, he will be at a disadvantage and may find that the property he thought capable of producing X amount of produce will be curtailed in its production because the Minister found it appropriate to alter the terms of the permit. Perhaps the Minister will explain further why this provision of giving notice within 14 days after any change in the ownership or occupation of land was written into this Bill. Clause 20 provides:

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

Subclause (3), which is of consequence, provides:

The provisions of this section shall not apply to or in relation to an artesian well from which the flow of water is not continuous unless the Minister by notice in writing served upon the owner of the land on which the well is situated directs that this section shall apply to and in relation to the well.

There are some 127 flowing artesian wells in this State, most of which have been flowing for 50 or 60 years. It would be very expensive to cap them completely at this stage. As honourable members know, a bore (and especially the casing) must be in good condition before it can be capped. If these bores were to be recased and possibly cement-lined, it would involve millions of dollars to cap all the flowing bores in this State. After all, much of this water is not lost, because it returns to the basin. This provision allows the Minister in his discretion not to enforce some stupid regulation that I have heard spoken of in many places where people without experience, noticing a flowing bore, would at once say, "This is a shocking waste; it should be capped." Apparently, the Minister is aware of the situation and has written into the clause this provision that he himself must give the direction before action can be taken.

The various committees have been well formed, including the Underground Waters Advisory Committee of at least seven members. I note that, of the departments concerned in these matters, only the Lands Department has no representation on that committee. I am not sure whether the Lands Department is not as much concerned with the conservation and administration of underground waters as any of the departments mentioned in clause 24. However, that may not be of great importance; I merely refer to it.

Clause 28 deals with well drillers. Until I read this Bill thoroughly, I was concerned about the qualifications of well drillers and that the private landowner might be denied the right to drill on his own property; but this point is covered amply in subclause (3), which 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.

Well drillers are not easy to acquire when they are needed, nor are they inexpensive to employ. Many private concerns have drills of their own that they operate during the slack periods of the year.

The Hon. R. C. DeGaris: That applies only in defined areas.

The Hon. A. M. WHYTE: This provision refers to the qualifications of a well driller. There is nothing to restrict a private landholder with no qualifications from sinking a well. However, I shall have another look at the amendment on the file. Apart from that, I support the Bill. It is well designed, has been carefully thought out and should do everything it is intended to do.

The Hon. R. C. DeGARIS (Minister of Mines): I should like to thank honourable members for their contributions to this debate and the manner in which they have studied the legislation. We all appreciate the fact that in South Australia it is necessary to have, may I say, watertight legislation for the control of underground waters. Several points have been raised by honourable members and perhaps I can go through them quickly to give some further information. First, in clause 6, which has engaged the attention of many honourable members, the Hon. Mr. Kneebone questioned the dropping of the definition of "deterioration" from the definitions clause. I point out that the decision to omit the definition of "deterioration" was taken on the advice of the Parliamentary Draftsman. There is no modification in the meaning of the word, which means deterioration in quality, and "deteriorate" has a corresponding meaning.

The definition of "contamination", meaning pollution bacteriologically or by the drainage of industrial or other wastes, could be reinserted; "contaminate" has a corresponding meaning also. We have received advice from the Parliamentary Draftsman that there is no need for these words to be defined in the Bill, although I would have no objection to this happening if the Council considered it desirable.

I congratulate the Hon. Mr. Kneebone on the amount of work he has done on this legislation; he was extremely well advised on the Bill, clause 6 of which drops the definition of "Minister". The Hon. Mr. Kneebone questioned why this was done, and in this respect I have been advised that there would be no objection to this definition being again included in this legislation, although the Draftsman informs me that this is not necessary as the word is already defined in the Acts Interpretation Act.

The word "curtilage" is used in the definition of "well" in clause 6. The meaning is "in the immediate environs". The definition in the previous Act was "roof or pavement run-off in a private dwelling". I am advised by the Draftsman that "curtilage" has been included as it is a better definition for this area. Some difficulty was experienced in the use of the words "pavement run-off" in the principal Act, and the Draftsman considers that "curtilage" is better.

The Hon. Mr. Kneebone also referred to a well being drilled rather than being sunk and asked whether "constructed" would apply only to work carried out above the ground, and whether "drilled" would apply only to work carried out underground. I point out that "drilled" is the normal term used for the construction of a well which is drilled, whereas "sunk" is normally applied to something that is dug. Methods other than drilling would be covered by the word "constructed". This word is used in legislation in other States to include underground as well as above-ground work, and I am sure "construction" includes any construction below ground level. Perhaps there might be some confusion between the words "construct" and "erect". The former covers fully any underground work that may be envisaged, whether in the sinking or in the drilling of a well.

Clause 13, which was also mentioned by the Hon. Mr. Whyte, refers to the terms of transfer of a permit. I believe there is a great need for the Minister to vary the conditions as required and as circumstances demand, as the work of new owners or occupiers of land may differ from that of the previous owners. The transfer of a permit does not necessarily involve the ownership of land, as a change of occupier may occur. It is not considered that any change in the permit will be made other than for defininte purposes. Perhaps I could give an illustration of this point.

The policy of fixing a quota has not been followed to date, although it may well be that in the future quotas will depend upon the crop being grown. Regarding the reduction in the usage of water in the northern Adelaide Plains by 15 per cent, a policy of having a different allocation for different crops has not been followed, although in the future it may well be the policy of this or any other Government. In these circumstances a change of ownership or occupier might result in a change of crops being grown in that area, in which case it would be necessary to alter the permit in relation to the amount of water being used from a certain well. I give this as an example of where it might be necessary, if this type of regulation comes to fruition, for the Minister to have power to vary a permit when a change of owner or occupier of land occurs.

A fair point was raised by the Hon. Mr. Whyte and perhaps by other members in relation to clause 13. It may be advisable that notice should be given prior to the change of ownership of land, but I leave that decision to the Council. I cannot see why the Minister should expressly alter a permit unless strong grounds existed for altering the quota of water used for a particular purpose. A fair point is being raised here: that possibly, in the transfer of ownership of land, a new owner should have some information regarding whether his permit is to be altered by the Minister.

The Hon. S. C. Bevan: He has to furnish all the relevant information to the department.

The Hon. R. C. DeGARIS: That is true, and we must accept also that many land sales are at present being made. If the evidence that sometimes comes before the Minister is accurate, it appears that some guarantees have been given to prospective purchasers of land that a permit will be granted to them if they purchase. Such information has been given to me on numerous occasions, but I cannot say whether it is accurate. Any person who intends to purchase land in a defined area should inquire as to his possible future entitlement before he signs any transfer in respect of the land. Also, any person who

intends leasing land or buying land from a person who has a permit should immediately check with the department whether any alterations to his allocation might be made before he signs a contract to purchase. I realize that this is a difficult question, and I have considered advising the Real Estate Institute that the Government would like all people intending to buy in this area to make full inquiries of the department before purchasing such land regarding their likely future water use and of their chances of obtaining a permit.

The Hon. Mr. Kneebone raised a question regarding the omission of the words "or deteriorated" in clause 17. The use of "deteriorated" water, bearing in mind the definition, is a quality factor, that is, involving a rise in salinity. This does not require legislative action, whereas "contaminated" water poses a potential health problem. This is the reason why the words "or deteriorated" have been deleted.

A question was also raised regarding the use of the words "in the vicinity of the well" in this clause. In the Act the words "around the well" are used. We feel that the wording "in the vicinity of the well" is more specific. However, it would be unwise to be more specific because of the variations in conditions with different wells. The headworks of a well and the works around a well always vary, and we consider that the phrase "in the vicinity of the well" fits the specific case better than the words used in the principal Act.

The Hon. Mr. Kneebone raised a further question regarding clause 24, and I think the Hon. Mr. Dawkins also spoke on this clause. The question raised concerns council representatives on the advisory committee. This brings the method of appointment of all members of the committee into line. I think I can assure this Chamber that we will continue to consult councils before making appointments in this category of member.

Several honourable members raised queries regarding clause 28 (3), particularly on the question of landholders and employees being exempt from licence requirements. From the departmental point of view, I would raise no objection to the deletion of this clause. However, it has been maintained in the legislation because, if my memory serves me correctly, this Council decided on its inclusion some time ago and, being a person who has always leaned very heavily on any vote taken in this Council, I have retained the clause in the present legislation. I assure honourable members that if the Council considered that this clause should be deleted I would raise no objection.

The Hon. S. C. Bevan: Don't you think that would defeat the whole purpose of the Bill?

The Hon. R. C. DeGARIS: As I said, I have very great respect for the wisdom of a vote in this Council and, as there has already been a vote on it on another occasion, I can see that there is some merit in retaining the clause. I point out that if the clause was deleted the deletion would apply only to drilling in defined areas, which are to be defined by regulation: areas outside the defined areas would not be affected. From the department's point of view, I consider that there is some merit in the suggestion made by certain honourable members that this clause could be deleted. However, as I have said, I am also influenced by the fact that this Council in its wisdom included this provision on a previous occasion.

With regard to the comments that have been made about clause 29, I had a full explanation with me of the various licence types envisaged under this clause but, unfortunately, I cannot at this moment find it amongst my papers. The Hon. Mr. Kneebone could check with me again on this matter when we get into Committee or I could supply to him personally the information on the licence types that we envisage.

Clause 30 deals with the qualification for a licence and specifies that a person must be a fit and proper person to hold a licence. The Hon. Mr. Kneebone raised a question on this matter in his second reading speech. The issue of a licence may be taken by a landowner as an acknowledgment by the Minister that the licensee not only has the necessary technical efficiency but also is a suitable person to be permitted to enter and remain on his property. Action under this clause would not be taken lightly, and it is expected that it would be rarely used. Under clause 45 (*d*), cancellation of licence may be appealed against.

There are other factors involved in the issue of a licence. I think we all appreciate that a person who has a licence or is to be given a licence will be going on to people's property, and I think one would require some assurance regarding the character of a person before issuing a licence. For instance, a person who possesses all the qualifications to be an expert driller may be an habitual criminal, and

I think the Minister should have the right to refuse such a person a licence. I consider that the Minister should have some control of factors other than a person's actual technical qualifications for a licence. I think this is perfectly fair and reasonable, for I do not expect that any Minister would use the power under this provision other than for the protection of the public.

The Hon. S. C. Bevan: He would have to be pretty sure of his grounds for objecting.

The Hon. R. C. DeGARIS: Yes. Exactly the same situation exists in relation to second-hand dealers. I think everyone will appreciate that it is necessary to have some control over this matter. The same thing applies in many other fields, and I point out that exactly the same provision exists in other States.

Regarding clause 42, the Hon. Mr. Kneebone raised a question about the equal division of appeal board opinion. As the appeal board is a judicial or *quasi*-judicial body, these provisions have been framed accordingly, and the procedure set out in clause 42 (5) (*b*) is a normal procedure in the case of such tribunals.

Several honourable members during the second reading debate raised a query with regard to officers of the Mines Department attending a hearing of the appeal board. This is dealt with in clause 44. Under clause 47 (3), a party to an appeal may be represented by counsel or other representative, and clause 44 extends from that in that, having chosen to be represented, he should not be summoned to appear. I consider that the Minister, through the Director, should have the right to determine which officer of the Mines Department is made available after due consideration of the matters before the board and that a similar right of choice should be available to the appellant. This has always been the Crown's attitude in this matter. This right is also extended to the appellant, and I consider that the provision is only right and proper.

The Hon. Mr. Kneebone has on file an amendment in relation to clause 55. This amendment is to strike out "Director" and insert "Minister". This should apply in subclauses (2) and (3) and also probably to clause 56 (2). I will leave it to the honourable member to correct these matters in the Committee stage. They are drafting oversights, and the Government will accept the amendments. The Hon. Mr. Hart asked how the proposed quotas for the northern Adelaide Plains would be applied and whether they had been announced. I assure the Council that the quotas have been announced.

On September 8 I made a press statement on this matter. The quotas will be on the basis of 1967-68 as base year and will operate from April 1, 1970. The quotas will be designed to achieve a 15 per cent reduction in total consumption by applying a determined annual gallonage to the acreage irrigated in the base year 1967-68. Calculations will be made as follows: 600,000gall. an acre on the acreage shown in the 1968 land use survey conducted by the Mines Department; 60,000gall. a glasshouse on the number shown in the same survey; 85 per cent of individual consumption in respect to industrial consumption; no specific quota where headworks make it certain that the well is used solely for domestic or stock supplies; meters to be installed at Government cost and annual charge to be made of approximately $24 a year to cover installation, maintenance, reading and rental of meter head.

In connection with clause 10, the Hon. Mr. Hart asked about the effect of lowering pumps into wells. This could cause inconvenience to a neighbour whose pump was set at a higher level, and this has always been possible, but in practice it is believed that it occurs infrequently. It would be extremely difficult to control and police the depths at which pumps are set, and it is considered that it would cause more problems than it would resolve. If we controlled the level at which the pump was set we would need a large staff for checking purposes, so the easiest way to control the situation is to control the amount of water used.

Regarding clause 22, the Hon. Mr. Hart raised the question of "reasonable requirements". Consumption in defined areas can be controlled by clause 17, and the clause is, therefore, for application in a general sense outside such areas. It would be invoked where the extraction of water was obviously resulting in waste.

Clause 24 deals with the membership of the advisory committee. An appointment under paragraph (*g*) could be in either a permanent or a restricted capacity depending on the terms of his appointment by the Minister. Regarding clause 26, no difficulty arose in regard to the Chairman's voting powers in connection with the previous Act, where the same provision applied.

The Hon. S. C. Bevan: There was a good Chairman.

The Hon. R. C. DeGARIS: Yes. In connection with Part IV, the Hon. Mr. Hart raised the question of the continuity of licences. This matter is dealt with in clause 5 (2). The Hon. Mr. Hart dealt with the variation of permit conditions during progress of work. This contingency is provided for in the wording of the permit, which provides for on-site variations by an Inspector of Underground Waters where, in his opinion, such variations are necessary or desirable for the safe and successful completion of the well.

In connection with clause 40, the Hon. Mr. Hart asked whether the board member who is to be a qualified landholder is to be the same man on all appeals. This is intended, as it is thought that a qualified and experienced man should be capable of informing himself adequately over a wide range of agricultural conditions.

One question referred to the provision of penalties. Under section 75 of the Justices Act, the magistrate has discretion in the amount of fine imposed, and legal advice is that the wording does not mean a flat penalty of the amount stated. So, there is a discretion, and the penalty may be below the maximum.

Regarding clause 24, the Hon. Mr. Dawkins raised the question of paragraphs (*f*) and (*g*). There are at present eight persons on the advisory committee representing district council areas—four from councils in the northern Adelaide Plains, and four from the South-East —and each has a specialist knowledge of his own district. The South-East members sit when matters affecting the South-East are discussed, and the northern Adelaide Plains members when matters affecting that district are discussed, and all may sit when general matters are discussed. As this is an advisory committee this broadly-based membership has been found to be most advantageous in that, although voting is restricted, discussion is not.

Also, there are at present two landowners on the committee—one who attends and votes at all meetings, and a second who attends and votes at meetings dealing with the South-East defined areas only, where the problems are quite different from those on the northern Adelaide Plains. I suggest that the proposed amendment to paragraph (*g*) would be a retrograde step.

Regarding clauses 20, 21 and 22, the Hon. Mr. Gilfillan asked whether they had general application or referred only to defined areas. I point out that the clauses dealing with artesian wells have general application throughout the whole State. I think I have attempted to answer most of the questions raised by honourable members. I thank them for their attention to the Bill and I hope to be able to help them further during the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Interpretation."

The CHAIRMAN: In paragraph (*d*) of the definition of "owner", "and" should be "or", and I make that manuscript amendment.

The Hon. A. F. KNEEBONE: I thank the Minister for his explanation of the matters I raised on this clause in respect of "deterioration". I imagine that in the future there will be some discussion about "curtilage"; it will be a harvest for the lawyers, because the definition of "curtilage", as I expressed it in my second reading speech after looking at Webster's dictionary, is "an area surrounding a habitation and enclosed by a fence". This makes it fairly wide. However, if the Minister thinks that word is all right, I am happy to accept it.

The Hon. Sir Arthur Rymill: I suggest the honourable member look at an English dictionary, and not an American one.

The Hon. A. F. KNEEBONE: I will look at an English dictionary and see what that says, too. The Minister's not being mentioned in this provision is all very well for us who are conversant with the Acts Interpretation Act, but what about the person who goes to the Government Printer, asks for a copy of this Act, looks up this provision and then wonders who the Minister is? That is why I think the Minister should be mentioned. I do not press the point to the extent of moving an amendment but these are my views.

The Hon. R. C. DeGARIS (Minister of Mines): I do not wish to surprise the Hon. Mr. Kneebone but I have an amendment to the definition of "well". I move:

In the definition of "well", after "drainage" first occurring to insert ", or extending to a water-bearing stratum or region,".

This is to cover wells other than wells constructed for the production of water. My attention has been drawn to the fact that there are wells that were sunk many years ago for purposes other than the production of water.

Amendment carried; clause as amended passed.

Clauses 7 to 10 passed.

Clause 11—"Term of permit."

The Hon. Sir ARTHUR RYMILL: Does this clause apply to clause 8 (2)? Clause 8 (1) relates to the alteration of a well without a permit, and clause 8 (2) relates to a change in the nature of a well. The second reading explanation states:

> Clause 11 enables the Minister to review a permit after twelve months. If the permitted work has not been carried out in that time, it is considered advisable for this review to allow the circumstances to be subject to scrutiny.

This does not seem applicable to clause 8 (2) because this is not something in the nature of drilling: this is merely changing the use of a well already in existence. Clause 10 enables the Minister to revoke permits at any time he may think fit, especially where contamination or deterioration may be caused to underground water, which seems singularly appropriate to clause 8 (2); but clause 11 does not seem appropriate to clause 8 (2). I wonder whether clause 11 should not read "A permit in respect of clause 8 (1)".

The Hon. R. C. DeGARIS: Sir Arthur has asked a question that seems hardly capable of answer at the moment. Therefore, I ask that progress be reported so that I may get an answer for him.

Progress reported; Committee to sit again.

ADJOURNMENT

At 5.18 p.m. the Council adjourned until Tuesday, October 21, at 2.15 p.m.