LEGISLATIVE COUNCIL

Tuesday, October 28, 1969.

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

QUESTIONS

WHEAT QUOTAS

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

Leave granted.

The Hon. L. R. HART: I have had a number of telephone calls, both this morning and last night, about a statement that came over the radio yesterday and is also in this morning's press from Mr. E. C. Roocke, the Chairman of the Wheat Delivery Quota Advisory Committee. The statement indicates that the wheat quotas for the coming season will not be available until at least the second week in November. This statement has caused much concern among the wheatgrowers in the early areas, many of whom have commenced reaping and have wheat ready for delivery. The fact that they cannot deliver this wheat until they have received their quotas can seriously inconvenience them. Is the Minister in a position to clarify this situation and indicate whether some means can be found whereby growers in the early areas will be able to deliver at least some of their wheat earlier than the second week in November?

The Hon. C. R. STORY: I think the position is very much as outlined by the honourable member. The unfortunate loss of the quota papers has thrown the whole thing out of gear by at least three weeks. The committee is working as hard as it can, but much depends upon the farmers' co-operation in getting back to the committee the details that have been asked for. Under the Bulk Handling of Grain Act the bulk handling company can rationalize the intake of wheat and can say that a particular farmer can deliver any given quantity to a certain silo. Although I have not specifically taken up this matter with the bulk handling company and the Wheat Board, I cannot for the moment see any reason why farmers cannot deliver wheat to a silo, because under the present law the bulk handling company, as the licensed receiver for the Wheat Board, is obliged to take all wheat offered to it, and the overriding power to rationalize the delivery of that wheat is in its own hands.

I cannot quite see why people who are reaping cannot deliver to a silo but the company can say at any stage that they have delivered sufficient of their quota to be on the safe side, say, 80 per cent. However, I will certainly take the matter up with the bulk handling company further. I might add that in the next couple of days I will be giving notice in this Council of the introduction of four Bills in connection with the wheat delivery quota system. I shall bring those in either late this week or early next week.

BUSH FIRES

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

Leave granted.

The Hon. R. A. GEDDES: Last session I asked the Minister whether he would liaise with his colleague, the Minister of Works, regarding controlled burning operations in the Beetaloo Valley water catchment area. In view of the high risk of bush fires in this State, particularly in this area, can the Minister say whether he has been able to arrange anything in the way of controlled burning in that area if it is not already too late?

The Hon. C. R. STORY: The matter is being considered, and I will obtain a report for the honourable member tomorrow.

ELIZABETH TRANSPORT

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

Leave granted.

The Hon. D. H. L. BANFIELD: This morning's *Advertiser* carried a report (I believe it also appeared in yesterday's *News*) that the Minister of Roads and Transport had journeyed to Elizabeth yesterday and caught the first bus back from there. Recently, the Minister made a trip to Elizabeth by train and came back to Adelaide by chauffeur driven car, and I presume that yesterday he travelled to Elizabeth in a chauffeur driven car. In this statement the Minister is alleged to have said:

> More importantly, however, I wanted to promote public transport because this is a principal objective of M.A.T.S.

Does the Minister think he can promote public transport when he uses a chauffeur driven car to go to Elizabeth in order to catch a bus back and also to travel back from Elizabeth by chauffeur driven car after he has caught a train to go there?

The Hon. C. M. HILL: Of course, I could not travel to Elizabeth by bus yesterday, because the bus I caught was the first bus coming from Elizabeth. How does the honourable member expect me to go: to walk?

PORT WAKEFIELD CROSSING

The Hon. M. B. DAWKINS: Last month I asked the Minister of Roads and Transport a question relative to the Port Wakefield crossing, and particularly whether the Government was prepared to consider the use of private enterprise in constructing flashing lights at railway crossings. Has the Minister a reply?

The Hon. C. M. HILL: At the time the honourable member asked his question (September 4, 1969) I stated that I was endeavouring to have the programme for the installation of warning devices at railway crossings throughout the State enlarged and to this end consideration was being given to the possibility of the work being done by private contract.

The Government has now directed that the programme of installation of warning devices at crossings be accelerated, and the Railways Commissioner has been instructed to implement this by examining whether some can be let to contract.

Because of the traffic conditions which exist at the Port Wakefield crossing it should be given reasonably high priority for the installation of flashing lights. However, due to the close proximity of the railway station and shunting yards, the installation of such lights is difficult and expensive as extra relays are required in order to obviate the flashing of lights when activated by a shunting train which does not pass over the crossing.

Another important point is that when I called upon the council on October 10 councillors expressed the view that the present "stop" sign ensures a slow movement of traffic through the town. This was considered a desirable feature, and it has caused some councillors to favour the retention of the "stop" sign. Local opinion of this kind must be respected.

The record of mishaps involving motor vehicles since the "stop" signs were erected in 1956 is as follows:

6/2/61—car stopped and proceeded.
9/2/61—car stopped foul.
2/7/61—car hit wing fence.
6/6/62—car stopped and proceeded.
5/2/68—car stopped and proceeded.

Four accidents involving trains have occurred in 13 years. Scheduled goods trains traverse this crossing every day except Sunday. In addition, special trains run from time to time as necessitated by grain and superphosphate movements.

CATTLE DISEASES

The Hon. A. M. WHYTE: Has the Minister of Agriculture a reply to the question I asked on October 22 regarding the cattle disease known as vibriosis?

The Hon. C. R. STORY: Vibriosis is widespread throughout Australia and is likely to be present in most herds where there are introductions of mature bulls and females. As herd immunity develops, losses from vibriosis tend to be small and, apart from delayed conception in heifers, little evidence of trouble is seen in those herds where it has become established. Testing of females for vibriosis is done only as a herd test and it would not be possible as an economic procedure to test individual cows and heifers with a view to certifying them free of this disease.

Testing of bulls is done only for entry into semen collection centres. It is expensive and would not be practicable for herd bulls. It is doubtful whether the incidence of vibriosis is any higher in Queensland than it is in South Australia. Certification of freedom from this disease except for artificial breeding or high-priced stud cattle is not feasible.

RAILWAY CLOSURES

The Hon. D. H. L. BANFIELD: I did not mean to touch the Minister on the raw in asking my previous question. As I think he is now composed, can he say whether he has a reply to my question of October 23 regarding the possibility of introducing a Bill into this Council?

The Hon. C. M. HILL: The honourable member's question dealt with Public Works Committee investigations into proposed closures of railway services. In February, 1969, the Chairman of the Public Works Committee asked me by letter whether consideration could be given to amending section 10 of the Road and Railway Transport Act, 1930-1964, to allow the committee 60 days in which to conduct its inquiries and issue its report, in lieu of the 28 days which is provided in the Act.

In March, the Transport Control Board reported to me that it considered the request of the Public Works Standing Committee to be reasonable. I consider that need exists for the Road and Railway Transport Act to be amended, and an examination is currently being

made by officers of the board, who will recommend to me their suggested amendments. It is unlikely, because of the heavy list of business, that any amendment will be introduced this session.

PSYCHOPATHS

The Hon. V. G. SPRINGETT: Has the Minister of Health a reply to the question I asked earlier this month regarding the treatment and care of psychopathic persons?

The Hon. R. C. DeGARIS: The International Classification of Diseases (8th Revision) is used by all States of the Commonwealth for the purposes of uniform statistics on mental health, and this particular classification has no specific category for psychopaths. There is a section for personality disorders and this includes "anti-social", which can be equated with "psychopathic".

As at December 31, 1968, which are the latest available figures, 12 persons classified as having anti-social personality disorders were in hospitals. It is usual to diagnose and record the principal condition treated, and patients with anti-social personalities may be admitted and treated for other associated conditions and would be diagnosed accordingly. For this reason, the figures based on the single classification of anti-social personality could be misleading.

Anti-social and psychopathic patients are notoriously difficult to treat in mental hospitals, but every effort is made to effect improvements. A few years ago, there were some discussions as to the possibility of building a separate institution in the Yatala area for the custody and treatment of these people, but the matter was not pursued in view of other building priorities. These discussions have been revived.

The Hon. V. G. SPRINGETT: The Minister said that 12 persons were registered in South Australia as having anti-social personality disorders. My original question was: first, how many psychopaths, diagnosed as such, are held in the penal institutions of this State? Secondly, how many such people are held in mental hospitals? Thirdly, are they all receiving treatment; if not, what proportion are? The Minister answered the fourth part of my question about the future care of these patients. Is it possible for him to provide a reply to the other three parts?

The Hon. R. C. DeGARIS: As I thought I had explained in my answer to the honourable member's previous question, actual diagnosis of a psychopath is not made with regard to people in institutions.

The Hon. A. J. Shard: Is it possible to make such a diagnosis?

The Hon. R. C. DeGARIS: This is difficult, but it will be noticed that there is a Bill before this Parliament at present dealing with the matter to some extent. This, then, can be carried further into our penal institutions where perhaps special treatment could be provided in special circumstances. Although we use that term, it is not a specific classification in the international classification.

TRACTORS

The Hon. M. B. DAWKINS: Has the Minister of Roads and Transport a reply to my recent question about the need to provide mudguards on farm tractors or implements?

The Hon. C. M. HILL: Regulations under the Road Traffic Act provide that all tractors are to be equipped with mudguards for wheels on the foremost axle. However, they are specifically exempt from fitting guards to the rear-most axle.

The Road Traffic Board is at present considering certain amendments to regulations under the Act, including a provision that will enable the board to grant exemptions from the requirement to fit mudguards to certain vehicles such as tractors. There is no provision in the Road Traffic Act that deals with the fitting of mud flaps as such.

The Hon. M. B. DAWKINS: I ask leave to make a short statement prior to asking a further question of the Minister of Roads and Transport.

Leave granted.

The Hon. M. B. DAWKINS: I understand that the reply the Minister gave me has been available for some time but, because the provision appeared to be back to front or the wrong way round, further checking was considered necessary. If that is the position, and the regulations at present provide that all tractors must have mudguards on the foremost axle but are specifically exempted from the rear axle, then every tractor owner in South Australia is committing a breach of the law. If my understanding is correct, will the Minister hasten to have this regulation framed in correct form?

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

GUARD RAILS

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

Leave granted.

The Hon. A. M. WHYTE: I know I have much support when I say that the iron guard rails at railway crossings should be removed or, if rails are essential, they should be made of a flimsier material that a vehicle could drive through. At present, there is no escape for a person who, on approaching a crossing, finds himself in trouble because a train is coming. Can the Minister say whether consideration has been given to removing these rails or replacing them with rails made of a flimsier material?

The Hon. C. M. HILL: I know that consideration has been given to this matter. I well recall that, after a tragic accident at Middleton during the term of the previous Government, the then Minister of Transport (Hon. A. F. Kneebone) commented in the press that he would investigate whether it was wise to have such guard rails and other fixtures retained at railway crossings and whether they should be made of the material of which they were then made (steel, iron or a similar material). At that time I think the Minister suggested timber would be a safer material. It would appear that, as a result of investigations then carried out, it was deemed wise not to make any change. As the honourable member has raised the matter, I agree that it would be appropriate to look into the whole question again. Consequently, I will obtain a report from the Railways Commissioner and bring it down.

SPEED LIMITS

The Hon. Sir NORMAN JUDE: Has the Minister of Roads and Transport a reply to my question of October 21 about speed limits through small townships?

The Hon. C. M. HILL: I am sorry; I thought I had a reply to the honourable member's question in my case. Unfortunately, it may have been left in my office. I will see that I have it tomorrow.

WHYALLA KINDERGARTEN

The Hon. R. A. GEDDES: Has the Minister of Local Government, representing the Minister of Lands in another place, a reply to my question of October 21 regarding the kindergarten community hall at Whyalla Stuart?

The Hon. C. M. HILL: My colleague informs me that an application for an area of Crown lands adjoining the plantation and recreation reserve on the corner of Ramsay and Alex Streets, Whyalla, as a site for a kindergarten has recently been approved. The kindergarten body has become incorporated since the application was lodged and is being advised regarding the conditions under which the land can be purchased.

A survey will be necessary and this is causing some delay as the Department of Lands is fully committed on surveys for the remainder of this year. However, arrangements are being made for the site to be pegged on the ground pending actual survey. This will enable the kindergarten body to take up earlier occupation. When the site has been surveyed action will be taken to enable a title for the land to be issued.

BRIDGES OVER MURRAY

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

Leave granted.

The Hon. L. R. HART: I believe all honourable members are pleased to know that construction of the Kingston bridge is now proceeding, although a considerable delay occurred owing to a difference of opinion in the early stages over what was the most suitable site on the Upper Murray for what is generally regarded as a second bridge in that area. No doubt there will be another conflict of opinion about where the next bridge should be erected in the Upper Murray area. In view of the delay that might be caused through such a possible conflict of opinion, is the Minister able to say whether there is any planning at this stage for a site for another bridge over the upper regions of the Murray River?

The Hon. C. M. HILL: The programming of further bridges over the Murray River, after completion of those planned at Kingston and Swanport, is presently being investigated although the justification for further bridges is not yet established. However, a comparison of possible sites suggests that a stronger case can be made for a bridge at Berri than at any other site, at present.

Investigations are continuing to determine whether such a bridge should be constructed and, if so, the most suitable location and the date of construction. The priority of such a project will have to be determined in relation to all works to be financed by the Highways Department and not merely in relation to other bridges. Consequently, such investigations may take some time to complete.

MARION PRIMARY SCHOOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Marion Primary School.

GOVERNMENT PRODUCE DEPARTMENT REPORTS

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

That the reports of the Government Produce Department for the years 1965-66, 1966-67 and 1967-68, laid on the table of this Council on July 22, 1969, be printed.

Motion carried.

FOOTWEAR REGULATION BILL

Read a third time and passed.

LAND VALUERS LICENSING BILL

Read a third time and passed.

LICENSING ACT AMENDMENT BILL

Consideration in Committee of the following message from the House of Assembly:

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2 to 10, and 12, 13 and 15 without amendment, that had it agreed to amendment No. 11 with the amendment indicated in the schedule, that it had disagreed to amendments Nos. 1 and 14 reconsideration of which it desired, and that it desired the concurrence of the Legislative Council in its amendment to amendment No. 11.

Amendment No. 1:

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

That the Council do not insist on its amendment.

This amendment deals with clause 5, which relates to Graham's Castle on the South Coast where a certain type of licence was sought. The Government feels it is reasonable for the Workers' Educational Association to have a licence for those premises. I can recall mentioning previously that the W.E.A. approached the Government and sought the right to obtain a licence for those premises, and the point was made then that at times, when seminars and other meetings were held there, such a licence would be beneficial to that organization, which is highly respected throughout the State. It provides a fine education service for older people or people who have passed from the tertiary stage of education.

The Government respects the W.E.A. for what it stands for and can see no harm in its premises at Graham's Castle having a licence of this kind. I do not want to go into detail about specific examples of consideration being given to other organizations, but I agree that in each instance there is some arguable reason to substantiate a claim that all cases are not identical. Nevertheless, several organizations have been considered and many examples can be cited of special consideration being given throughout the whole of this legislation since 1967.

For instance, licences were issued for the Adelaide University grounds and Windy Point. Only a few days ago in this Chamber honourable members thought fit to give the German community at Hahndorf an extension of its licence from one day to three days. The Government sees no reason why the W.E.A., too, should not qualify for special consideration. For this reason, I urge honourable members not to insist upon this amendment, to which the House of Assembly has disagreed.

The Hon. Sir ARTHUR RYMILL: I was one of those who voted for the deletion of this clause. I did so as a matter of principle and not, as I expressed at the time, because I had any objection to this particular body having a licence. The first principle that I enunciated was that the type of licence granted by the Act was, in my opinion, the wrong type of licence and was not appropriate to these particular circumstances. However, the second and main principle was that I thought this could be used as a precedent and that many other bodies could apply for special licences and claim that as Graham's Castle received one they should, too. In my opinion, the Government in those circumstances would have had very little answer.

Having made my protest, and having stated that I believe this should not act as a precedent, I think that as a private member I have gone as far as I can to stop this from becoming a precedent. In those circumstances, I think the matter is rather inconsequential.

Amendment not insisted on.

Amendment No. 14:

The Hon. C. M. HILL: I move:

That the Council do not insist on its amendment.

This amendment deals with clause 25, which I think we can briefly describe as the objection clause. When the matter was before honourable members previously, the Government's view was that it was reasonable to provide the opportunity for parties to object to an application for a permit.

The point was also made that it is provided that if, in the opinion of a court, an objector to the granting of a permit fails to show good and reasonable grounds, the court can order him to pay such costs to the applicant as it deems just. I submitted that this was a check against frivolous objection. The Government thinks that it is a means by which unreasonable or facetious or frivolous objection can be prevented.

There are instances where quite sincere and genuine objections should be made and should be heard. For instance, a sporting club in a country town might well obtain a permit for a function and 12 months later it might seek a similar permit. Somebody in that town might have been offended by happenings as a result of the first permit being granted. I am not being critical in this matter: I am being realistic, for this kind of thing can happen.

If, for example, a neighbour of a sporting club thinks that the objection should at least be made known to the Licensing Court when another application for a permit is being made one year hence, surely that neighbour ought to be given the opportunity simply to make the objection and be heard by the court before the permit is granted. I stress again that I am not referring to any particular club or any particular incident. That is the kind of objection to which the Government wants to give some cognizance, and that is why the provision is written into the Bill. I urge honourable members not to insist on this amendment.

The Hon. A. M. WHYTE: If this amendment were accepted, what would be the position of a person who objected to a second permit being granted in the circumstances the Minister outlined? Would a person have a right in any case to approach the court stating his objection and lodging a complaint which could have some bearing on the jurisdiction of that court?

The Hon. C. M. HILL: It might well be that the court officials could be approached by some party who thought that his viewpoint should be considered when a new application was before the court. However, I believe that such objection would simply have to come through the channels of the Licensing Court officers.

The Hon. A. M. Whyte: In other words, if he did not have good legal representation he might just as well not object.

The Hon. C. M. HILL: When I said "officers", I meant "inspectors". Complaints can be made, but I think the honourable member will agree that, if that happens, this is formalizing the procedure. If the objector wants more legislative opportunity to make his objection, the Government by this clause is giving that to him. Therefore, he does not have to complain to an inspector: he can in the formal manner, in accordance with the law, proceed and make his written application at least seven days before the day on which the application for a permit is to be heard, and he can then present his case to the court.

The Hon. R. A. GEDDES: The Minister has put forward an interesting argument. However, it is virtually the argument I wish to use to disagree with him. This clause deals with section 67, which is the only section in the Act under which clubs can get permits. It is the section under which small sporting clubs (such as bowls) and Returned Services League clubs in the country can get permits to sell liquor under the terms and conditions that the court imposes. The court has inspectors who can be sent to inquire into the conduct of those clubs, and they can also ask questions in the areas concerned about whether it is thought that there are too many clubs and about how these clubs operate. The inspector can then report back to his superiors. Those things are now available.

When I spoke on this clause previously I said that this applied only to small clubs, but I have since been told that the Whyalla Workmen's Club, which is controlled, I believe, by the Combined Unions Council, also has a club permit. I understand that this is creating an embarrassment to certain sections of the liquor trade in Whyalla. Representatives of the Australian Hotels Association, during talks they had with me, agreed with me that the wording of clause 25 was too wide. One would think that a woman who wanted to complain about the noise of a club situated near her back door should not have to go to court to present a case. The clause provides that legal representations can be made, but would it not be easier if section 67 provided that the court may receive written submissions of complaints?

I do not believe we should prevent objections being made to the court if they are justified. I am told that the court is too busy to grant restricted club licences; surely this is the fault of the court or of the legislation. The system of obtaining licences for clubs should be streamlined. The two issues should not be confused: the large club which is an embarrassment to the trade or the small club whose members want to enjoy the convivial glass. Surely this is a social clause. The Government has agreed in another place to this Council's suggested amendments but is now disagreeing to this Council's original amendment.

The Hon. C. M. Hill: Some members did: not all of them.

The Hon. R. A. GEDDES: I can only say that the motion was carried. In that light, will the Minister reconsider this decision? Is it firm Government policy that permits must

run the gauntlet of legal appeal in the court, and should not each member of this Council be allowed freely to make up his own mind? I emphasize that this is a wide clause. Objections to the clause are on the basis of the small clubs, and provision already exists for the Government to make alterations if the big clubs are becoming an embarrassment because of the clause. I ask honourable members to insist on the amendment.

The Hon. L. R. HART: Many of the clubs that will apply for a permit are bodies with little financial backing. Their application for a permit must be accompanied by a fee of not less than $5, and the court shall not grant a permit unless it is satisfied that adequate reasons exist for granting it. Their having obtained a permit under those conditions, we are now requiring them to defend their applications against an objection by what is probably a vested interest with a large financial backing. In this situation these clubs could not afford to defend themselves, and the vested interest would have virtually a power of veto. I therefore consider that we should insist on this amendment.

The Hon. G. J. GILFILLAN: I believe that the two honourable members who have just spoken have made relevant comments on the problems that face many clubs. A complete revision of club permits has taken place within this State since the 1967 amendment was passed, and many small clubs have, under some financial strain, met the conditions laid down by the court. We are dealing here with a club permit, which is different from an ordinary publican's or full club licence. Honourable members know from experience that the club permit system, as streamlined as it is, has still caused some delay and has taken some time to become the simple-working system that it now is. On the other hand, honourable members realize that objections have been lodged against applications for full licences in a large percentage of cases that have come before the court. We know, too, that many of the people applying for different types of licence enabling them to deal with the public have had to wait long periods for their cases to be heard.

Also, the court personnel has had to be increased to meet the demands made of the court, and it would be taking a backward step if this provision were introduced into what is purely a permit system. If this happened, the court could be completely choked up with objections lodged, in many instances (as the Hon. Mr. Hart said), by organizations with large financial resources.

I am sure that the provision in subsection (6) (*c*) would not, as the Minister says, act as a deterrent in many instances, because the right of the court to award costs already exists under the full licence system. It has taken two years to get the present permit system working smoothly, and I can visualize that, if objections on permit applications became prevalent, the present system could be thrown into complete disorder. I strongly support the two previous speakers.

The Hon. Sir ARTHUR RYMILL: I do not think the Council is in a strong position to insist on its amendment. On Wednesday, October 8, this Council passed this clause by no less than 13 votes to 6 votes, the latter being the Hons. M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, F. J. Potter and A. M. Whyte, three of whom have already spoken in favour of our insisting on the amendment. Therefore, they are certainly consistent in their actions.

On the following day, for a reason inexplicable to me (unfortunately, I was not here on that day as I had urgent business in another State that was probably more important to South Australia than was my attendance in this Council), the clause was recommitted and carried on the voices. No division was called for; I know not why, nor do I know why those members changed their minds. It is impossible for me to say what the count would have been had a division been taken. I can only repeat what I said in the first instance: this clause merely ensures that a person affected has the right to be heard. Honourable members who vote to keep this clause out of the Bill would be voting against the right of people to be heard in a court. This is a fundamental right. What honourable members say is true: this is not an important part of the principal Act at present; however, it can be a very important part.

Once people get permits after the expiration of the period they can claim they have rights in addition to those already granted. It is most important that people be entitled to be heard on these matters. The argument that it may be costly could be put forward against the provision of any right of appeal in any court of law. We all have to put up with this from time to time; or, we may all welcome this from time to time as giving us a right to assert our rights in courts of law. It is neither more nor less than that. It would be a grave error if this Council insisted on its amendment.

The Hon. C. M. HILL: The Hon. Mr. Geddes widened the whole scope of the matter, and I do not think we can further consider any widening of that kind. At this stage we must concentrate on this clause: either we want it or we do not want it. Secondly, the Hon. Mr. Geddes said that some Government members in another place had changed their minds on this clause; that is perfectly true. Since 1967 this legislation has been regarded as a social measure. The Government is prepared to bend and compromise at times and from time to time the Government has not been as firm in its approach to this legislation as it has been in other matters.

The Hon. Mr. Hart feared that vested interests might be given an opportunity to be unfair to relatively small people or relatively small clubs. The Government took note of this point and looked into the matter very carefully but, having done so, the Government is convinced that vested interests do not have any ulterior motives in regard to this matter.

The Hon. Sir Arthur Rymill asked why we did not divide on a previous occasion; the reason was that, a few minutes before the opportunity for a division arose, there was another division, when we were defeated. I sensed that the feeling was that we would have been defeated again within a matter of minutes. Overall, I do not see that sufficient argument has been put forward to cause us to insist on our amendment. Consequently, I urge that we do not insist on it.

The Hon. R. A. GEDDES: The Minister said that I was trying to widen the scope of the Council, but I cannot see how such an interpretation can be put on my remarks. The court has these rights now.

The Committee divided on the motion:

Ayes (13)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, R. C. DeGaris, C. M. Hill (teller), Sir Norman Jude, H. K. Kemp, A. F. Kneebone, C. D. Rowe, Sir Arthur Rymill, A. J. Shard, V. G. Springett, and C. R. Story.

Noes (6)—The Hons. M. B. Dawkins, R. A. Geddes (teller), G. J. Gilfillan, L. R. Hart, F. J. Potter, and A. M. Whyte.

Majority of 7 for the Ayes.

Amendment thus not insisted on.

Amendment No. 11:

The Hon. C. M. HILL: I move:

That the Council agree to the House of Assembly's amendment.

Earlier, this Council saw fit to grant the opportunity for a permit on Christmas Day and Good Friday. Since then, further inquiries have revealed that the people whom the Hon. Mr. Kemp was trying to assist (members of the Greek community) will not be greatly assisted by the Council's amendment in regard to Good Friday. The House of Assembly agrees that a permit could be granted to a reception house on Christmas Day and it believes that a hotel should have the opportunity to provide the same facilities as a reception house on that day.

However, the House of Assembly considered that Good Friday should be kept apart from that kind of reception. I believe I am correct in saying that members of the Greek Orthodox community celebrate Good Friday on a fixed day each year and, of course, we do not, because our Good Friday varies each year. Because of that, this Council's amendment would not be a tremendous help to members of the Greek community because their Good Friday and ours seldom fall on the same day.

Whilst the Government wants to help members of the Greek community, and others, it is considered that this provision would not assist them greatly. Quite apart from the benefit that might accrue to members of the Greek community, I think all honourable members will agree that our Good Friday is such a holy day that it would be inappropriate for a permit to be granted on that occasion.

The Hon. Sir ARTHUR RYMILL: I had some qualms when the Hon. Mr. Kemp moved this amendment, which was carried on the voices. This is obviously a compromise by the House of Assembly, and I think we should accept it as such.

Amendment agreed to.

SUPREME COURT ACT AMENDMENT BILL (VALUATION)

Second reading.

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

That this Bill be now read a second time.

The Bill now before the Council (which takes the form of a Bill to amend the Supreme Court Act) and a group of small complementary Bills (closely associated with the main Bill and referred to in the definition clause as "the complementary legislation") result from the acceptance by the Government of a recommendation of the Land Valuation Committee contained in its interim report. The object of the Bill is to set up a land and valuation court (which will be a division of the State Supreme Court). The Government considers that the establishment and operation of the court will achieve four main objects.

First, it will provide a judge who will become a specialist in a branch of the law that is becoming more and more complex and difficult, and is expanding rapidly. Secondly, an overloaded Supreme Court civil list will be relieved of the burden of those cases that are concerned with compulsory acquisition, and significant financial benefits will flow to those seeking compensation through the courts.

Thirdly, because compensation and other assessments will be made by one judge (speaking generally), the whole structure of land values throughout the State will be rendered consistent and predictable; that will confer untold benefits on those whose task it is to advise clients on land values and, consequentially, on the clients themselves; valuers and solicitors will find it easier to agree on sensible compensation figures, litigation will be avoided and costs to the man in the street will, in turn, be reduced.

Fourthly, a number of miscellaneous jurisdictions scattered throughout the Statute Book that involve skills and judicial processes similar to those exercised by a land and valuation court authority are brought within the compass of the jurisdiction of a single judge possessed of those skills and employing those processes.

Broadly speaking, the Bill follows the pattern of the Land and Valuation Court legislation that has proved so successful in New South Wales since 1921. It may be said to fall conveniently into three parts: the setting up of the court; the provision of its machinery; and the conferring of its jurisdictions.

The provisions of the Bill are as follows: Clauses 1, 2 and 3 are formal. Clause 4 increases the number of puisne judges of the Supreme Court from six to seven to allow for the appointment of a judge to the land and valuation court. Clause 5 amends section 49 of the principal Act. This section deals with the reservation of points of law and in view of the fact that new Part IIIA contains special provisions relating to this matter a new subsection is inserted stating that the provisions of section 49 are to be construed subject to Part IIIA.

Clause 6 enacts new Part IIIA of the principal Act. New section 62a inserts some definitions necessary for the purposes of the Part. New section 62b deals with the transitional period. Valuation appeals that had been commenced before the enactment of the amending legislation may be continued as if it had not been enacted but the court may nevertheless, upon application of a party to such an appeal, direct that it be heard by the court. New section 62c establishes the court. The court is to be constituted of a judge upon whom the specific jurisdiction has been expressly conferred. This is to ensure that there is a judge who is a specialist in this particular field. The jurisdiction may be conferred upon some other judge if the judge of the court is unable for some reason to sit upon the hearing of an appeal.

New section 62d sets out for convenience the references to the statutes which confer jurisdiction upon the court. New subsection (2) provides that the court shall have jurisdiction to hear the valuation matters arising under the Compulsory Acquisition of Land Act. New subsection (3) provides that the court shall have such additional jurisdiction as may be conferred upon it by any Act or regulations.

New subsection (4) provides that the court in the exercise of its jurisdiction has all the powers and authority of the Supreme Court of South Australia. New subsection (5) provides that the court has the full jurisdiction exercisable by a single judge of the Supreme Court of South Australia in respect of any cause, matter or proceeding that is properly before the court in pursuance of statute. New section 62e provides that any other judge of the Supreme Court may, when a valuation matter is involved in a case that is before him, refer the case for determination by the land and valuation court.

New section 62f deals with appeals and cases stated. Because of the specialist qualifications the judge will have, it has been thought desirable to limit the right of appeal from a judgment of the land and valuation court. New subsection (1) provides that, subject to the provisions of the new section, a judgment or order of the court shall be final and without appeal. The court may be required, however, to state a question of law for the opinion of the Full Court. In addition, the judge may state a question involving a principle of valuation for the opinion of the Full Court if he is of opinion that the question is of exceptional importance. New subsection (4) provides that there shall be a right of appeal to the Full Court on any matter that lies within the jurisdiction of the Supreme Court to determine otherwise than in pursuance of the new Part.

New section 62g provides that the Crown shall have a right to appear in any matter or proceeding in which the public interest, or any right or interest of the Crown, may be involved or affected. New section 62h provides for the judge to make rules of court

for the purposes of the new Part. New section 62i provides that the court shall sit at such times and places as the judge exercising the jurisdiction of the court directs.

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

CROWN LANDS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the Council. Its purpose is to vest certain valuation jurisdictions existing under the Crown Lands Act in the Land and Valuation Court. Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in the principal Act.

Clause 4 amends section 53 of the principal Act. This section at present empowers the Commissioner to resume lands for a public purpose. Subsection (2) provides that the lessee of the Crown lands so resumed is to be entitled to compensation for any loss sustained by him in consequence of the resumption. The amendment provides that, where the amount of compensation is disputed, it is to be determined by the Land and Valuation Court.

Clause 5 amends section 289 of the principal Act. This section at present provides for valuations in relation to compensation to be determined by arbitrators. The section is amended to provide that in the case of dispute compensation is to be determined by the Land and Valuation Court.

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

ENCROACHMENTS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the Council. The jurisdiction of a court to deal with situations arising where bulidings and structures overhang or encroach upon land is vested in the Land and Valuation Court. Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 2 of the principal Act.

Clause 4 repeals and re-enacts section 3 of the principal Act. The Supreme Court is at present empowered to determine any matters arising under the Act. The Act itself is concerned with buildings encroaching upon or overhanging or intruding upon the land of any other person, and under the Act the court may order compensation, order the conveyance, transfer or lease of the subject land to encroaching owners or order the removal of the encroachment. This jurisdiction is, by virtue of the amendment, conferred upon the Land and Valuation Court.

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

HIGHWAYS ACT AMENDMENT BILL (VALUATION)

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the Council. Its purpose is to vest certain valuation jurisdictions existing under the Highways Act in the Land and Valuation Court. Clauses 1 and 2 are formal.

Clause 3 amends section 30b of the principal Act. This provision deals with the proclamation of a controlled access road. A person who has any estate or interest in any land abutting on a controlled access road may recover from the Commissioner compensation for any loss or damage sustained by him by reason of the proclamation of the road. Under subsection (2) of the section compensation may be determined, in default of agreement, by a court with appropriate jurisdiction. The amendment makes it clear that the Land and Valuation Court is to be in future the appropriate court.

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

LAND SETTLEMENT (DEVELOPMENT LEASES) ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the Council. Its purpose is to vest certain valuation jurisdictions existing under the Land Settlement (Development Leases) Act in the Land and Valuation Court. Clauses 1 and 2 are formal.

Clause 3 inserts a definition of "the Land and Valuation Court" in the principal Act. Clause 4 amends section 4 of the principal

Act. This section deals with the resumption of land by the Minister pursuant to the Act and compensation arising from that resumption. The amendment provides that, in a case of dispute as to the value of improvements, the value shall be determined by the Land and Valuation Court in accordance with approved rules of court.

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

LAND TAX ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the Council. Its purpose is to vest certain valuation jurisdictions existing under the Land Tax Act in the Land and Valuation Court. Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in the principal Act. Clause 4 repeals sections 45 to 50, inclusive, of the principal Act. These provisions set up a valuation board whose function is to be taken over by the Land and Valuation Court.

Clause 5 amends section 51 of the principal Act. This section provides that a taxpayer who is dissatisfied with an assessment of tax may lodge an objection with the Commissioner. The Commissioner either allows or disallows the objection and gives the taxpayer written notice of his decision. A taxpayer who is dissatisfied with that decision may request the Commissioner to refer the decision to a valuation board at present. The amendment strikes out the references to a valuation board and provides for the references to be made to the Land and Valuation Court. Clause 6 makes consequential amendments to section 52 of the principal Act, which deals with the procedure on appeal.

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

LAW OF PROPERTY ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the Council. The Bill vests the jurisdiction of the Supreme Court to order the partition of jointly owned land in the land and valuation division of the Court.

Clauses 1 and 2 are formal. Clause 3 amends the definition of "court" in section 7 of the principal Act. This is to make it clear that applications for partition of land are to be determined by the Land and Valuation Court.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (VALUATION)

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the Council. Its purpose is to vest certain valuation jurisdictions existing under the Local Government Act in the Land and Valuation Court. Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 5 of the principal Act.

Clause 4 amends section 204 of the principal Act. The position is that an appeal may be made against a local government assessment in the first instance to the Assessment Revision Committee, and from the decision of the Assessment Revision Committee there is a further appeal to the local court. This applies except where the appellant is a member of the council or the appellant alleges that the ratable property is assessed above or below its full and fair value, in which cases the appeal is direct to the local court. This jurisdiction is divested by the amendment from the local court and vested in the Land and Valuation Court.

Clause 5 makes consequential amendments to section 205 of the principal Act, which deals with the manner in which appeals are to be heard. Clause 6 amends section 206 of the principal Act. This section as amended will set out the powers of the assessment revision committee and the Land and Valuation Court upon the hearing of appeals.

Clause 7 repeals and re-enacts section 207 of the principal Act. This section deals with an appeal from a decision of the Assessment Revision Committee. The procedure that was previously set out in this section can now be covered by rules of court. Clause 8 repeals sections 207a, 208, 209 and 210 of the principal Act. These are procedural provisions and they may be properly replaced by rules of court.

Clauses 9 and 10 make consequential drafting amendments to sections 212 and 212a of

the principal Act respectively. Clause 11 amends section 303 of the principal Act. This section deals with the power of the council to declare any land in its area to be a public street or road. A person may apply to the council to have any street, road or land declared under this section and, if the council fails to comply with that request within a given period, a right of appeal lies to the local court. The amendment vests the appeal in the Land and Valuation Court. Similarly, a person may object to a declaration under the section, and a person may appeal against a resolution of the council making such a declaration. Here again, the jurisdiction is vested by the amendment in the Land and Valuation Court.

Clause 12 repeals and re-enacts section 304 of the principal Act. This section simply deals with the procedure upon the hearing of an appeal under section 303, and it is enacted in a more suitable form in view of the fact that the jurisdiction is to be exercised by the Land and Valuation Court.

Clause 13 amends section 309 of the principal Act. This section deals with a plan of street and road alignments. A plan prepared by the council under section 308 is to be exhibited under section 309, and representations may be made concerning the plan. A person aggrieved by the plan may lodge a caveat with the Surveyor-General under subsection (3). At present, under subsection (4) the local court has jurisdiction to hear an application by the Surveyor-General calling upon the caveator to show cause why the caveat should not be discharged. This jurisdiction is vested by the amendment in the Land and Valuation Court.

Clause 14 amends section 382b. This section deals with land held in trust by a council where the council is satisfied that because of changes in circumstances since the creation of the trust it is impracticable to give effect to the terms of the trust. At present, the Minister may appoint a special magistrate to inquire into the matter and report to him as to whether it is in fact impracticable to comply with the trust and whether the land should be transferred to the Crown. The amendment vests this jurisdiction to make an inquiry for these purposes in the Land and Valuation Court.

Clause 15 amends section 419 of the principal Act. Under Part XX of the Act, a council has power to take temporary possession of lands for the purpose of its works and undertakings. Under section 419, the occupier of such land may apply for compensation. The jurisdiction, formerly vested in the local court, to determine disputed compensation is vested by the amendment in the Land and Valuation Court.

Clause 16 makes an amendment to the Seventh Schedule of the principal Act that is consequential upon previous amendments to the Act. Clause 17 replaces the Eighth and Twelfth Schedules to the principal Act which are no longer necessary.

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

PASTORAL ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Pastoral Act in the Land and Valuation Court.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 6 of the principal Act. Clause 4 amends section 57 of the principal Act. Sections 52 to 56 deal with the matter of review of land for the purpose of determining rent under the Pastoral Act. Section 57 at present provides for an appeal in the first instance to the Minister and then, if the lessee is still dissatisfied, to arbitrators appointed under the Arbitration Act. The amendment provides that instead of an appeal to arbitrators the assessment is to be made by the Land and Valuation Court.

Clause 5 amends section 58 of the principal Act which deals with a notice to be given of the result of an appeal and the fixation of a date from which the rent payable on the revaluation shall be payable. The reference to arbitrators or an umpire in that section is changed to a reference to the Land and Valuation Court.

Clause 6 amends section 64 of the principal Act. This section deals with the valuation of improvements upon a pastoral lease. It provides at present that if the Minister and an outgoing lessee are not agreed upon the value of improvements the matter can be determined by arbitrators. The amendment provides that the determination shall be made instead by the Land and Valuation Court.

Clause 7 amends section 84 of the principal Act. This provision deals with the compensation to be paid to a lessee when land is resumed pursuant to the Act. At present a dispute is to be determined by arbitrators, but

this jurisdiction is vested by the amendment in the Land and Valuation Court.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. The Bill vests the present jurisdiction of the Supreme Court to hear appeals from the Planning Appeal Board in the Land and Valuation division of the Supreme Court.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in the definition section of the principal Act. Clause 4 amends section 26 of the principal Act. This section provides that a person aggrieved by a decision of the State Planning Authority under the Act is to appeal to the Planning Appeal Board in the first instance. At present there is a further appeal from the decision of the board to the Supreme Court. The present amendment vests this jurisdiction in the Land and Valuation Division of the Supreme Court.

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

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Renmark Irrigation Trust Act in the Land and Valuation Court.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 5 of the principal Act. Clause 4 amends section 86 of the principal Act. Section 78 provides for the Renmark Irrigation Trust to make assessments for the purpose of rating. Section 85 provides for the making of appeals against the assessment. Section 87 at present provides that these appeals may be made either to the trust or directly to the local court of full jurisdiction nearest to the trust office. This reference to the local court is struck out and a reference to the Land and Valuation Court is inserted.

Clause 5 amends section 87 of the principal Act. This deals with the manner in which an appeal is to be made, and appropriate variations are made to its provisions to deal with an appeal to the Land and Valuation Court. Clause 6 amends section 88 of the principal Act. This section merely provides for the production of the assessment book at the hearing of the appeal, and appropriate consequential amendments are made to its provisions.

Clause 7 amends section 89 of the principal Act. This section deals with the situation where an appeal has been made in the first instance to the trust and a subsequent appeal is made to the court. The procedural provisions of this section are amended to provide for an appeal to the Land and Valuation Court in accordance with appropriate rules of court.

Clause 8 amends section 90 of the principal Act. This provision deals with the costs of an appeal, and appropriate consequential amendments are made in view of the fact that jurisdiction is now to be vested in the Land and Valuation Court.

Clause 9 amends section 165 of the principal Act. This section deals with a claim for compensation for injury caused to a landholder in consequence of the activities of the trust. The jurisdiction to determine compensation is at present vested in the local court, and the amendment divests this jurisdiction from the local court and vests it in the Land and Valuation Court.

Clause 10 repeals and re-enacts section 166 of the principal Act. This section deals with the procedure to be adopted by a court, and the re-enacted section is in an appropriate form for the purposes of the Land and Valuation Court. Clause 11 repeals section 167 of the principal Act which is unnecessary in view of the fact that the jurisdiction is now to be exercised by a division of the Supreme Court.

Clause 12 amends section 168 of the principal Act. This section at present enables the Supreme Court to stay proceedings for compensation where the execution of the works which are alleged to have caused the injury is incomplete. This jurisdiction to stay proceedings is vested in the Land and Valuation Court.

Clause 13 makes a consequential amendment to the Fifth Schedule of the principal Act. Clause 14 repeals the Sixth Schedule, the provisions of which will be covered by rules of court.

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

SEWERAGE ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Sewerage Act in the Land and Valuation Court.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 4 of the principal Act. Clause 4 amends section 88 of the principal Act. Under sections 86 and 87, a person liable to rates may appeal against an assessment. Section 88 at present vests the appellate jurisdiction in the local court. The amendments vest this jurisdiction in the Land and Valuation Court.

Clause 5 amends section 89 of the principal Act, which deals with the manner in which an appeal is to be heard, and appropriate variations are made in the form of this section. Clause 6 repeals section 90 of the principal Act, which is no longer necessary in view of the new provisions to be inserted in the Supreme Court Act.

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

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the Council. Its purpose is to vest certain valuation jurisdictions existing under the South-Eastern Drainage Act in the Land and Valuation Court.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 6 of the principal Act. Clause 4 amends section 51 of the principal Act, which at present gives a person a right to appeal against an assessment for rates made by the South-Eastern Drainage Board. Section 51 provides that each appeal is to be made in the first instance to the board and that from the decision of the board an appeal shall lie to the local court. The amendment provides that this appeal, instead of being to the local court, shall be to the Land and Valuation Court.

Clause 5 amends section 52 of the principal Act which deals principally with the manner in which the board shall hear the appeals which are, as mentioned earlier, to be made in the first instance to it. Paragraph V at present provides that a determination of the board is subject to a further appeal to the local court. This reference is changed to a reference to the Land and Valuation Court.

Clause 6 repeals and re-enacts section 53 of the principal Act, which at present deals with the manner in which an appeal to a local court is to be instituted. The section is re-enacted in a form that is appropriate to the new Land and Valuation Court provisions. Clause 7 strikes out section 54 (2) of the principal Act. This subsection is not necessary in view of the new provisions to be inserted in the Supreme Court Act.

Clauses 8, 9, 10 and 11 amend provisions in Part IV of the principal Act. Part IV is the portion of the Act that deals with the payment of the cost of scheme drains. This payment is, of course, to be made in accordance with the assessments of value made by the board and the provisions in this Part correspond exactly with those provisions that we have just dealt with. The nature and effect of the amendments are, of course, exactly the same.

Clause 12 amends section 103d, which falls within Part IVA of the Act. That Part deals with the drainage of the Eastern and Western Divisions of the South-East. The cost of the drainage is to be borne, under the provisions of section 103c, in accordance with an assessment of the value of the betterment which has resulted to land from the construction of drains and drainage works.

Section 103d provides for an appeal in the first instance to the board from a preliminary assessment of the betterment value, and then a further right of appeal to the local court. This reference to the local court is struck out and a reference to the Land and Valuation Court is inserted in its stead.

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

WATER CONSERVATION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the Council. Its purpose is to vest certain valuation jurisdictions existing under the Water

Conservation Act in the Land and Valuation Court.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 5 of the principal Act. Clause 4 amends section 31 of the principal Act. Under section 30 a person may appeal against an assessment in a water district on any of the grounds set out in that section. Section 31 at present provides that such an appeal must be made to the local court of full jurisdiction nearest to the water district. This reference to the local court is struck out and a reference to the Land and Valuation Court is inserted in lieu thereof.

Clause 5 repeals and re-enacts section 32 of the principal Act, which deals with the procedure upon an appeal, and it is re-enacted in an appropriate form as the appeal is to be made to the Supreme Court.

Clause 6 amends section 33 of the principal Act. Here again, an appropriate amendment is made to the form of the section as jurisdiction is to be vested in the Land and Valuation Court. The court is vested with power to make such orders as it thinks reasonable in the case, and orders for costs and other ancillary orders as it thinks just. Clause 7 repeals sections 34 and 35 of the principal Act which are not necessary as jurisdiction is now to be vested in the Land and Valuation Court.

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

WATERWORKS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the Council. Its purpose is to vest certain valuation jurisdictions existing under the Waterworks Act in the Land and Valuation Court.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 4 of the principal Act. Clause 4 repeals and re-enacts section 78 of the principal Act. Sections 76 and 77 at present provide for a right of appeal within one month after publication in the *Government Gazette* of a notice of assessment or alteration of assessment. The present section 78 vests the appellate jurisdiction in the local court. The new section 78 will vest this jurisdiction in the Land and Valuation Court.

Clause 5 makes consequential amendments to section 79 of the principal Act, which deals with the hearing of appeals. Clause 6 repeals section 80 of the principal Act, which deals with a local court stating a case to the Supreme Court. This section is no longer necessary in view of the provisions relating to the Land and Valuation Court to be inserted in the Supreme Court Act.

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

CONSTITUTION ACT AMENDMENT BILL

Second reading.

The Hon. R. C. DeGARIS (Chief Secretary): I move:

That this Bill be now read a second time.

It gives effect to the report of the electoral commission appointed pursuant to the Electoral Districts (Redivision) Act, 1968-1969. Honourable members are well acquainted with the provisions of the Act and with the contents of the report.

Clause 2 repeals section 19 of the principal Act and replaces it with a new section 19. New section 19 continues the present Legislative Council electoral districts and their boundaries until the next general election when they will respectively comprise the House of Assembly electoral districts recommended in the report of the electoral commission as set out in Part II of the Second Schedule to the Act.

Clause 3 repeals section 27 of the principal Act and replaces it with a new section which continues the House of Assembly of 39 members until the next general election, when it is to consist of 47 members.

Clause 4 repeals section 32 of the principal Act and replaces it with a new section that continues the present 39 electoral districts for the House of Assembly until the next general election, when there are to be 47 House of Assembly districts which are to be distinguished by the names and comprise the portions of the State recommended in the report of the electoral commission as set out in Part II of the Third Schedule. Subsection (3) of the new section is a re-enactment of a provision of the repealed section.

Clause 5 strikes out section 37 (1) of the Act, which deals with the quorum for the House of Assembly, and replaces it with two subsections (1) and (1*a*). New subsection (1) holds the existing quorum of 15 until the next general election, and new subsection (1*a*) increases the quorum to 17 after the next general election.

Clause 6 amends the Second Schedule by designating the present schedule as Part I and by inserting a new Part II which contains the

new descriptions of the Legislative Council electoral districts that are to come into force from the next general election. These new Legislative Council electoral districts are described by reference to the new House of Assembly electoral districts provided for by this Bill.

Clause 7 amends the Third Schedule by designating the present schedule as Part I and by inserting a new Part II which contains the new descriptions of the House of Assembly electoral districts that are to come into force from the next general election.

The Hon. A. J. SHARD (Leader of the Opposition): The proposals in this Bill for alterations to the Constitution do not accord with the principles held by the Australian Labor Party. We are wedded to the principle of one vote one value, which we consider is the only fair system. The Bill not only does not provide for one vote one value but provides for a difference in representation between country and city areas that is nearly twice as great as the difference existing in New South Wales, Queensland and Victoria. The system is unfair not only by A.L.P. standards but also by the standards of the Eastern States and Tasmania, where there is no differentiation between country and city voting.

However, in view of the present system of Parliamentary representation in South Australia and in order to get some improvement on this unfair system, it was necessary to arrive at some compromise between the views of the A.L.P. and those of the Government. Parliament agreed to the compromise that was embodied in the instructions to the electoral commission, and this Bill has been prepared on the basis of the commission's report. Considering the terms of reference, the commissioners have done a fairly good job. I hope that we take the advice of the previous Governor (Sir Edric Bastyan) and that this Bill will be passed quickly, new rolls prepared, and a general election held as soon as possible thereafter. I support the Bill.

The Hon. C. D. ROWE secured the adjournment of the debate.

PETROLEUM (SUBMERGED LANDS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 23. Page 2427.)

The Hon. S. C. BEVAN (Central No. 1): In 1967 I thought it would be a considerable time before any amendment was necessary to the principal Act. Before the 1967 Bill was prepared several conferences were held between the States and the Commonwealth. The provisions that were framed at the early conferences were closely examined and revised, and further conferences were held until a final draft was approved. When I first read this Bill I was concerned about the reference to "adjacent area". This term is defined in the Second Schedule to the principal Act, and it goes beyond the continental shelf.

This Bill repeals section 14 of the principal Act and enacts in its place new sections 14 and 14a. New section 14 has many subsections that deal with legal matters. One of the purposes of the principal Act was that the laws of the State should apply to offshore activity as well as to onshore activity. It now appears that the Commonwealth and State Attorneys-General have considerable doubt whether sufficient authority exists to enforce the State laws, if necessary, in respect of exploration and exploitation activity on and beyond the continental shelf. This is a very important matter, because the question of workmen's compensation, the criminal law and other laws of the State could be involved. This could lead to very serious difficulties in the future.

To avoid these difficulties the Bill should make adequate provision for all these contingencies. At some time in the future drilling rigs will be operating off the shores of South Australia, and they could be some considerable distance offshore. Usually workmen and others are taken to and from the rigs by helicopter; consequently, their travelling time during periods of leave is short. It would be simple for State laws to be broken. If such a person was involved in a murder charge he could board the helicopter and return to the rig and, if the State laws did not apply or if there was doubt whether they applied, considerable legal argument might have to take place before any further step could be taken in regard to the breach of the law. It could be contended that no authority existed to take the man off the rig and back to the mainland to be charged with the breach of the law. Consequently, the Bill clarifies the position and makes it plain that the laws of the State prevail both onshore and offshore. I support the second reading.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 23. Page 2433.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this Bill, which provides some improvement to the Law Society's legal assistance scheme and which will, if passed, provide certain protection for members of the public. In due course it could also provide some moneys towards legal education. I hope that the major benefit will be to improve the Law Society's scheme for legal assistance.

The Bill has been discussed by representatives of the Law Society with members of the Government, and I agree that a great deal of work has been done to arrive at a scheme acceptable to both parties that will give real benefit to the public. I have been advised that the scheme has been thoroughly examined and carefully drafted, and I give it my support.

The Hon. C. D. ROWE secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 23. Page 2437.)

The Hon. L. R. HART (Midland): I think every time that this Bill has come before the Council I have supported it, but not with a great deal of enthusiasm. However, I believe we are so far committed to price control that we cannot abandon it entirely, although I think that the proper way to deal with it is to relax controls where commodities are in plentiful supply. Over the years we have heard a number of speeches by honourable members on both sides of the Chamber extolling the benefits of price control. In some respects what has been said has been true, but price control does not necessarily mean putting an industry on a sound, economic basis.

Two industries have been held up as shining examples of the effectiveness of price control. One is the wine industry and the resultant benefits to the grapegrowing industry, and the other is the benefit that accrued not only in South Australia but also in Australia generally as a result of price control over petrol.

If the principle of price control over the grapegrowing industry has been so sound, perhaps it could be applied to some other industries. However, let us closely examine its effect on the grapegrowing industry, not in the short term but in the long term. Admittedly, in the short term there have been benefits from price control, but once an industry has been placed on an economic basis (and there is no denying that the grapegrowing industry is now established on a more economic basis than it has been for a number of years) then certain inevitable results must follow. First, the industry attracts increased production from existing grapegrowers as well as from others enticed into it, and that situation exists in the grapegrowing industry at the present time. Large areas are being planted with wine variety grapes, not only by producers already operating in the industry but by others entering it. It is occurring not only in areas where wine grapes have been grown for many years, but also in completely new areas. These are located largely where a plentiful supply of underground water exists, and possibly one of the larger areas where increased plantings are taking place at present is at Padthaway in the South-East.

In addition, winemakers are also planting huge areas with wine grape varieties. Because of that, I believe we shall reach a situation within the next five to 10 years where there could be an excess production of wine grapes. How will price control sustain the industry on a sound basis if and when that situation is reached? The winemaker will be in the position of being able to supply practically all of his requirements himself and will be dependent on the outside grapegrower only for a small portion of his requirements. The grapegrower will then be faced with the situation of having to dispose of the remainder of his crop to the best possible advantage. Price control will not help him dispose of his excess crop, and no organization will be prepared to take that excess from him.

If the principle of price control is such a good one, let us apply it to other industries. Let us examine the tomato-growing industry. Here the situation is that a tomato-grower receives about 50c a half-case for tomatoes that have become a little too ripe. Those tomatoes are often being retailed in shops at about 23c a pound. Advocates of price control will say that the problem can be solved by placing the industry under price control by controlling the retail price of tomatoes. That may be done, but it does not mean that the producer would get more than 50c a half-case for his tomatoes.

An exercise in costs reveals that a half-case in which a producer packs tomatoes costs 30c and if the local market is saturated the grower is forced to export to Victoria, incurring a further 30c in freight costs. It costs another 10c for inspection, plus commission, and in

the end it is likely that costs for that half-case will amount to over 70c; yet the producer would still receive only 50c for it. How is the principle of price control applied to such an industry for the benefit of the industry?

Turning now to price control in the petrol industry, it has been claimed by many people that South Australian price control dictates the price of petrol throughout Australia.

The Hon. Sir Norman Jude: You will find it 6c a gallon cheaper at Geelong.

The Hon. L. R. HART: Not only at Geelong, but it can be a lot cheaper in South Australia, as I am about to point out. The petrol retailer sells through normal channels by way of bowsers and is required to charge a certain price, not only by the Prices Commissioner but also by the oil companies. But what is the position within the industry? Large users of petrol are able to obtain discounts, in many cases large discounts, because of the huge volume of petrol used. Nobody would complain about a discount being available to a quantitative user of petrol, but in recent times price wars have developed between petrol companies. For example, one company may be prepared to sell petrol at a lower rate not only to large users in industrial concerns but also to farmers. That forces other petrol companies to do likewise.

The point I emphasize is the discount available to quantitative commercial users, those organizations which use what are termed "industrial tanks". Industrial tanks are placed on the premises of the larger industrial users by the oil company concerned and petrol is supplied at a lower rate, according to the quantity used. Now it can be found that some of these organizations use the petrol not only for the company and its travellers but in addition make it available to their employees, and even to people outside their employment, at a reduced rate. The effect of this is that a greater quantity is being used by particular concerns, which entitles them to a greater discount. Admittedly, this concession that is given to the employees of a company perhaps helps to keep them in its employ. It is a concession no doubt enjoyed by them and given at no cost to the company itself.

This is the effect of price control in the petrol industry. We are not stamping out the irregular practices that are occurring by petrol being placed under price control. If we are to have price control, let us have some form that controls prices in such a way that the control is not detrimental to the retailer, and particularly the small retailer trying to make a crust. I refer in particular to the petrol retailers who supply petrol through their service stations and other outlets. These are the people who are getting hit to leg under the present system of trading in the petrol industry. Yet people say what a wonderful thing it is to have petrol under price control.

The Hon. R. A. Geddes: As a primary producer, are you able to get petrol more cheaply?

The Hon. L. R. HART: I commend the Government for giving some relaxation where quantities are available. That is one way in which to control this industry. In the past we have observed how certain things have been under price control and then decontrolled—for instance, meat, which was under control some years ago. When it was decontrolled there was no increase in its price. In fact, quality then got its just reward, because there are people prepared to pay a little extra for better quality.

As regards the Hon. Mr. Geddes's interjection a moment ago that the primary producer was getting some benefit, perhaps, from the petrol wars, this may be a temporary benefit but it does not serve the industry well in the final analysis. I believe that price control is something we should be trying to phase ourselves out of and not into.

The Hon. R. A. Geddes: I have had concessions from the petrol companies since 1949, when I returned from the war.

The Hon. L. R. HART: Why should you in particular have a concession?

The Hon. R. A. Geddes: For buying in bulk.

The Hon. L. R. HART: If the industry can give the honourable member a concession, why does it not give a concession to all users of petrol? That is what I am complaining about —discrimination in the supply of petrol, discrimination in favour of certain people. If there is to be a lower price for one section of the community, there should be a concession for all sections of the community. With those few comments, I support the second reading.

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

JUSTICES ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from October 23. Page 2435.)

The Hon. A. J. SHARD (Leader of the Opposition): This Bill makes some useful amendments to the principal Act, bringing certain parts up to date. In addition, it provides for the service by post of proceedings.

This is a subject which the Leader of the Opposition in another place discussed with the Chief Summary Magistrate and on which they were having negotiations for some time. I am pleased to see that those negotiations have come to some fruition. As the amendments appear to be most useful, I support the Bill.

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

OATHS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 23. Page 2436.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this Bill, which is a useful amendment to the principal Act and brings it up to date.

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

CHIROPODISTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 23. Page 2439.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this Bill, the purpose of which is to amend the Chiropodists Act, 1950, when this legislation was first enacted. It has not been amended since then. Being one of those people who agree with the principle set out in the Act, I give it my full support. This Bill alters the composition of the Chiropody Advisory Board and increases some of its duties. In principle, the Bill brings the certificate for chiropody into line with present-day methods. Clause 3 provides:

Section 4 of the principal Act is amended by inserting after the definition of "chiropody clinic" the following definition:

"diploma or certificate in chiropody of the South Australian Institute of Technology" means a diploma or certificate issued by, or under the authority of, the South Australian Institute of Technology certifying that the person named therein has successfully completed the course of training in chiropody conducted by that Institute:

The Bill provides that any person who has not that diploma shall not take part in any way in the practice of chiropody. Clause 13 provides:

Section 27 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof:

27. (1) A person who is not registered as a chiropodist under this Act shall not, for fee or reward, practise chiropody. Penalty: Two hundred dollars.

(2) A person who is not registered as a chiropodist under this Act shall not use or display the title or description "chiropodist", "podiatrist", "foot specialist", or "foot therapist" or any other title or description that might induce a member of the public reasonably to believe that that person is qualified or authorized to practise chiropody.

This raises the standards so that people who intend taking up chiropody will need to have certain qualifications. That is in our interests.

Since this legislation was first introduced in 1950, some clinics have been set up in various places that have not been inspected by the Chiropody Advisory Board, and many of them have not been up to standard. Clause 10 corrects this position by inserting a new section 21a as follows:

(1) An officer or servant of the board, acting under the authority in writing of the board, may enter and inspect the premises, and any equipment therein, used by a registered chiropodist in the practice of chiropody, and may report to the board on the suitability of the premises and equipment for the practice of chiropody.

(2) A person shall not obstruct or impede an officer or servant of the board in the exercise of his powers or functions under subsection (1) of this section. Penalty: $200.

The kernel of the matter, as I see it, is in the following subsections:

(3) The board may, by notice in writing served personally or by post upon a registered chiropodist, direct him to carry out such instructions, specified in the notice, as the board deems necessary to ensure that the premises and equipment of the registered chiropodist are suitable for the proper practice of chiropody.

(4) A registered chiropodist shall, forthwith upon receipt of a notice served upon him under subsection (3) of this section, carry out the instructions specified therein. Penalty: $200.

I think this is a step in the right direction, for it is an attempt to bring the standard of the profession up to the accepted standard in this State of all these types of profession. I have examined the Bill thoroughly and I have also contacted various people connected with the profession, all of whom appear to approve of the Bill. Therefore, I give it my full support.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 23. Page 2446.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): This Bill is mainly concerned with tidying up a number of sections of the Motor Vehicles Act. In addition to that, as I see it, it has three main features. First, it grants certain concessions to invalids and incapacitated people; secondly, it provides for a facility

of proving cases when a defendant does not appear in court; and, thirdly, it introduces the much-debated points demerit scheme.

The first of those, although of some importance, I do not think any honourable member will disagree with. The second one (that is, facilitating proof in the case of a defendant who does not appear on charges under the Act) is, in my opinion, a good amendment. This is contained in clause 36, which provides for a new section 142a. This should save the time of the court. I practised fairly extensively in this jurisdiction when I was at the Bar, and I know what a tremendous amount of time was wasted, when a defendant did not appear, in the necessity for having to formally prove the case. A police constable had to go into the witness box and give details of the offence on oath so that the court could be satisfied that the offence had been committed. This clause provides that so long as the allegations in the complaint are complete they shall be *prima facie* evidence of the matters alleged. However, the section does not apply (very properly) in relation to an offence punishable by imprisonment.

The only query I raise (and possibly the Minister might consider it) is whether the provision that the section shall not apply to or in relation to an offence punishable by imprisonment should not also be extended to offences compulsorily punishable by suspension of licence. This is a matter which the Minister may already have considered, but of course to many people, particularly commercial drivers, the loss of a licence is very severe. I use the words "compulsorily punishable by suspension of licence" because under section 169 of the Road Traffic Act certain offences are compulsorily punishable by suspension.

I come now to the question of the points demerit scheme, which has excited a considerable amount of debate in this Council. In his second reading explanation the Minister gave as reasons for this proposal the points that it has worked well elsewhere and that it provides (as he said) both a deterrent and a protection for the public. I think the scheme is probably covered best by the word "deterrent", because I think the effect is more likely to be psychological than otherwise. If one refers to the Road Traffic Act, which of course is directly applicable to this matter, one will find under section 168 that if a person is convicted in any court of an offence against the Act the court may order that that person be disqualified either for a period or until further order from holding and obtaining a driver's licence. This applies to any single conviction; the court has power to impose that as part of the penalty.

Section 169 of the Road Traffic Act provides that, in the case of a second offence within three years in respect of section 46 (reckless and dangerous driving), section 43 (3) (*a*) (failure to stop after accident), section 48 (the general speed limit of 60 miles an hour), section 49 (*a*) (speed limit in a municipality, town or township), section 50 (speed limit in a speed zone) and section 63 (right of way at intersections and junctions), the court shall compulsorily suspend anybody's licence. This is for a second offence in respect of any of these particular offences, and it is a compulsory disqualification.

For example, if a person is caught (as we know happened to a wellknown television personality the other day) for a second time within three years for speeding, he loses his licence compulsorily and that is that. This is already a fairly severe penalty, because under the points demerit system one has to notch up a sufficient number of points (for instance, be convicted of speeding four times) to lose one's licence as a result of the scheme. I mention this in support of my statement that the system is likely to have a psychological rather than an actual effect, because the court is notified of one's previous offences when it is hearing a charge laid under the Road Traffic Act. I could not imagine a court not suspending the licence of a person who had four convictions for an offence warranting his being debited with three points under this scheme, anyway. The court already has power under section 169 of the Act to disqualify a person in respect of any of the offences I have already mentioned.

The Hon. C. M. Hill: But this person is a repeat offender, and that is the person we are aiming at.

The Hon. Sir ARTHUR RYMILL: That is so. Under section 169 it is the duty of the court to disqualify drivers for certain offences. However, it must be a second conviction for the same offence; in other words, it must be two speeding offences or two right-of-way offences. One speeding offence and one right-of-way offence would not mean that the court would have compulsorily to suspend a licence, although under the preceding section it could do so if it considered it necessary. The court already has adequate power to suspend a person's licence, and the effect of the points demerit scheme is more likely to be psychological.

The Hon. C. M. Hill: That is a good reason for having it.

The Hon. Sir ARTHUR RYMILL: That is how I sum up the position, and in making that summary I feel obliged to support the clause, because it is our duty to do anything that can reasonably be done to try to reduce our accident toll. To notch up 12 points within three years, one would have to be a fairly regular offender. The Hon. Mr. Bevan made the point that (as he put it) it was a second punishment for the same offence. However, I do not agree with that concept because it is all part of one penalty. For instance, if one is fined for a speeding offence, one is fined and also debited with three demerit points. This is the same position that obtains when a person is fined as well as being imprisoned for committing a certain offence, as happens in many instances. There is nothing unique or unusual about two different sorts of penalty being imposed as part of the one penalty, and that is how I regard it. When one is convicted for an offence under this scheme, one will receive a monetary penalty and also be debited with a certain number of points.

The Hon. F. J. Potter: The demerit points is a penalty that does not have to be immediately paid.

The Hon. Sir ARTHUR RYMILL: That is a good point, and also it is a penalty that might not actually become a penalty at all.

The Hon. F. J. Potter: Yes, it might disappear.

The Hon. Sir ARTHUR RYMILL: That is correct.

The Hon. S. C. Bevan: But it is still a penalty that does not exist at the moment, so it must be a penalty on a penalty.

The Hon. Sir ARTHUR RYMILL: As so often applies in this place, it all depends on one's point of view. I am at the moment considering agreeing with the view of other honourable members of having the points for certain offences included in the Act itself rather than having them prescribed by regulation. There is obviously a clear feeling in this Chamber that that should be the position. A person is entitled to have an Act of Parliament tell him what are his legal obligations, rights and liabilities. I know from my practice of the law that it is not always easy to get hold of regulations. Indeed, it is sometimes difficult to do so after a lapse of time. In these circumstances, I consider that the public is unnecessarily hampered in having to obtain copies of regulations as well as Acts of Parliament when, as I see it in this instance, the points could as easily be included in a schedule to the Act as they could in regulations.

The Chief Secretary's arguments against this proposal did not, with respect to him (as I usually respect his opinions very much), impress me deeply. His main argument was that it takes time to alter an Act of Parliament, and that this can be done much more quickly in the case of regulations. I cannot see that it is likely to be necessary for us to alter these points quickly or to add points for new offences, because all these offences are well established. However, if new offences are created, the law relating to the points demerit system could easily be amended at the same time.

The Minister of Roads and Transport argued that members would have just as much control over points if it were done by regulation as if it were done by an amending Bill. However, I do not agree with that; members would certainly have power of disallowance, but I do not know how they could alter the scheme because I know of no machinery whereby a private member can alter or add to a regulation. However, if a schedule were included in the Act, every member would have the right to introduce a Bill to amend the Act at any time or to obtain an instruction to allow the matter to be considered when an amending Bill was before Parliament.

To summarize, I support the Bill and suggest that the question of offences compulsorily punishable by suspension of licence should be considered in relation to the evidentiary clause. In particular, in the Committee stage I should like to hear more about whether the list of demerit points should be included in a schedule to the Bill. At this stage I am not committing myself to a course of action in this regard, but my present feeling is that it would be better for all concerned in several ways if the list was included.

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

ADJOURNMENT

At 4.52 p.m. the Council adjourned until Wednesday, October 29, at 2.15 p.m.