LEGISLATIVE COUNCIL

Thursday, October 30, 1969.

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Dairy Industry Act Amendment,

Goods (Trade Descriptions) Act Amendment.

QUESTIONS

QUARRYING

The Hon. H. K. KEMP: Last Thursday I asked the Minister of Local Government a question about White Rock Quarries Pty. Ltd., which proposed to establish a stockpiling area and install mixing plants in Horsnell Gully. Is the matter of this company's plans regarded as closed by the Minister, or can he refer it again to the committees concerned? In addition, will he refer also the matter of opening this quarry to the Norton Summit Road and spoiling another gully? I am informed that there are ample reserves of stone elsewhere in the leased area. Can the Minister say whether the Government has power to direct that work shall cease in this section of the quarry?

The Hon. C. M. HILL: In my reply to the honourable member last week I explained that the State Planning Authority gave its approval to some stockpiling, subject to certain conditions. I set out these conditions and I thought at that time that they should ensure that this problem would be contained to the satisfaction of the honourable member and of some others who have recently been raising objections to and criticizing this whole matter.

In view of the honourable member's further concern, however, I am quite happy to refer the whole issue again to the State Planning Authority (which, I may add, is a very responsible and representative body) and obtain from it some further information, and in particular answers to the queries that have been raised today.

EDUCATION PAMPHLET

The Hon. JESSIE COOPER: My question is directed to the Minister representing the Minister of Education. I ask him to ascertain from the Minister of Education the following information: (1) Has the Minister been acquainted with the contents of the introductory leaflet and petition circulated in the Kingston electoral district prior to the recent Commonwealth election by the self-styled State Education Advancement League, Kingston? (2) Is the Minister aware that this pamphlet and petition was distributed in some cases by State headmasters and school staff to their pupils and addressed to the parents? (3) Has the Minister noticed that the body of the pamphlet implies that there is doubt whether Commonwealth funds will be going to education as a result of the last Commonwealth Budget? (4) In order to clarify much misleading information by statements similar to this, will the Minister, for the benefit of all South Australian people, make a clear statement on how much money in total will flow into South Australian State-sponsored education operations as a result of the last Commonwealth Budget? (5) Finally, will the Minister in future ensure that State schools and State schoolchildren will not be used for the distribution of quasi-political pamphlets and propaganda?

The Hon. C. M. HILL: I shall refer all those questions to the Minister of Education.

BUSH FIRES

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to a question I asked last week about burning off in the Beetaloo reservoir catchment area?

The Hon. C. R. STORY: The Director and Engineer-in-Chief advises that some controlled area burning has been performed in the danger areas in the vicinity of the dam that are frequented by visitors. Gullies upstream of the reservoir have also been patchburned where access has been possible. Recent rain in the area has made it impossible to continue because the fire unit being used is unable to traverse the area. A TD 18 dozer is currently continuing with the clearing of breaks on the north-eastern boundary of the reserve and, in addition, a D4 tractor and Majestic plough are at present removing growth from other existing fire-breaks. The Port Pirie Emergency Fire Service unit has recently toured the area but so far no comment has been received. However, as reported previously, the closest co-operation exists with E.F.S. personnel responsible for the area.

FISHERIES ACT AMENDMENT BILL

The Hon. C. R. STORY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Fisheries Act, 1917-1962, as amended by the Fisheries Act Amendment Act, 1967. Read a first time.

The Hon. C. R. STORY: I move:

That this Bill be now read a second time.

In 1967 the Fisheries Act Amendment Act, 1967, was introduced to amend the principal Act to deal with what might be called a crisis in the crayfishing industry. At that time it was stated by the then Government that it was hoped a completely new Fisheries Act would be enacted, and this remains the intention of the present Government. In fact, the task was entrusted to Sir Edgar Bean, a former Parliamentary Draftsman, and a great deal of work has already been done in the matter. For various reasons it is, at this time, not possible to bring down a Bill for this new Act.

However, the 1967 amending Act which contained powers to regulate the crayfish industry was expressed to expire on May 31, 1969, that is, at the end of the 1968-69 crayfish season. It was, as I have mentioned, thought that by that time the new Act would be in operation. It is not entirely clear just what is the precise legal effect of the expiry provision but it is clear that in the interests of the crayfishing industry these restrictions must remain until the new Act comes into force.

Accordingly, to resolve any doubts on the matter, this Bill repeals the 1967 amending Act and goes a little further in that it proposes to remove the amendments inserted by that Act from the Statute Book. It then re-enacts the amendments in precisely the same terms as they appeared in the 1967 amended Act, and then validates and effectuates actions, etc., taken pursuant to those amendments as if they had been enacted before and came into force on the day on which the 1967 amending Act came into force, that is, November 1, 1967.

However, the Government is aware that some persons, at least, may have arranged their affairs on the basis that the regulatory aspects of the amendments had no effect after the date of expiry expressed in the 1967 amending Act, that is, May 31, 1969. Lest this Bill be construed as imposing what might be called a retrospective liability on such persons, proposed new section 3a (4) of the principal Act provides that no liability will be incurred in respect of acts or omissions constituting offences created by the amendments when those acts occurred between May 31, 1969, and the day of commencement of the Act proposed by this Bill.

To consider the Bill in some detail: Clause 1 is formal. Clause 2 repeals the 1967 amending Act but validates and effectuates actions taken under the principal Act. Clauses 3, 4 and 5 enact in precisely the same terms the provisions that were previously enacted by the 1967 amending Act.

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

TEXTILE PRODUCTS DESCRIPTION ACT AMENDMENT BILL

Read a third time and passed.

PETROLEUM (SUBMERGED LANDS) ACT AMENDMENT BILL

Read a third time and passed.

UNDERGROUND WATERS PRESERVATION BILL

Read a third time and passed.

SUPREME COURT ACT AMENDMENT BILL (VALUATION)

Adjourned debate on second reading.

(Continued from October 29. Page 2557.)

The Hon. F. J. POTTER (Central No. 2): In supporting the second reading of this Bill, I congratulate the Government on taking this step to set up in South Australia this new Land and Valuation Court. This is a move that I think will be welcomed by all sections of the public, and it is evidence that the Government really intends to see that people who are involved in disputes, particularly concerning acquisition of land, will receive adequate justice from the best possible expert that can be given to them as the final arbitrator of their particular differences.

I do not intend to speak at length on this Bill, nor do I intend to say anything at all about the many Bills on the Notice Paper which are supplementary to and dependent on this measure. The Bill quite clearly sets up an additional new chair upon our Supreme Court bench. This chair is to be occupied by a person who, as explained by the Minister, is to be (or certainly is to become) an expert in the whole field of the valuation of land and disputes concerning valuations of and interests in land.

While it is true that this additional judge is also to be able to exercise the jurisdiction of the Supreme Court in other respects, I am satisfied that the terms of new section 62c are such that it is clear that the primary task of this additional judge will be to sit as and conduct the work of the new Land and Valuation Court; in other words, it will be only when the work in that jurisdiction at any particular time is slack that he will perform the functions and duties of a judge of the Supreme Court in its other jurisdictions.

I think this is fairly clear from the new section, and I would not have it otherwise because it is clear that the purpose of the Bill would be defeated if in fact we created a new judge in the court and then just threw him into its general jurisdiction and allowed him to develop the work of this new Land and Valuation Court as a kind of part-time occupation. I do not think that is intended, and I think that, administratively, it will be handled in such a way that it will not occur.

A precedent exists in New South Wales where in 1921, under the Land and Valuation Court Act of that year, a judge of the Supreme Court of New South Wales, Mr. Justice Else-Mitchell, was appointed Judge of the Land Valuation Court. Anybody acquainted with the work of Mr. Justice Else-Mitchell will realize that the establishment of that court has been a success; it has provided great stability by way of precedent and example in land problems and, in particular, land valuation problems, and I believe it is a very good precedent to follow.

Of course, it may be said, "Does this Act do anything very much different from what now exists?" Leaving aside the fact that Special Magistrates presiding in Local Courts have in some circumstances acted as Land and Valuation Courts (if I can use that expression) it would be true to say that under the present Compulsory Acquisition of Land Act it is possible to appear in the Supreme Court, obtain a judgment from a single judge and then take the matter to appeal.

The Hon. R. A. Geddes: Appeal to the Full Court?

The Hon. F. J. POTTER: An appeal to the Full Court. Yesterday I detected in an aside that the Hon. Sir Arthur Rymill was rather sceptical of this Bill and said, in effect, "Does this do anything more to change the present circumstances by taking away, or limiting, the right of appeal?" I suppose if one looks at it in a cynical way there may be a case to be made out, but I have checked the position in New South Wales and found that, with the establishment of this new expert court, right of appeal is limited, and limited in exactly the same way that this Bill proposes; namely, only on a question of law. I quote section 17 of the New South Wales Act, which reads:

When any question of law arises in any proceeding before the court the court shall, if so required in writing by any of the parties within the prescribed time and subject to the prescribed conditions, or may of its own motion, state a case for the decision of the court of appeal.

That is virtually word for word the provision proposed in new part IIIA, section 62f. I point out that proceedings on appeal on a question of law may not be commenced purely and simply by a judge making up his mind whether he will state a case or not, because the parties may require it to be done; if that happens, then the judge must state a case.

The Hon. S. C. Bevan: But only if it applies to a question of law.

The Hon. F. J. POTTER: Yes, but I rather thought that the Hon. Mr. Bevan yesterday was saying that, even on this limited question, it was up to a judge to decide, but it is not as limited as that.

The Hon. S. C. Bevan: No. I quoted from the clause providing that the court may state a case only in exceptional circumstances.

The Hon. F. J. POTTER: The reference to a question of exceptional importance does not relate to an appeal on a question of law: it relates to a principle of the valuation of property. So, in this respect the right of appeal in this Bill is wider than the right of appeal in the New South Wales Statute. The right of appeal is limited because this is an expert tribunal. I am at present keeping an open mind on this somewhat difficult matter because I should like to hear whether other honourable members think that, in the special circumstances of this tribunal, the right of appeal should be so limited.

The Government will endeavour to appoint to the bench someone who will become a recognized expert in this field; I doubt whether such an expert is already available. Whoever is appointed will, by applying himself to absorbing the case law (which at present exists in a somewhat scrappy fashion) and to considering other principles now being taught in more and more academic fashion concerning valuation and betterment of land, in process of time (and probably fairly quickly) become a recognized expert in this rather tricky and unusual field of law.

The Hon. R. A. Geddes: Have you any information about the number of appeals to the Full Court in New South Wales?

The Hon. F. J. POTTER: I have no figures on that matter but, from my own knowledge of existing circumstances, I can say that very few cases in South Australia go on to appeal from the decision of a single judge.

The Hon. D. H. L. Banfield: The right of appeal should be available.

The Hon. F. J. POTTER: Honourable members must answer this question for themselves. The only justification for restricting the right of appeal is that we are setting up an expert tribunal.

The Hon. D. H. L. Banfield: The experts are not always correct.

The Hon. F. J. POTTER: Clearly, they can be corrected on a matter of law, but on a matter of fact the tribunal's decision is to be final. That is not an unusual situation.

The Hon. S. C. Bevan: The Bill is taking away a right that people already have.

The Hon. F. J. POTTER: They have this right, but in somewhat different circumstances. At present they have a right of appeal because they do not go to the expert tribunal in the first instance. The question is whether the position should be changed when people go to an expert tribunal in the first instance.

The Hon. A. J. Shard: Who says that the judge is an expert?

The Hon. F. J. POTTER: This is the basis of the whole measure.

The Hon. A. J. Shard: We have seen before that sometimes an attempt has been made to fit square pegs into round holes.

The Hon. F. J. POTTER: The Government will consider this appointment very carefully and see that a person is appointed who is prepared to make himself expert in this difficult field of law in the quickest possible time.

The Hon. D. H. L. Banfield: What about the people who benefit from his "experienced judgments" while he is learning?

The Hon. F. J. POTTER: In a jurisdiction like this, one does not want to be too technically minded. One should have his feet on the ground and have a little of the milk of human kindness in his veins. Having said that, I commend the Government for introducing this Bill. It is unsatisfactory that various Acts at present provide for a whole series of tribunals to which one may go for various reasons. Once this new tribunal becomes expert, it will achieve status and authority similar to that achieved by Mr. Justice Else-Mitchell in New South Wales.

The Hon. Mr. Bevan queried whether this Bill had been introduced prematurely and whether a Compulsory Acquisition of Land Act Amendment Bill should have been introduced before this Bill, or at least concurrently with it. I do not think there is much in his contention. After all, this Bill sets up the court. The terms of reference within which the court must function are to be determined ultimately by this Parliament. I do not really believe that this Bill should be held up pending the determination of what shall be the final criteria for compulsory acquisition of land. I support the second reading.

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

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 2490.)

The Hon. H. K. KEMP (Southern): Most of us do not particularly like restrictive legislation but, after reviewing what has been achieved through the principal Act over the years, I do not think there is any doubt that the continuance of the Prices Branch is most desirable. The work of the Prices Commissioner in connection with the wine industry has been very meritorious. It was only a short time ago that we were in dire trouble in the viticultural industry. As short a time ago as four years, it was impossible for many growers to sell many of their grapes. That position has recently changed dramatically, but until then it was merely the negotiations and the patience with which they were carried out by the Prices Commissioner that enabled the industry to survive.

The dramatic change that has taken place results from an upsurge in the popularity of unfortified wines in Australia. The present consumption of such wines in Australia is the high figure of 1.6 gallons a head. There is, however, in my view, trouble ahead. It may be solved by continued increase in wine consumption but I doubt whether the increase will continue at the past rate. Over the past few years many people have laid down small private wine collections or cellars. I believe this has just about reached the crest and from now on it is likely that the purchasing rate will decrease.

Although the Wine Board is expecting a continued increase so that our consumption rate in 1975 will be about two gallons a head, we must wait and see whether that occurs. It may not. It may still increase, with the larger number of people from the Continent entering Australia and bringing their customs with them, and we can expect a slow increase, but it may not be the rapid increase that occurred when people started laying down collections of wine not only in South Australia but apparently in most parts of Australia.

On the other hand, there is a huge increase in plantings. I will not detail the figures, but there has been a very large increase in the

acreage planted in South Australia. Not only here but also in the Eastern States, closer to the markets of Sydney, Melbourne and Brisbane, there have been larger plantings.

The Hon. D. H. L. Banfield: Do you think there should be a quota for those plantings?

The Hon. H. K. KEMP: We shall leave that to the Labor Party.

The Hon. D. H. L. Banfield: Your people could not do it with wheat; I thought they could do it with plantings.

The PRESIDENT: Order!

The Hon. H. K. KEMP: Our present wine production is higher than ever before. In Australia last year, we made 52,000,000 gallons of wine, 72 per cent of that in South Australia. The increase in production that is coming not only from the increased plantings cannot be expected to reach full yield for at least another four or five years. With the increase in planting, there has also been a marked increase in the harvest yield an acre. These two factors will operate together.

If the projected increase in consumption occurs, as thought likely by the Wine Board, these grapes will be absorbed. If not, inevitably there will again be surplus grapes. It is very dicey indeed. There is uncertainty. It is likely that we shall need the Prices Act again, and not far ahead. At present, the grapegrowers have no difficulty in selling their produce, but a large proportion of the acreages planted have been planted by the wineries, the private companies interested in the wine trade, and necessarily in a few years' time they will have priority, which is only to be expected. The Prices Commissioner may face a difficult task in the years ahead.

In other areas of agriculture, too we rely heavily on the Prices Commissioner and on regulations. We pay a tribute to him for his steadying influence in restraining price increases in so many commodities that affect our cost of living. It is to be regretted that we cannot ask his assistance in limiting the costs of many other commodities used in agriculture. Unfortunately, that is beyond his capabilities because many of these materials spiralling in cost so seriously are beyond the control of a single State officer. We must say "Thank you" to the Prices Commissioner for the work he has done in the past. I support this Bill and the continuation of prices legislation.

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

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 29. Page 2555.)

The Hon. F. J. POTTER (Central No. 2): This is the all-important Bill for which we have been long waiting. Now that it has appeared, I am overwhelmed by a sense of anticlimax. I and, I am sure, other members feel as though we have been mere automatons in some inexorable process that we could not stop. Yesterday the Hon. Mr. Rowe said he was surprised and dismayed that only three people had spoken on the Bill in another place. If that is so, perhaps it indicates that members somehow feel they have been caught up in a process to which they can contribute very little.

There is no doubt that into this brief Bill of seven clauses is packed a lot of political dynamite, because there is no question that it will effect the biggest change we have seen in the political and Parliamentary set-up in this State for decades. The Parties and the commission have been in labour and the offspring is now before us for inspection. The Liberal and Country League says that it was nobly and honourably conceived, but it still wonders whether the creature will have a vicious bite. The Labor Party says that this creature was conceived in sin and that it is mis-shapen and lopsided, but it loves it all the same.

I am tired of the statements made by members of the Opposition. The Leader has recently said that the Labor Party is wedded to the principle of one vote one value and that it considers it the only fair system; and, as the Bill does not provide for it, it is therefore, by inference, unfair. Those kind of words mean very little to the average voter in this State. Why does not the Hon. Mr. Shard state his position in more concrete terms and face up to the political reality involved in such a statement? Why does he not say the Labor Party believes that the commission should have been directed to designate 34 metropolitan and 13 country seats to make up the 47 seats? That is really what he ought to say if he translated his statement into concrete terms. However, the A.L.P. is not prepared to face up to the consequences of such concrete statements.

The commission has carried out its allotted task sincerely and dispassionately, and no-one can find fault with the report. Any complaints that we now have to voice are in respect of the commission's terms of reference, which fall into two sections: first, in relation to the

new boundaries and the number of House of Assembly seats and, secondly, the boundaries of Legislative Council seats. In respect of the former, I repeat what I said when I spoke on the second reading of the Bill setting up the commission, namely, that it was plain to me and, I suppose, to all honourable members of this place that, as the Assembly had deliberated on the Bill and sent it to this Chamber, it was our function to act as a House of Review. We should not lightly interfere with the considered vote of another place regarding its own electoral system and electoral boundaries unless it had deliberately acted in a manner which was unjust to the electors of this State or had deliberately trampled on the rights of minorities.

I said then, and I repeat, that as far as I can see nothing like that has occurred. Indeed, another place has presented to this Council a Bill which, on the face of it, appears to be an adjustment of electoral districts to provide for a markedly different but more just system than that existing at the moment. Therefore, we should not lightly interfere with any arrangements made by the commission in giving effect to its terms of reference.

I think it is true that a House of Review is quite unable by exercising its power to prevent the Lower House of Parliament from doing what it likes so far as its own electoral system is concerned, even if a particular Party or Government desires an electoral system that places it at a severe disadvantage compared with its position under the existing system. The Upper House should not interfere (and, indeed, in a practical political sense is powerless to do so) with a decision of a constitutional majority in another place on that question. The commission has done an excellent job regarding the House of Assembly boundaries. It did not follow the submissions of either Party; it went about the task in its own way, and the fact that, as far as I know, neither Party has seen fit to date to criticize the findings of the commission indicates the meticulous investigation it made.

The Hon. G. J. Gilfillan: Do you think what you are putting now could act in the reverse situation?

The Hon. F. J. POTTER: That is a different matter altogether. I am confining my statement to the limited ability of this Council to interfere with what the popular House does concerning its own electoral system. Indeed, I do not think this ability exists at all.

The Hon. G. J. Gilfillan: Do you think this should apply the other way around?

The Hon. F. J. POTTER: I do not know about the implications of that, but there is much logic in what the honourable member has said.

The Hon. R. C. DeGaris: Surely you would object to a 56-member House of Assembly acting as a House of Review for this Council.

The Hon. F. J. POTTER: That is limited to the overall number of seats. More than that is involved here. What is involved is a question of how those seats should be distributed between the rural sections of the State and the metropolitan area. I might object, and other members might do the same, but ultimately as a practical proposition the powers of this Council are limited in dictating to the popular Chamber what it should do concerning its own electoral system.

Regarding the work which the commission did and the problems which faced it, it can fairly be said that South Australia is one of the most difficult States in Australia and, indeed, perhaps even in the world, to organize electorally in a manner that will be obviously fair to all Parties. We have certain geographical problems in this State. For instance, we have two great gulfs which penetrate the whole of the settled areas; we have an offshore island which is well populated; we have an extraordinary distribution of population; and we have what I might describe as an iron triangle comprising Whyalla, Port Augusta and Port Pirie which sits up at the top of Spencer Gulf and dominates the centre of our State. Apart from that iron triangle, we have most of the other rural population dispersed in what are probably some of the smallest towns in any State of Australia.

In these circumstances, it will always be a difficult problem to appear to do electoral justice to the people of this State, and I think it is the existence of this kind of problem that makes the application of doctrines such as one vote one value quite ridiculous in concrete terms. I do not want to say very much more about the House of Assembly because I feel we are caught up in this and there is very little we can do about it.

Regarding the Legislative Council districts, we asked the commission to make certain consequential adjustments to the Council boundaries following on its work on the Assembly districts. What the commission did find was that the instructions that were given by this Parliament were somewhat ambiguous, and perhaps that is an under-statement. We always had the idea that the commission would

disregard Council boundaries in working out what would be the boundaries of the new Assembly districts but that it would then make consequential adjustments to the Council districts, having done its initial exercise. I think what few of us expected was that the commission would give, wherever possible, weight to the existing Council boundaries when determining Assembly districts. In fact, it did this to quite a considerable extent and in a way that was rather unexpected. I am not saying that it did not have a warrant to do this under the terms of reference. However, it can be seen that, as a result, the districts of Central No. 1 and Central No. 2 particularly have been slightly affected by the redistribution whereas the country area, particularly the Midland District, has been very drastically affected in terms of the commission's approach.

The Hon. R. C. DeGaris: It is a drastic change.

The Hon. F. J. POTTER: I would say it is, particularly in the Midland District. Indeed, I think it is fair to say that although in the Northern and Southern Districts there may not be a drastic change politically there is a very material change in the actual marking of their boundaries. As I say, I do not know that there is anything we can do about this. We asked the commission to do the job and, whichever way we look at it, it seems to me that it would have been an impossible task to leave the previous Council boundaries exactly as they were and at the same time carry out the task of setting up the new 47 districts for the House of Assembly. Obviously, there must be somewhere along the line a change in Council boundaries which could not be other than fairly drastic.

I do not think we can or should interfere with the commission's finding in this respect. I know that in some sense it was ancillary to the main purpose of its work, but it was inevitable that it would happen. In fact, the terms of reference indicated that the commission was to carry it out. However, in saying this, I think that very soon the members of this Council particularly will have to apply their minds towards setting up or working out a new electoral system altogether for the Legislative Council.

We must tackle this very serious problem, some of the aspects of which have already been canvassed in previous debates. Perhaps I might just very briefly recapitulate what they are: first, I think we have to consider what should be the maximum number of members overall in this Chamber; what should be the number of members representing any particular district; what ideally should be the number of districts for this Council; what should be the balance of representation between city and country interests in this Chamber; what are the potential problems involved in our system of voluntary enrolment and voluntary voting for this Chamber; should we continue with the system of preferential voting for a House of Review; and must we always have a system whereby the Party which wins the first prize in an election automatically also takes the second prize as well?

I think some of these problems I have set out are really at the hub of a good number of problems that are plaguing this Parliament and in particular members of this Chamber, and until we get around to solving them in some way or another we will find ourselves in difficulty. Indeed, I think it can be said that some members of this Council already see that there will be difficulties ahead for them with the implementation of the commission's report, and I suppose it is inevitable that as years go on the difficulties will increase for other members as well. Until we get down to tackling the real problems such as the ones I have mentioned and trying to find a solution to them, we are not going to make very much progress.

It will be obvious from what I have said that I intend to support the Bill. Indeed, I think we can do nothing else at this point of time and in these circumstances. The machinery has gone into motion, the result is before us, and we cannot reverse the process that was started some considerable time ago. I support the second reading.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 2493.)

The Hon. Sir NORMAN JUDE (Southern): I am fully aware of the necessity for continued amendments to the Motor Vehicles Act in order to keep pace with the very rapid development in that sphere, particularly numerical development. It is hardly necessary to say that all honourable members are fully conscious of the need to reduce the ghastly accident rate, and any steps that can be taken to alleviate it are worthy of the fullest consideration. Better driving, better and safer

motor vehicles, better engineering design of our highways, and possibly better (but not more) enactments should be our primary objective.

I have made the foregoing remarks because I am certain that, as a people, we are not doing enough about the safety angle, and there is a very small contribution to that angle in this Bill. I digress on that point for the moment. What has been done on the matters mentioned in this Council from time to time about fast-locking doors of the cross-bolt type, or the hydraulic type as seen in a prominent German-made car? In addition, strangers still have no way of knowing where there is a "stop" sign on an intersection of a cross road, or even where a "give way" sign may be situated. It may be argued that the wisest assumption would be to proceed on the ground that none exist, but it does not do away with the chaos occurring to following vehicles in the main line of traffic.

Clearways are needed now, not in five years' time when we can anticipate, I hope, that many of our highways will be improved and many of our suburban main roads widened. I emphasize that now is the time to establish clearways, not slow action over a period of two or three years after first having a look at the job and then arguing with local shopkeepers who want vehicles to be permitted to park outside their shops all day. This is a national problem, and the necessity for clearways applies especially in the city. I impress on the Minister that this is a matter of importance and urgency.

We have not considered (and apparently I am not aware of the activities of one committee in this sphere) restricting the right of a pedestrian to jaywalk where he pleases. I remember 30 years ago that if anybody made a bee-line from Gresham Place to the Adelaide railway station the hand of the law descended suddenly, but if that is done now nobody seems to care two hoots. Surely it is reasonable to expect people to cross with the lights on North Terrace, particularly if the law provides for it. In other words, it brings some order out of a tendency to chaos. I know a small street opposite this place that seems to encourage many people to take a short cut across the road rather than to cross with the lights. Also, there is a pedestrian crossing opposite the Adelaide railway station that should not be there. There should have been a subway constructed there years ago. I endeavoured to persuade the Railways Commissioner of the day to construct a subway, but he avoided it on the ground that funds would not permit this being done and that it was not his business, as Railways Commissioner, to provide pedestrian crossings on a main road. In other words, there was no co-operation whatsoever.

Another matter I want to draw to the attention of honourable members and the Minister: as we are looking in many cases at comparatively minor breaches of the Road Traffic Act today, I point out that the amber light varies in the time that it is held. It can lead in many cases to people being caught with the red light or, where following vehicles are fully aware that the amber light may go for as long as 10 seconds, this may be the cause of chain collisions. I believe that this matter should be considered by a technical committee in an endeavour to find some way of advising the motoring public how long the amber light operates. I stress that it is a cautionary light only. In some of the larger intersections, where vehicles are frequently turning, it takes a considerable time to clear traffic from the intersection.

The Hon. S. C. Bevan: The greatest offender is the driver who watches the amber light from the opposite direction as he approaches the intersection, and then shoots into the intersection.

The Hon. Sir NORMAN JUDE: I am inclined to agree with the honourable member. Clauses 3 and 9 exempt from registration fees certain farm implements and vehicles owned by various authorities; I think it desirable that they should be so exempted, and I commend the Minister for including them in the Bill. Clauses 5 and 12 can be taken together. They empower the Registrar of Motor Vehicles to vary the registration number of a vehicle, and I quote the words used by the Minister in his second reading explanation that "this has been found to be desirable". Surely honourable members can be told a little more in a second reading explanation than merely "this has been found to be desirable". I think my complaint is a reasonable one. This could mean that the Registrar could reallocate numbers existing under the previous scheme and add letters to them. I do not think that this would be done, but it could be.

I have heard it said that this will facilitate the Registrar's dealings with regard to interstate hauliers. In my time such vehicles were originally designated by "I/S" numbers and there has been some problem with regard to similarity of colour with number plates of vehicles from another State. I suggest there would be no harm in the Minister telling the Council that that was the background leading

to the amendment. It would have saved members the embarrassment of being stopped in the street by various people and asked if it meant we would be reverting to the old system of allowing preference for three-figure or four-figure numbers at an additional fee, which is a matter of interest to many people.

Referring again to clauses 5 and 12, which give the Registrar the power to allocate certain numbers, I find myself entirely in agreement with that provision. However, I suggest that honourable members watch this Bill carefully when it reaches the Committee stage. If the Registrar is to allocate different numbers, then it will cost somebody something, and I think this is definitely a case where the Crown should pay. If it is desirable that certain interstate transports should be covered by this provision, then I think it only reasonable that the Crown should pay the cost of any re-allocation decided upon by the Registrar. I am not suggesting that he has that in mind, but I think it would be desirable to have the provision inserted in the Bill by way of amendment, particularly as the cost is now reasonable.

While speaking of the cost of number plates, I draw the attention of honourable members and the Minister to the fact that reflectorized plates are now available at a reasonable cost. They have been accepted and included in the total administration costs by the Motor Vehicles Department in Tasmania. I have forgotten the number of States in the United States of America where they are used throughout those States and, if the Minister is interested in asking the Police Commissioner, I am sure he will agree they are undoubtedly of great practical value.

The Hon. C. M. Hill: We are already looking into this matter, and I hope to introduce them within 12 months.

The Hon. Sir NORMAN JUDE: Thank you, Mr. Minister.

The Hon. C. M. Hill: I know the honourable member has been very keen on them.

The Hon. Sir NORMAN JUDE: Thank you. Clause 8 deals with certain rotary engines, or the Wankel, as one of them is called, and possibly gas turbine engines, which we shall have in the future. Having been privileged to drive a gas turbine engine, I know it is somewhat difficult to apply a formula to the horsepower of these engines. However, as these innovations cannot be assessed under the old piston formula for the purpose of determining the registration fee, it is now suggested that the Registrar shall deal with the matter "in a fit and suitable manner", or words to that effect. I suggest that for vagueness regarding delegation of authority this clause must be somewhat unique.

As the Registrar is unlikely to be an engineer, he must obtain a professional opinion concerning this matter. Whose opinion will he obtain? Does he obtain the opinion of the makers of the engine? Does he obtain the opinion of a prominent Government engineer? Or does he obtain the opinion of the purchaser concerning what the car will do? All these people would have a fair claim to knowing the answer. I suggest to the Minister that this matter must be resolved properly. I think it is unfair to ask the Registrar to make a determination only to find out afterwards from other experts that he is wrong in this respect. If the Registrar needs to have a professional opinion, then this should be specifically provided for. I suggest this is a case for having a special regulation that will set out the formula clearly. The formulae for assessing the horsepower of piston engines, etc., are specifically laid down in the Act, as in the case also of steam cars, and so on. This should all be spelt out and be subject possibly to a direct technical type of regulation. It would not affect the machinery provisions of the Bill.

I find myself entirely in agreement with clauses 10, 11 and 15 regarding privilege registration and concession registration for certain incapacitated persons, and I commend the Government for taking this matter in hand. I have noted that other members have commented on the lapse of time after which a registration shall become invalid. As I think this matter can well be left to the Committee stage, I will interest myself in it at the appropriate time.

Clause 20 deals with disqualifications imposed elsewhere, and I suggest that the Minister closely examine his second reading explanation where he used the words "has been" instead of "is" in connection with a disqualified driver. A person may have been disqualified 10 or 15 years previously in another State, and the provision obviously refers to one who is currently disqualified in another State, so that I suggest that there is an error in English in his explanation. I hope the Minister will comment on this matter.

Let me turn now to the real merit or demerit of the Bill. The demerit scheme began in the United States and originally involved a driver-improvement system applying to accident-prone people. As other honourable members have said, this Bill does nothing whatsoever to rehabilitate a driver whose

licence may be suspended. The driver concerned is allowed to "rust" for three months and no driving tests or re-examinations are provided for unless specifically ordered. This matter warrants closer consideration. As the Hon. Sir Arthur Rymill indicated in different words, this system seems to be based on a sort of psychological fear that will act as a deterrent. However, certain people may have a reaction exactly opposite to the one which it is hoped they will have and which will lead to better driving. I hope I shall hear my learned medical colleague commenting on this matter.

I believe that the suggested schedule of points has not received the detailed consideration that it certainly warrants. For example, there is no reference in the points demerit scheme to unroadworthy vehicles, and this seems to me to be an extraordinary omission. The driver of a car that is being driven with no brakes is not to be penalized. This applies also to the driver of a car that has smooth tyres or a faulty shock absorber perhaps on one side causing it to run over a curved embankment.

The Hon. R. C. DeGaris: That will be in the regulation.

The Hon. Sir NORMAN JUDE: If the Minister gets the chance! At the moment, the police take action in respect of this sort of thing because it involves a serious offence, yet it is omitted from the schedule. Surely this is the very thing we should provide for, so that we stop people from driving if they are guilty of this sort of offence.

The Hon. C. M. Hill: You are advocating that we get tougher.

The Hon. Sir NORMAN JUDE: I am advocating a balance, getting tougher in some respects and getting more sensible in others. For driving a vehicle with no headlamps, one point is awarded; and for failure to dip headlamps, two points! Who thought that out? There is a reference to section 81 (1) of the Road Traffic Act, dealing with certain vehicles that have to stop at railway crossings. Which vehicles are involved? What are the circumstances in which they must stop, and what are the recognized warning signs at railway crossings to be observed? The Hon. Mr. Kneebone previously introduced an entirely new form of warning provision at crossings, on which I congratulated him at the time, except that the warning was situated almost on the line instead of 100 yards back from it, but it was plain and easy to see. Does this constitute a warning sign under the Bill? If it does, it is not laid down. The first complaint received, when it was provided that school buses should stop at railway crossings, came from bus drivers whose vehicles had been hit in the rear by vehicles driven by people who thought that the bus was not going to stop! How would an interstate person know that only a bus or petrol tanker was to stop at a crossing in compliance with the warning sign at that crossing? Insufficient care has been taken in regard to this provision. However, the idea is there; it is all right, and I am not against a demerit system. I want a little more care.

The Hon. C. M. Hill: A very representative committee drew up the list.

The Hon. Sir NORMAN JUDE: I do not like what it did about headlamps.

The Hon. R. C. DeGaris: How many demerit points are recorded for driving without lights?

The Hon. Sir NORMAN JUDE: One point, and two points are recorded for not dipping headlamps. Many of the offences for which demerit points are recorded are far too trivial. It is very common for motorists inadvertently to allow signalling devices to remain on; we all know that this practice is bad but, if we left Parliament House and travelled for half a mile, we would see at least half a dozen motorists who had inadvertently left their signalling devices on. It is not a criminal offence, although on a few occasions it could lead to an accident, in which case there would be strong police action. However, it is ridiculous to suggest that every person who leaves his signalling devices on for a short distance should have a number of demerit points recorded against him that is almost equal to the number of demerit points applying to excessive speed.

Two demerit points are recorded against a motorist who permits his signalling devices to remain on whilst three demerit points are recorded against a motorist who exceeds 35 miles an hour. Not only is the list of demerit points totally anomalous in connection with speed limits but it is also grossly unfair. The court has a discretion when imposing a monetary fine on a motorist who exceeds the speed limit, so why on earth can we not vary the number of demerit points according to the seriousness of the speeding offence? Only a few weeks ago the Minister told honourable members that we adhere more closely to uniform standards than does any other State.

The Hon. C. M. Hill: In connection with road signs.

The Hon. Sir NORMAN JUDE: Yes, admittedly he was dealing specifically with

road signs. Other States with points demerit schemes have adopted different standards. The only excuse that can be offered is that the schemes in some other States operate by administrative action, but the fact remains that in New South Wales two points, I think, are recorded against a motorist who exceeds 35 miles an hour by up to 10 or 15 miles an hour; if a motorist exceeds 35 miles an hour by 25 miles an hour a greater number of points is recorded against him. There is a graded scale, as there should be.

Let us consider Anzac Highway, a divided highway with very few intersections apart from those controlled by traffic lights and with virtually no traffic at certain times. Compare a speed of 43 miles an hour on Anzac Highway with the same speed on Unley Road! Such a speed on Unley Road would be dangerous at 5 p.m., but not on Anzac Highway, yet the same penalty is provided and there is no provision for the court to vary it.

Section 11 of the Western Australian amending Act, 1968, repealed section 75 of that State's principal Act and re-enacted the demerit clause in subsections (1) (*a*) and (1) (*b*); subsection (2) provides that the regulations may prescribe a different number of points for different prescribed offences or classes of prescribed offence according to the time, place and circumstance of the offence. This is a very sensible amendment to the principal Act of that State, and we should be using it as our guideline. In other words, the Western Australian legislation conforms to sensible requirements, but we have made no attempt to enact similar legislation. We have simply laid down a list, regardless.

I read in this morning's newspaper—to my disgust—that where a term of suspension of a licence is applied the demerit points apply, too. If a motorist is twice convicted of travelling at 40 miles an hour his licence is automatically suspended and he carries, in addition, six points towards a further suspension. In other words, he is penalized twice. This is grossly unfair and contrary to the ordinary man's sense of justice.

The Hon. C. M. Hill: That is only your opinion.

The Hon. Sir NORMAN JUDE: Yes, and I am prepared to voice it. In Victoria it has been suggested that, if a penalty involves suspension of a licence, no demerit points whatever should be recorded. In New South Wales the points demerit system provides for nine points over two years before a licence can be suspended. Some of the penalties are graduated according to speed, and some are totally different from our list; there are one or two additional provisions, and one or two provisions that are in our list but not in the New South Wales list.

The Queensland system provides for nine points over two years before a licence can be suspended; there is discretionary suspension under the administrative act of the Commissioner. In Victoria and Tasmania committees have been appointed to look into this matter and make recommendations, but no points demerit system has yet been introduced in either State. I have been informed by people associated with the Government that one of the reasons why such a scheme has not been introduced in Victoria is that it would militate somewhat unfairly against commercial drivers continually on the road. I agree that, basically, the sound driver has nothing to fear but, if he goes around with a fear complex, he may inadvertently drive at 40 miles an hour and become a nervous wreck.

The Hon. C. M. Hill: We considered the commercial driver when we put in the appeal clause.

The Hon. Sir NORMAN JUDE: That clause takes effect only when he is hit on the head with 12 points; he has no appeal prior to that. In Japan there are two sets of demerit regulations: one is based on breaches of the law that involve an accident or injury and the other is based on breaches of the law where no accident or injury is involved. If a motorist crosses a double line in Japan and is seen by the police, he is penalized a point but, if he commits the same offence and causes an accident, he is penalized more points. This idea is worth considering.

There is a rather unusual system in England. A motorist loses his licence if he commits six major offences in 12 months. That seems rather light—unless exceeding 35 miles an hour is regarded as a major offence! A motorist loses his licence if he commits 20 less important offences in six months or if he has three endorsements on his licence. I give honourable members that as a matter of interest; I do not see that we can make much use of it at the moment. Another penalty in the list (I think I can memorize it well enough) is that for overtaking: three points for overtaking or attempting to overtake. Anybody who knows anything about good driving knows that, when a person overtakes, he overtakes as fast as he reasonably can. Is there anytthing more annoying or dangerous than the driver who decides to

overtake a semi-trailer and then stays at its side for the next 200 yards before completing the overtaking? If a driver suddenly pulls out from behind a car that is doing a steady 28 m.p.h. and, in order to pass it, he bangs his foot down on the accelerator and overtakes at 40 m.p.h., he is committing an offence. I was pulled up for doing that on one occasion, but was not prosecuted. I asked how else I could have overtaken the two slow-moving trucks safely without accelerating like that. Previously, I had been doing 25 m.p.h. for some time behind those trucks until I saw the road ahead was clear. We must consider this point.

We should not penalize a man for putting his foot down on the accelerator to pass a vehicle as quickly as possible to leave the road clear for other vehicles. While I have no complaints about our police as a whole (I think they do a good job and I am proud of them), we should have something in this legislation to give more discretion. After all, we all want safe driving. If a man pulls out recklessly to overtake and a car is coming in the opposite direction, that is reckless driving on his part. That is already provided for.

The Hon. C. M. Hill: That is what is provided for here: before the road is clear a driver must not overtake or attempt to overtake.

The Hon. Sir NORMAN JUDE: Is it necessary for this offence to be in the list at all? Reckless driving is already covered, and overtaking when the road is not clear is reckless driving. Why fog up the Bill with a dozen unnecessary items? There must be a discretionary power vested in the court in respect of penalties and a graded system of points. In that connection, I suggest the Minister would be well advised to consider with his experts the desirability of altering that part of section 169 of the Road Traffic Act that deals with paragraph (*a*) of section 49 (driving through townships). The reason I suggest that is that for the last year or so the Road Traffic Board, under the Commissioner, has been doing excellent work in trying to overcome this "prescribed township" problem. It has been raising the speed limits in various places throughout the State, and even near the metropolitan area. I suggest that that little subsection be taken out of section 169 of the Act. Let us depend upon the Road Traffic Board dealing with this problem in a practical manner and raising the speed limits to sensible ones in remote hamlets.

There is a little township near my property on which there are no buildings; it is on the main bitumen highway to Victoria. It is the township of Jessie; it has no residents at all. That has a 35 m.p.h. speed limit. I suggest that that limit be abolished altogether. As I said at the beginning of my speech, the carnage on our roads must be reduced by every possible means. To that extent, regardless of any demerit points system, we must deal with the reckless driver, the drunken driver and the user of faulty motor vehicles on our roads. I have already said that there are obvious differences between the various States and there seems to be little attempt at uniformity in this direction.

Some months ago the Minister appointed a committee (I think under the chairmanship of Mr. Pak Poy) to investigate road safety factors. I am glad he did, but we have so far had no report of any kind from that committee. The very thing I would have expected was that a report would be submitted to the members of this Council indicating that committee's thoughts on this matter, so that we could know something about its activities. That committee may be working hard at the moment, for all I know, in which case there is all the more reason why we should defer this matter until we have that committee's recommendations upon it. I suggest, therefore, that for the time being, until we have a report from the committee and, secondly, until the Commissioner completes his work in rezoning many of the short stretches of road on our road system, clause 23 be deleted from the Bill and honourable members and the public be given further opportunity to consider the Bill. In saying that, I support the second reading.

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 29. Page 2560.)

The Hon. F. J. POTTER (Central No. 2): This is a somewhat lengthy Bill but I have little to say except that I support it wholeheartedly. Largely, it follows the legislation that has been drawn up in other States to provide for a central combined trust account to be invested for the production of interest to help the Legal Assistance Scheme. That is one of the basic reasons for this legislation. A tremendous amount of work has been done by the committee of the Law Society in dealing with this problem. It has been working

on it for some years. Several drafts of the Bill have been sent to members of the Law Society over the years and full opportunity has been taken to consult members of the legal profession all along the line.

There were some initial problems in this—mainly, I think, because not everybody understood the mechanics and the implications of the proposed system; but they were quickly ironed out and the new legislation was accepted overwhelmingly by a meeting of the Law Society held earlier this year. Because the Bill has been so carefully drawn by the committee and because it compares favourably with the legislation that has already been in existence for some time in other States, I think all honourable members will confidently support the Bill and take it as read through the Committee stages. We can seldom say that we have complete confidence in the drafting of a measure, but that can be said on this occasion. I support the second reading.

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

WEST LAKES DEVELOPMENT BILL

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

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

JUSTICES ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from October 28. Page 2491.)

The Hon. M. B. DAWKINS (Midland): I support this Bill which, as the Minister has said, deals with a number of unconnected matters upon which the Government received submissions. Not having the legal or drafting experience that the Hon. Mr. Potter has I cannot say, as he did in relation to the previous legislation, that this legislation is perfectly drafted. It deals with a number of matters which have required attention and bringing up to date.

I pay a tribute to our justices of the peace for the service they render this State, not only in court work but also in witnessing documents and in other ways. We are indeed fortunate that a considerable number of gentlemen and women of integrity and ability hold a commission of the peace with distinction and credit to themselves and to the considerable benefit of the State.

I express regret at the delays that have occurred in the past when reputable people have been nominated by members of Parliament for a commission of the peace. I received such a nomination three or four years ago from a reputable and worthy gentleman, but it was held in abeyance for about 18 months until the then Attorney-General, when committing himself on another matter in another place, agreed to accept this man's nomination. Since then there have been occasions on which a trivial offence has caused unnecessary delay in the appointment of a reputable person to such a position.

Every member of this Council or of another place would probably admit to having unintentionally exceeded the speed limit in a built-up area, and, if he was a law-abiding citizen, he would then have decreased his speed from, say, 42 miles an hour to the legal speed limit. The only difference between that person and someone who is convicted of such an offence is that the former was not caught. I therefore believe that undue emphasis can be placed on, and undue delays can occur as a result of, trivial offences committed unknowingly and unwittingly by reputable people. I believe that when a man or woman is nominated to a responsible office such as this, the nomination having been made by responsible people and endorsed in every case by members of Parliament, considerable notice should be taken of it.

As I said at the outset, the Bill deals with a number of unconnected matters, and it is not my intention this afternoon to go into detail on all those matters. The most important change is the provision that will allow service by post of a summons for some relatively minor classes of offence. I have discussed this and other provisions of this Bill with representatives of the Royal Association of Justices and, so far as I can ascertain, they have no objection to the provisions. I understand that the Law Society has given assistance on these matters and has also agreed with the proposals contained in the Bill.

I believe that the provision for the issuing by post of summonses is reasonable enough in the case of relatively minor offences, which would exclude offences punishable by imprisonment or by the suspension of a driving licence. However, I query whether the clause which gives the necessary authority to do this should not specify that it be done by registered post. I believe that the post office is a very efficient service indeed but,

like every other Commonwealth or State Government service, it is a service provided by human beings, and mistakes do occur. From time to time letters can be lost in the post, and, in my view, even though there are provisions in the Bill for a re-hearing for a person who had not received a summons by post, it would be difficult to prove that he had not received it unless it were forwarded by registered post. I suggest that it would facilitate the proof, from both the sending and the receiving point of view, if the summons was sent by registered post.

I also wish to refer to the provision which enables a defendant whose case has been adjourned to have his case heard by a court which is differently constituted from the original court. Although I know that it will obviate delay, I wonder about the wisdom of this. In many cases a court is adjourned because a witness is not available and then the situation occurs when witnesses are available and the justices who started on that case are not, and this causes considerable delay. I am given to understand that the Royal Association of Justices approves of this provision, and I believe the Law Society also approves of it. In the interests of doing away with unnecessary delay, it certainly has some merit.

I do not intend to continue dealing with all the clauses of the Bill. I have noticed, in the provision for the rights of re-hearing, that, where a person has been fined, notice ordering him to pay a sum of money and advising him of his rights of re-hearing is to be posted to him. I believe this provision is reasonable enough. However, there again I wonder whether perhaps it ought to be done by registered post.

I have examined the Bill and, as I have said, I have discussed it with various people who have a direct interest in it. At this second reading stage, I believe that it could well be accepted by the Council. I consider that with the amount of material it contains it is, to some extent at least, a Committee Bill and, with the right of further examination in Committee, I support the second reading.

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

CHIROPODISTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 2491.)

The Hon. L. R. HART (Midland): The principal Act was passed in this Chamber in 1950. As the Bill was introduced, it set out to register chiropodists, but it did not prevent others calling themselves chiropodists. This council thereupon introduced an amendment to prevent other people from setting themselves up as chiropodists or using the term and practising chiropody. However, the attempt that was made to prevent other people from practising any act of chiropody was unsuccessful. The Bill that we now have before us sets out to rectify this, and it makes a number of necessary amendments.

I understand that since this State registered chiropodists in 1950 our example has been followed by Western Australia (in 1957), in New South Wales (in 1962), and in Victoria as recently as this year. I am also informed that the Queensland Minister for Health is introducing a Bill this year for the registration of chiropodists in that State. The amendments submitted in this Bill at the instance of the Chiropody Board in South Australia are the result of 18 years' experience in the administration of this Act. Also, the board considers that there is a need to make registration more effective. I understand that the board has been advised on these matters by Queen's Counsel, so I assume that the amending legislation is correctly drawn.

I draw members' attention to clause 13. This clause repeals section 27 and re-enacts a new section 27, which will ensure that the public will not be confused regarding the qualifications of a person practising chiropody by whatever title he may use. People will know that any person practising chiropody in this State will be qualified so to do. I understand also that there could be many chiropodists in another State, where registration has recently been introduced, who will not be able to secure registration in that State and who, unless this amendment is made, may move to South Australia and practise under a title other than that of "chiropodist" as is at present allowed. This would be detrimental to the status of the profession in this State, and therefore highly undesirable.

I think it is this Parliament's desire that the present standard of training chiropodists should be not only maintained but improved. Because registration now exists in nearly all States, it is essential that those who qualify for registration in this State should be permitted to seek reciprocal registration in all other States. This, I believe, would only be possible if the provisions applying in each State were similar, and the proposed amendments make this possible.

Apart from amendments necessary to bring the Act up to date, it is desirable that the board be empowered to appoint inspectors to

examine premises and equipment used by chiropodists as well as clinics where registered chiropodists practise. The chiropody profession has made great advances since 1950, and where there were previously a number of associations, only one association, the Australian Chiropody Association, exists at the present time. I believe this association has replaced about nine different associations. The Council of the Institute of Technology of South Australia has enlarged the course of training for chiropodists by increasing the period of training (part-time) from three to six years.

When the Act was first promulgated, practical training of pupils in chiropody was conducted under the supervision of a registered chiropodist. Today the Institute of Technology has arranged with the Royal Adelaide Hospital to provide a clinic at which all students may be given practical training under the guidance of special tutors with a knowledge of all modern techniques and using modern equipment. Further, it is considered unwise to allow a pupil to practise chiropody before he or she is qualified, hence the proposed amendment to section 39 of the Act. Section 32 (2) of the principal Act provides that the board may de-register or suspend any person who has been found guilty of unprofessional conduct. Nowhere in the Act is "unprofessional conduct" defined.

Clause 23 will enable the board, by regulation, to prescribe a reasonable code of professional ethics, and will also enable the board, by regulation, to prescribe equipment and facilities that should be provided by practising chiropodists or by registered chiropody clinics. I am informed that the Australian Medical Association (South Australian Branch) supports the principle of amendments before this Council, and it is hoped that in this instance there will be no opposition from that direction. I think the amendments are necessary and reasonable for the benefit of the practice of chiropody and I have pleasure in supporting the Bill.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

ADJOURNMENT

At 4.26 p.m. the Council adjourned until Tuesday, November 4, at 2.15 p.m.