LEGISLATIVE COUNCIL

Tuesday, November 4, 1969.

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

QUESTIONS

NORTHFIELD SCHOOL CROSSING

The Hon. A. J. SHARD: I ask leave to make a brief statement prior to asking a question of the Minister of Local Government, representing the Minister of Education.

Leave granted.

The Hon. A. J. SHARD: On August 26 last I directed a question to the Minister about the Northfield High School crossing off Hampstead Road, with an inlet into it from Redward Avenue. I stressed then the danger to children crossing from the eastern side of Hampstead Road, which affected their safety. The Minister of Local Government was good enough to give me a copy of a reply on September 2. It was addressed to "The Hon. the Minister of Roads: Northfield High School—Access". It read:

I suggest that the following reply be given to the Hon. A. J. Shard, M.L.C.: "I am informed by my colleague, the Minister of Education, that the Public Buildings Department has undertaken a review of the programming of the sealing of the access way from Redward Avenue to the Northfield High School. It is expected that private offers will be sought in two to three weeks and that the actual work will be undertaken in October, 1969. Concrete pavement is proposed as this is considered the most suitable form to meet the particular requirements."

As the preamble to that reply suggests that it was only a suggestion for an answer to the question, if it was not merely a suggestion but a sincere attempt to have this pathway laid to the school for the safety of the children, will the Minister find out why no such work has been done so far on this crossing, in keeping with the promise and suggestion made on September 2?

The Hon. C. M. HILL: I regret that there has been need for the Leader to reintroduce this matter; I shall take it up with my colleague as a matter of urgency and bring back a reply.

TRAFFIC SIGNS

The Hon. G. J. GILFILLAN: I seek leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. G. J. GILFILLAN: On October 14 I asked a question of the Minister of Roads and Transport relating to roadside advertising and the confusion that exists when the colours used are similar to those used for traffic signs. The Municipal Tramways Trust is now using yellow paint for its signs, and many forms of roadside advertising are in the colours now used for the important road signs which motorists have to read. At that time I asked the Minister whether any consideration had been given to the control of colours used for roadside advertising or alternatively whether a more distinctive colour could be used for uniform traffic signs. Has he a reply?

The Hon. C. M. HILL: The conflict of colours being used for advertising, and for other local purposes, with the colours currently used on signs to warn, guide and regulate traffic, is causing considerable concern in the field of traffic engineering.

The high luminosity content of many signs and the proliferation of these signs along many of the State's highways is having a detracting effect on the general observance of signs by the motorist.

The manual being prepared by the Australian Committee on Road Devices (A.C.O.R.D.), will specify the colours and format of local signs, such as street name plates, bus stop signs, local direction signs, tourist information signs, and many other signs which are generally accepted for erection on roads. It is expected that the conflict of colour between a bus stop sign and other signs will be resolved by the committee. When agreement has been reached on the format and colour of bus stop signs, an approach will be made to the M.T.T. and local authorities to adopt the new signs proposed.

APPRENTICE BAKERS

The Hon. A. F. KNEEBONE: Has the Minister of Local Government, representing the Minister of Education, a reply to the question I asked on October 21 regarding the training of apprentice bakers?

The Hon. C. M. HILL: In early discussions when the establishment of a food school was being investigated, the bread manufacturers of South Australia had associated themselves with the project. However, when detailed planning for the establishment of classes for particular sections of the food industry was being undertaken, the number of apprentice bread bakers was so few that it was decided not to proceed with training in a technical college.

It would appear that there are only 11 apprentice bakers in the metropoliton area in varying years of apprenticeship, so that the number in any one particular year would probably be only two or three. As far as is known, the bread manufacturers of South Australia have not asked the Education Department to establish classes, so no action has occurred.

A schedule of requirements for a food school has been prepared, in which is included facilities for the training of apprentice bread bakers as part of the second stage. Although there are no classes at present, the Director of Technical Education would be quite happy to discuss the situation with representatives of the bread manufacturers of South Australia.

TRANSPORTATION STUDY

The Hon. C. D. ROWE: Last week I asked the Minister of Local Government a question regarding the composition of the committee appointed to make recommendations regarding the conditions upon which compensation can be granted in relation to the compulsory acquisition of property for the Metropolitan Adelaide Transportation Study proposals. Has he a reply?

The Hon. C. M. HILL: Last week the honourable member asked me the composition of the special Land Acquisition (Legislative Review) Committee and the extent to which the committee had proceeded with its work.

The composition of the committee is: Mr. K. C. Taeuber, a member of the Public Service Board, who on his appointment as Chairman was Australian President of the Commonwealth Institute of Valuers; Mr. W. A. N. Wells, the Solicitor-General; and Mr. C. C. Rix, the Chairman of the Land Board.

Regarding the committee's work, I have been informed that the committee's report is expected to be presented to the Attorney-General by about the end of this week.

PIGS

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. M. B. DAWKINS: Some little time ago the pig breeders of South Australia, a very progressive body of men, were able to secure agreement for the provision of funds for a research centre to be constructed at Northfield, the funds for which are to be provided from the Swine Compensation Fund, with the aim in view of reducing the incidence of disease and also of development in other spheres. As these people are very interested to know of the progress of the plans of this research centre and when it is likely to be commenced, can the Minister provide any information on the matter?

The Hon. C. R. STORY: As the honourable member has outlined, representatives of the pig industry approached me about 18 months ago to see whether it would be possible for them to divert some of the moneys in the Swine Compensation Fund to research at Northfield. Subsequently, the Swine Compensation Act was amended to enable this to be done, and the Auditor-General was approached with regard to calling tenders for the pig research centre. Tenders were called, and the tender was awarded to Pig-Equip Proprietary Ltd. At present the Public Buildings Department is examining the specifications with a view to carrying out the inspection work when construction of the centre is commenced. I think it will be commenced within the next three or four weeks.

WHEAT QUOTAS

The Hon. L. R. HART: Has the Minister of Agriculture a reply to my question of October 28 about wheat deliveries?

The Hon. C. R. STORY: The information I can give is supplementary to the information about delivery quotas that I recently gave to the honourable member. I am informed that about 4,500 wheat quota cards were sent out yesterday, and that a further 4,000 cards will be posted today. South Australian Co-operative Bulk Handling Limited expects to receive from the Wheat Delivery Quota Advisory Committee about 1,500 more cards later this week. These cards will be dispatched to growers immediately on receipt. It is hoped that the remainder of the quota cards can be dispatched next week. Subject to availability of space in the silo system, wheat will be received from growers as it becomes available. The cards held up at present are those which the quota committee has had to wait for from growers as a result of the loss of the original cards.

SOFTWOOD PLANTINGS

The Hon. R. A. GEDDES: In a broadcast in an Australian Broadcasting Commission programme it was stated that the Minister of Agriculture, upon his return from the meeting of the Forestry Council in Tasmania, said that he was anxious to increase the acreage of softwood plantings in South Australia, subject to the Commonwealth Government's sanction.

Can the Minister say what control the Commonwealth Government has over softwood plantings in South Australia?

The Hon. C. R. STORY: Either the honourable member did not hear the report correctly or I have been incorrectly reported, because what he has said is incorrect. Actually, at the meeting of the Forestry Council in Tasmania further discussion took place on a continuation of the present five-year plan. That plan is that the Commonwealth Government makes loans to the States to enable them to go on with softwood plantings—plantings of *pinus pinaster* and radiata pine, in South Australia's case. Because this plan will end in 1971, the States are pressing the Commonwealth Government for its continuation and for a review of the interest rate, which the States contend should be lower than it is at present. The Commonwealth Government has no control over the plantings, which are the States' responsibility. South Australia will plant 6,000 acres in each of the five years of the plan and it is constantly replanting those areas that are being felled. In the next programme we may not be able to maintain annual plantings of 6,000 acres; this will depend on availability of the right type of soil in the right areas.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Bill recommitted.

Clause 8—"Enactment of Divisions II to V of Part IV of principal Act"—reconsidered.

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

In new section 24b (*a*) to strike out "prescribed rate" and insert "maximum rate, fixed by the Reserve Bank of Australia, appropriate to the term for which the Society proposes to invest the moneys".

New section 24b provides that the society is to invest trust moneys with a bank, specified by the legal practitioner by whom the moneys were paid, being a bank that will pay interest at a rate not less than the prescribed rate. The Associated Banks have written to the Attorney-General expressing concern that a rate might be prescribed that is greater than that which the trading banks are permitted by the Reserve Bank of Australia to pay. The amendment deletes the reference to the prescribed rate of interest and provides that the specified bank must be a bank that is prepared to pay interest at the maximum fixed for that bank, on an investment of the kind proposed by the society, by the Reserve Bank. The Law Society has agreed to the amendment being made.

Amendment carried.

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

In new section 24zd (*a*) to strike out ", or rate of interest,".

This is a consequential amendment.

Amendment carried; clause as amended passed.

Bill reported with amendments. Committee's report adopted.

PRICES ACT AMENDMENT BILL

Read a third time and passed.

WEST LAKES DEVELOPMENT BILL

Second reading.

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

That this Bill be now read a second time.

It seeks to approve, ratify, and give effect to an indenture made between the State of South Australia, the Minister of Marine, and a company known as Development Finance Corporation Limited relating to the development of a portion of the State which will be known as West Lakes, and deals with matters relating thereto. I shall first summarize the contents of the indenture that was made on June 23, 1969, was deposited in the General Registry Office, and bears G.R.O. number 647 of 1969. The indenture to be ratified by the Bill rescinds a previous indenture dated April 11, 1968.

The parties to the present indenture are the Premier, acting for and on behalf of the State, the Minister of Marine, and Development Finance Corporation Limited. The recitals to the indenture provide for the rescinding of the previous indenture and the purchase from the Minister of Marine by the corporation of certain land described in the First Schedule which, together with certain other lands which the Minister will either acquire or have vested in him for sale to the corporation, are collectively referred to in the indenture as "the said lands". The recitals refer to the scheme for development of the said lands within West Lakes and the provision of "the major works", which are referred to in the Fourth Schedule to the indenture.

Provision is also made for the incorporation of a new company to become the developer, but until that company has been formed, approved by the Minister, and registered in South Australia as a foreign company, the term "the corporation" in the indenture is to be taken to refer to Development Finance Corporation Limited, and upon the registration of the new company as a foreign company and

it being approved by the Minister and upon it agreeing to be bound by the indenture, "the corporation" is to be the new company. The indenture provides that its provisions other than clauses 5, 13, 21, and 22 are not to come into operation until this Bill (which is referred to in the indenture as "the Special Act") becomes law.

Clause 3 of the indenture provides that the Minister is to purchase or acquire from the South Australian Housing Trust and the Electricity Trust of South Australia, as part of the said lands, the lands referred to in the Second Schedule to the indenture. Clause 4 of the indenture provides that the Minister is to sell to the corporation the said lands free from all mortgages, encumbrances, liens and leases for the sum of $1,061,000, except that a contribution, not in excess of $100,000, is to be made by the corporation towards the acquisition of certain existing mineral leases referred to in the Third Schedule. Clause 5 of the indenture contains the matters for which provision is to be made in this Bill. I shall deal with these provisions when explaining the clauses of the Bill.

Clause 6 of the indenture provides that within two months of the Bill becoming law the corporation is to deposit with the Minister the sum of $106,100. Thereafter when any of the said lands is about to become the subject of a deposited plan of subdivision or a filed plan of resubdivision or is about to be sold by the corporation with the Minister's consent, or is part of an already existing allotment of less than half an acre in extent, the Minister will transfer that land to the corporation for a sum representing a rate of $750 an acre. When the whole of the purchase price is paid, if there is any land left over, then, whenever such a plan is approved or filed or land is intended to be sold from the balance of the remaining land, the Minister will transfer the appropriate portions of the balance of such remaining land to the corporation. Twelve years after this Bill becomes law the Minister may, after giving not less than six months' notice, demand payment of the balance, if any, of the consideration remaining unpaid and, upon payment thereof, the Minister will execute a transfer of the remainder of the said lands to the corporation.

Clause 7 of the indenture provides that, within one year of this Bill becoming law, the corporation is to produce to the Minister a general arrangement design and drawings for the scheme. Provision exists for the Minister to approve or disapprove the same, and for negotiations to take place if there is disapproval, and, failing agreement being reached by such negotiations, for the matter to be referred to arbitration. Clause 8 of the indenture provides that the corporation is to pay interest at the prevailing Government long-term borrowing rate from the date of payment of the deposit upon so much of the balance of the consideration as from time to time remains owing.

Clause 9 of the indenture provides that, except with the approval of the Treasurer, the Minister is not obliged to transfer any land to the corporation until the corporation has produced to the Treasurer evidence satisfying the Treasurer that the corporation has paid out, in carrying out or binding itself to carry out, all or any portion of the major works referred to in the Fourth Schedule and in paying its consultants and advisers and the Minister of Works for certain water and sewerage works not less than $4,000,000.

Clause 10 of the indenture provides that, within six months of the Bill becoming law, the corporation is to commence the major works referred to in the Fourth Schedule to the indenture. But the Minister may, if he considers that the major works are not proceeding with reasonable expedition, after giving the corporation three months' notice, determine the indenture and thereupon every portion of "the said lands" vested in the corporation, upon which no completed building of $3,000 or more is erected, shall become revested in the Minister without consideration. Provision is made for arbitration on the question whether the major works are proceeding with all reasonable expedition.

Clause 11 of the indenture provides that, if the corporation requires further land (not falling within the definition of "the said lands", but within West Lakes) which is reasonably necessary for the construction or operation of works required for the scheme, the Minister is to acquire such further land and vest it in the corporation. This is to be done at the expense of the corporation. Provision is made for the question whether the corporation has made a reasonable request to the Minister to be determined by arbitration.

Clause 12 of the indenture provides that the corporation agrees to transfer to the Minister of Education such lands within West Lakes for departmental schools and playgrounds for those schools as may be required.

The consideration for such lands is to be the total of: (1) the proportion of the consideration paid by the corporation for the said lands as a whole which bears the same ratio as the area of the land required for schools and playgrounds bears to the area of the said lands as a whole; and (2) such sums (excluding the consideration for the purchase of the said lands) as the corporation may have expended in respect of the land required as is calculated by the consulting engineer and approved by the Treasurer. Here, too, there is provision for recourse to arbitration in the event of any dispute.

Clause 13 of the indenture provides for the Premier and the corporation, at any time before or after the passing of this Bill but subject to the provisions of this Bill and the law generally, to vary, by writing, any provisions of the indenture in order to facilitate the carrying out of the scheme. Clause 14 of the indenture empowers the Minister, upon giving reasonable notice, to enter the said lands to inspect any work being carried out thereon and to perform reasonable tests. The corporation is also required to permit the Minister, his servants and agents to inspect plans, specifications, etc., relating to any work carried out or to be carried out by the corporation on the said lands.

Clause 15 of the indenture provides, *inter alia,* that if prior to the corporation commencing the construction of the major works or if prior to its entering upon the said lands for the purpose of the scheme (except for the purpose of carrying out preliminary surveys or tests) the corporation were to propose to the Premier any reasonable amendment to the indenture for the purpose of more particularly defining the scheme, and the same were not to be accepted by the Premier within three months, then the corporation may decline to proceed with the scheme, whereupon any of the consideration moneys paid (other than interest) shall be repaid to the corporation and the parties shall be freed from the provisions of the indenture. Clause 16 of the indenture defines "West Lakes" by reference to the map in the First Schedule to the Fifth Schedule of the indenture. Clause 17 of the indenture provides that arbitration under the indenture is to be by an arbitrator appointed by the council of the Institution of Engineers Australia (South Australian Division).

Clause 18 of the indenture provides that the indenture is to be construed according to the law of South Australia. Clause 19 of the indenture provides that the marginal notes to the indenture are not to be used for construing any of its provisions. Clause 20 of the indenture provides that only land vested in the Crown or held for or on behalf of it or held by a local government authority within "West Lakes" is to form part of the said lands. It also provides that if any portion of the lands described in the First or Second Schedule is not held by or on behalf of the Crown or by a local government authority it shall be deemed to be excluded from the appropriate schedule.

Clause 21 of the indenture provides for the consolidation of the indenture if it has been amended by agreement between the parties before this Bill becomes law. As the indenture has not been amended this clause is inoperative. Clause 22 of the indenture provides that where any Act or section of an Act referred to in the indenture is amended, any reference in the indenture to that Act or section is to be a reference to that Act or section as so amended.

The First Schedule to the indenture describes the land vested in the Minister of Marine which, together with other lands which the Minister will either acquire or have vested in him, is referred to in the indenture as "the said lands". The Second Schedule to the indenture sets out the lands which the Minister will acquire from the Housing Trust and the Electricity Trust and sell to the corporation as part of the said lands. The Third Schedule to the indenture describes certain mineral leases which are to be acquired, compulsorily or by agreement, by the Minister, subject to the payment by the corporation of certain moneys not exceeding $100,000 to the Crown. The Fourth Schedule to the indenture sets out matters for which provision is to be made in this Bill. These will be dealt with more fully in discussing the clauses of the Bill.

The Fifth Schedule to the indenture contains the regulations which, subject to the provisions of this Bill, are deemed to be regulations made under the Planning and Development Act for the control and use of land and buildings within West Lakes. They have appended to them a number of schedules of their own.

Plan 1: This plan shows the bed of the Old Port Reach, which is to be vested in the Minister for an estate in fee simple and brought under the provisions of the Real Property Act and become part of the said

lands. It also defines land on the sea coast which, in so far as the corporation owns it, is to become a reserve.

Plan 2: This plan depicts the area in general and shows the various streets, roads and areas referred to in various portions of the indenture for the purposes of the major works and the civil engineering works associated with them.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 (1) contains the definitions for the purposes of the Bill. Clause 2 (2) provides for all amendments to the indenture to be linked up with the indenture so that a search in the General Registry Office will readily disclose all amendments to the indenture. Clause 2 (3) provides that expressions used in the Bill have the same meanings as in the indenture. Clause 3 approves, ratifies and gives effect to the indenture and rescinds the previous indenture. Clause 4 confers on the Minister power to acquire or take land for the purposes of the indenture and invokes the appropriate provisions of the Compulsory Acquisition of Land Act for the purposes of any compulsory acquisition of land for those purposes. Clause 5 deals with the cancellation of mineral leases in force immediately before the Bill becomes law and the extinction of rights thereunder. The clause provides for the right to compensation, and the payment and calculations of compensation, for the cancellation of the leases or the extinction of all rights thereunder.

Clause 6 vests in the Minister for an estate in fee simple the bed of the Old Port Reach. This vesting gives effect to paragraph (*c*) of clause 5 of the indenture. Clause 7 vests in the Minister without the payment of compensation or consideration certain lands and reserves for the purpose of giving effect to paragraph (*d*) of clause 5 of the indenture. Clause 8 (1) and (2) provides for the closure of any roads that are not required as such for the implementation of the scheme, and for the vesting of those roads in the Minister for an estate in fee simple freed from all encumbrances. Clause 8 (3) provides that, when the Bill becomes law, all lands referred to in paragraph (*e*) of clause 5 of the indenture, excluding land referred to in subclause (2) of clause 8 and lands specifically excepted by that paragraph and excluding also land that is the subject of a licence to obtain, take away, and stack sand granted under the Crown Lands Act, shall be vested in the Minister for an estate in fee simple free from all encumbrances, if any, and where any of such land was vested before the Bill becomes law in the Corporation of the City of Woodville, such vesting shall be without the payment of any compensation or consideration by the Minister or the corporation, as defined in the indenture.

Clause 8 (4) provides that the Minister of Lands may, by notice published in the *Gazette*, declare that any licence referred to in clause 8 (3) has expired or has been cancelled and, upon the publication of the notice in the *Gazette*, the land which was the subject of that licence shall become vested in the Minister of Marine for an estate in fee simple freed from all emcumbrances. Clause 8 (5) provides for the registration under the Real Property Act of land vested in the Minister by virtue of clause 8. Clause 9 provides for bringing under the Real Property Act any land which is not under that Act but which becomes vested in the Minister.

Clause 10 provides for the cases where land that has been transferred by the Minister to the corporation will revest in the Minister. This clause gives effect to parapgraph (*h*) of clause 5 of the indenture, and provides for recourse to arbitration if there is any matter in dispute. Clause 11 provides for the revesting in the Minister of land which has been transferred to the corporation by the Minister under the indenture but which has not been disposed of by the corporation, where the corporation is in process of liquidation, except for the purpose of amalgamation or reconstruction with the Minister's approval. Clause 12 provides for the adjustment of titles to the lands referred to in paragraph (*j*) of clause 5 of the indenture as "the abutting lands" which, prior to the making of the indenture, had any boundary extending to the bank or ordinary high water mark or the middle of the stream or partly extending to one or more of them, of the Upper Port Reach of the Port River. The clause also precludes the corporation from doing anything, within three months of the Bill becoming law, to alter or vary any bank or the bed of the stream of the Upper Port Reach or the Port River, and also provides that the adjustment of titles is to be carried out at the expense of the Minister.

Clause 13 provides that, subject to clause 12, the corporation may, without being made liable for payment of compensation or damages arising therefrom, divert, change, alter, rechannel and vary the water courses and banks and the course of the flow of water, or vary or alter the bounds thereof within West Lakes known as Port Reach. Clause 14 contains a power to add parcels of lands to West

Lakes. Clause 15 incorporates in the Bill the provisions of the Fourth Schedule to the indenture. The clause also amplifies the provisions of the Fourth Schedule to render them workable and to give them full legal effect. Clause 16 (1) and (2) identifies the regulations contained in the Fifth Schedule to the indenture as regulations made under the Bill which will take effect when the Bill becomes law, and which are capable of being revoked or varied, as provided in the Bill.

Clause 16 (3) provides that the Bill is to have effect, notwithstanding anything to the contrary in the Planning and Development Act or in the Metropolitan Development Plan and, in the event of any inconsistency between any regulation made under the Bill and the Metropolitan Development Plan or a planning regulation, the regulation under the Bill is to prevail. Clause 16 (4) to (9) provides for the taking effect of regulations made under the Bill varying or revoking the regulations in the Fifth Schedule. Power is conferred on the Minister or the corporation to have recourse to arbitration in appropriate cases.

Clause 17 confers on the State and on the Minister or the Minister of Works power to sue and be sued, to submit any matter to arbitration and be a party to arbitration. Provision also exists for any award, order or judgment for the payment of money made or given against the State to be satisfied out of money provided by Parliament for the purpose. Clause 18 contains a provision requiring certain accounts in the Treasury to be debited and credited for the purposes of the legislation. Clause 19 lays down the liability of the corporation where, pursuant to clause 7 of the indenture, the corporation declines to proceed with the scheme as provided in that clause. Pursuant to clause 5 of the indenture a copy of the Bill has been referred to the corporation through its solicitor and the corporation has signified its concurrence with the provisions of the Bill. Copies of the indenture and copies of the House of Assembly Select Committee's Report are available for honourable members.

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

SUPREME COURT ACT AMENDMENT BILL (VALUATION)

Adjourned debate on second reading.

(Continued from October 30. Page 2609.)

The Hon. C. D. ROWE (Midland): I support the Bill, subject to one or two comments that I desire to make. It amends the Supreme Court Act and comes to us as a result of a recommendation made by the Land Valuation Committee in its interim report to the Government that it would be advisable to establish a land valuation court with a status equal to that of the Supreme Court, and that the responsibility of determining land valuation matters in almost every sphere should vest in this new court.

The Minister has said in the second reading explanation that the Bill will do four things and achieve four worthwhile objects. First, it will provide a judge who will become a specialist in a branch of the law which is becoming more and more complex and difficult and which is rapidly expanding. I agree that the fixation of compensation payable is becoming increasingly difficult, and it will become even more difficult when compensation matters in connection with the Town Planning Act and the establishments of the Metropolitan Adelaide Transportation Study proposals are dealt with. New section 62d (5) provides:

> The court shall have the full jurisdiction exercisable by a single judge of the Supreme Court, but that jurisdiction shall be exercised by the court only in respect of any cause, matter or proceeding that is before the court in pursuance of this Part, or any other Act or any regulation under an Act.

New section 62f (1) provides that, subject to its provisions, a judgment or order of the court shall be final and without appeal. I am not happy about the idea that the jurisdiction of this tremendously important court should be vested in one particular judge; it seems to me that there is a danger in this.

We all have fixed ideas and opinions that sometimes run contrary to the general body of opinion, and we may appoint a judge (I make these comments having heard no suggestions of whom such a person might be, so I am referring to no particular person) to exercise this important jurisdiction whose views, through circumstances of his own background, as a result of an experience he might have had when practising law, or for some other reason, might be biased. If he is given the sole jurisdiction, there would be no way of correcting any decision he might make, and for that reason I would rather see a panel of judges appointed to this jurisdiction.

By so doing, we would tend to correct any possibility that the one judge might get on to the wrong road and commit us to decisions that might be difficult to follow. Secondly, it would also get over the difficulties that arise when a judge retires. If a judge has been exercising this jurisdiction on his own, someone else has to be started on this work, which would create a hiatus. On the other hand, a panel of judges

could work together, each knowing the bases on which the others were making decisions. In this way, uniformity of judgments would be achieved, which would in turn result in better judgments being given.

When I look at the number of amendments to the Act set out in new section 62d(1), in respect of which this new judge is to have jurisdiction, I consider that the work involved will be more than could comfortably be managed by one judge and that two or three judges would be needed to cope with it. I therefore suggest that the Government consider amending the Bill to provide that the jurisdiction be vested in a panel of three judges instead of merely one judge, because this is a tremendously important jurisdiction.

I have asked a question in this Council regarding the Metropolitan Adelaide Transportation Study plan and the amendments to be made to the Compulsory Acquisition of Land Act so as to provide adequate compensation for persons whose properties are taken or affected by the proposal in that plan, and I look forward with great interest to the Government's report. However, I am somewhat at a loss to understand how we can adequately compensate people who will be affected in either their work place or their homes by the M.A.T.S. proposals. I believe it is the responsibility of the community to see that the individual who gives up his property for the sake of the community is adequately compensated.

The Hon. C. M. Hill: The Government believes that, too.

The Hon. C. D. ROWE: I do not disagree; I think the Government is fully conscious of it.

The Hon. S. C. Bevan: It is not doing it!

The Hon. C. M. Hill: Of course it is.

The Hon. C. D. ROWE: Translating this into effective action will cause us, as legislators, much concern, because we must ensure that the rights of the individual are protected. This right should be vested not in one judge, who, with all the good will in the world, may not fully apreciate all the problems involved, but in a panel of judges. From my own experience as a practitioner, I have always found it worth while and profitable to confer with other people on any decision made. If decisions are left to one judge only, he will tend to become isolated and find it a difficult jurisdiction. However, if three persons were appointed to this jurisdiction, each would know the principles involved and be likely to give a better decision. It is therefore important that there should be three judges in a panel to do this work, first because better judgments will be given and, secondly, because it will save the difficulties that arise when a judge retires and another has to be appointed. Also, the volume of work involved will require the appointment of more than one judge.

It seems to me that, in any jurisdiction in which speed is the essence of the contract and in which it is desirable that people should know in as short a time as possible what they are to receive for their properties (such as is the case in this jurisdiction, which will have to operate efficiently and quickly), a panel of judges would overcome the difficulties and delays that inevitably occur because of sickness, annual leave and long service leave, the vacations that judges have, and all the other reasons that interrupt the working life of any judge.

I do not think we would be detracting from the legislation if we provided that three judges must be appointed for this purpose, and I should like to know the Government's reaction to this suggestion. New section 62f (1) provides that the judgment or order of the court shall be final and without appeal. It is not desirable for us to provide that judgments in matters of this kind, which can involve anything from the acquisition of small house properties to that of a large building, should be left in the hands of one person or that his judgment will be final and without appeal. That is not desirable either in the interests of the judge exercising jurisdiction or in those of the person affected. New section 62f (2) provides:

> The court shall, if so required by a party to a cause, matter or proceeding or may, of its own motion, state a question of law arising in that cause, matter or proceeding for the opinion of the Full Court.

So, there can be a reference to the Full Court on questions of law. New subsections (3) and (4) provide:

> (3) Where in any cause, matter or proceeding before the court, a question arises involving a principle of the valuation of property, the court may, if it is of the opinion that the question is of exceptional importance, state a case for the opinion of the Full Court.
>
> (4) 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 this Part.

Therefore, these new subsections permit, in limited areas, either a case to be stated or an appeal to be made to the Full Court. I do not see any real objection to following the

procedure that usually applies in the case of a single judge—allowing an appeal to the Full Court. The questions the Land and Valuation Court will deal with relate to the Crown Lands Act Amendment Bill, the Encroachments Act Amendment Bill, the Highways Act Amendment Bill, the Land Settlement (Development Leases) Act Amendment Bill, the Land Tax Act Amendment Bill, the Law of Property Act Amendment Bill, the Local Government Act Amendment Bill, the Pastoral Act Amendment Bill, the Planning and Development Act Amendment Bill, the Renmark Irrigation Trust Act Amendment Bill, the Sewerage Act Amendment Bill, the South-Eastern Drainage Act Amendment Bill, the Water Conservation Act Amendment Bill, and the Waterworks Act Amendment Bill.

The Hon. S. C. Bevan: Some of those measures deal with rating disputes, not valuations.

The Hon. C. D. ROWE: This Bill puts the whole jurisdiction with regard to valuations into the hands of one man for his lifetime without any right of appeal, except for the limited circumstances set out in new section 62f.

The Hon. F. J. Potter: The position is exactly the same in the Industrial Commission.

The Hon. C. D. ROWE: If it is exactly the same, possibly it needs correcting, too. I am not satisfied, and I do not think the general public is satisfied, that the decisions of the Industrial Commission are always correct.

The Hon. F. J. Potter: They are important from the monetary viewpoint.

The Hon. C. D. ROWE: Yes. Nevertheless, the person whose property happens to be acquired may have his whole life's savings tied up in it. Therefore, it is very important that we give him full and adequate protection. I realize that there has been a similar court in New South Wales, and it is generally believed that it is operating satisfactorily. However, I know of other instances where particular jurisdictions have been given to particular judges, and the results have not been so satisfactory.

I do not think we will be taking anything away from the Bill or creating any difficulties if we say that there should be a panel of, I suggest, three judges who shall have the jurisdiction necessary to sit in this Land and Valuation Court. If my suggestion is adopted we will have the wisdom of three instead of the wisdom of one, and any interruptions through sickness will be overcome. The judges will be able to confer together and operate on the same principles. Because of the compensation problems that will be involved in the Metropolitan Adelaide Transportation Study plan, we are starting on a new era. Consequently, we should get our feet on the correct ground now. Subject to those matters, on which I shall possibly have more to say in the Committee stage (depending on what the Government has to say on them), I support the Bill.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 30. Page 2612.)

The Hon. M. B. DAWKINS (Midland): I can give only limited support to a portion of the Bill; I cannot find any enthusiasm for it and I cannot see that the 47 House of Assembly seats, set out as they are—and I underline that qualification—are necessarily good for South Australia. In saying that, I do not wish to indicate that I am not in favour of some moderate increase in the number of members of Parliament in South Australia. In a country that is reputedly very much overgoverned, because there is a federal system, South Australia is probably the most undergoverned of all the States. Honourable members will be aware that Western Australia has had 80 members of Parliament for some considerable time; in fact, there are now 81 members, as a result of a recent redistribution. There are 51 members in the Legislative Assembly and 30 in the Legislative Council.

Honourable members will be aware, too, that, from the viewpoints of population and revenue, Western Australia, with all its great potential, is still only about four-fifths in size in comparison with this State. The only State in Australia that has fewer members of Parliament than this State is Tasmania, where there are 54 members—35 in the Legislative Assembly and 19 in the Legislative Council—whereas South Australia has 59 members. Tasmania, of course, has only about one-third the population of this State. The fact that Tasmania has as many Ministers of the Crown as South Australia has shows that this State is undergoverned in respect of both the Executive and the Legislature.

Therefore, I do not wish to indicate, in my questioning of this Bill, that I am opposed to some moderate and reasonable increase in the number of members of Parliament in South Australia. A total of 47 or 48 seats could

be an appropriate number for the House of Assembly which, after all, did have 46 members from 1915 to 1938. However, we are required to look at the whole of this Bill, including the set-up in the House of Assembly. Whilst I question the wisdom of the set-up provided in this Bill, I do not intend to criticize the other place unduly. If the House of Assembly wishes, it can make its own arrangements to some extent. If it wishes to provide for a redistribution which is, in my view, unwise, I can only protest, but I will not oppose it.

I believe the people outside want this 47-seat distribution for the House of Assembly, however unwise some of us may think it is. However, with the Hon. Mr. Rowe, I protest at the inadequacy of the country representation provided in the Bill. A total of 19 country members in a House of 47 is insufficient for the adequate servicing and representation of the vast country areas of South Australia. The Hon. Mr. Rowe dealt with the principle of one vote one value. He said that he did not agree with it, and I concur wholeheartedly. He also touched upon suggested names of electorates submitted by the members of the electoral commission. At a later stage I would like to return to the question of this so-called "one vote one value" but first I will deal with some of the proposed names for electorates. The Hon. Mr. Rowe last week mentioned that the commission in its report stated:

> The Act does not specifically direct us to recommend names for proposed districts, but we considered that it would be useful if we did so. We recognized that in this respect, as in all others, the final decision would lie with the Parliament. The parties, and others, suggested various names.

That is all that was done by the electoral commissioners about names of electorates. I concur wholeheartedly in the remarks of some of my colleagues who have spoken on this Bill about the integrity of the commissioners and that they did their best to comply with the conditions laid down for them, but I do not agree with some of the suggested names for electorates.

I do not think for one minute that the electoral commissioners thought that all the names would be accepted holus-bolus by another place. I think if any criticism could be made of the commission's findings, having regard to the prescribed conditions, then that criticism could be directed at some of the names suggested. In common with other honourable members, I have received protests about some of the names which were accepted without any apparent thought or consideration by another place.

I have received objections regarding the name of Light, not because of any disrespect or of any wish not to recognize the great contribution made to this State by the late Col. William Light but because, if this Bill is passed in its present form, the new district of Light will contain about 20 per cent of the existing district of Light and about 70 per cent of the district of Gawler as it was prior to the 1955 redistribution. The district of Gawler was named after the late Col. Gawler, the second Governor of South Australia. I have received a request that consideration be given to renaming the district "Gawler" rather than "Light" because it will contain a great majority of the original single electorate district of Gawler.

In common with the Hon. Mr. Rowe, I have also received a telegram as well as a written submission regarding the suggested district of Mallee. I believe that the selection of this name is not a good one. The name "Angas" has been deleted because of the existence of the Commonwealth electorate of Angas, and that is a good thing. The honoured name of Angas is commemorated in the Commonwealth electorate of Angas, and it would not be wise to have a Commonwealth member for an area of that name as well as a State member for a district with the same name. It is as well to avoid the unnecessary duplication of names.

The Commonwealth electorate of Mallee (if I remember correctly) is in an adjoining State. Now, however, the electoral commissioners have suggested the name "Mallee" for a district in South Australia. I believe that that name should not be retained, and that it should be named either Ridley or Albert. The suggested new district of Mallee would consist of portions of the old districts of Albert and Ridley, and if we wish to continue to recognize the work of the inventor Ridley we could well retain that name.

On the other hand, if we persist with the name "Victoria" for the district that contains the townships of Naracoorte and now, I believe, Bordertown, there will be confusion. At present we have a member for Victoria; often that member is referred to in print by name with, in brackets after his name, his district of "Victoria". People not cognizant of the electoral situation in South Australia wonder why this State has a member for Victoria in the South Australian Parliament. However, if Parliament persists with this name, perhaps we could use

"Albert" for the district now suggested as Mallee. It would be better if both names were dropped altogether and the name of Ridley substituted for that of Mallee.

With regard to the district of Albert, a suggestion has been made that I find hard to follow. The electoral commission suggested dropping this name altogether, and yet in the city it has suggested creating a district of Albert Park. Honourable members will notice that another district of Ascot Park is also suggested. Because of this, I imagine some confusion could exist in another place in future if and when the Speaker or the Chairman of Committees called upon the honourable member for Ascot Park or Albert Park in a hurry. I think it is an unfortunate choice of names.

While dealing with names, I mention the suggested district of Goyder for the old district of Yorke Peninsula, plus that portion of the existing district of Gouger that has been amalgamated with it. If it is desired to commemorate the name of Goyder I believe the name could have been used for a district in a more marginal area, and considering that the new district of Goyder will form a crescent around the Gulf of St. Vincent perhaps "St. Vincent" could well have been used.

Another name I wish to deal with is Kavel, which covers most of the Barossa Valley. Here I believe the name "Barossa" could well have been used. I am aware that much of the suggested new electorate is encompassed in the Barossa Valley, and I believe it would have been a good move to drop that name for the reason I have stated. Representations have been made to me that some people in the Barossa Valley think that the late Pastor Kavel was a great hero while others, perhaps, have different opinions and they would have been happy for the name "Barossa" to have been used because the district is situated in a well-known part of South Australia.

I do not wish to dwell further on the names suggested, but I believe another place could have given more reasonable consideration to the names and made some improvements to those suggested by the electoral commissioners. Last week the Hon. F. J. Potter made the following comment:

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.

I agree with my honourable friend, for I am also a little tired of hearing about one vote one value. As I indicated earlier, I could not agree with such a system. I have asked this question before: "What is one vote one value?" I believe that the Labor Party is sincere in its desire to obtain some mathematical precision in electoral districts, but if something near the arithmetical equality is achieved, I cannot see where the value comes in in that case. Does the value lie in the fact that a man in a district of three miles radius can talk to his member for half an hour on the telephone for the unit fee as against a man in another district having to go 50 or 100 miles to see a member or having to pay 25c or more for talking for three minutes on the telephone?

Where does this one vote one value system exist? I do not think it exists anywhere. In the Commonwealth sphere in Australia some attempt at equality is made, but this gets out of balance quickly. Before the last Commonwealth redistribution, some seats had 30,000 people in them and others had about 100,000. I believe that in practically no instance can one find a situation where one vote one value obtains. Even if the situation is brought somewhere near that, after a redistribution it promptly gets out of focus again. I did some research on this, having a look at various systems. I came across some comments about the mother of Parliaments and how one vote one value does not exist in Great Britain. After all, we have heard about the mother of Parliaments for over 700 years, since the Parliamentary system started. Great Britain has been known as an area that could be copied, from the point of view of democratic Government. The matters I intend to quote were set down by Mr. R. L. Leonard. My information tells me that Mr. Leonard is a well-known political commentator who is admired for his coverage of the 1964 and 1966 general elections in Great Britain, and is known for his objective reporting. He is not exactly a gentleman of conservative views, being a former deputy secretary of the Fabian Society. Regarding the United Kingdom, this gentleman states in a book that has just been released:

The number of constituencies in Scotland and Wales must not be less than 71 and 35 respectively, while Northern Ireland is to have 12 seats. This allocation gives more than their proportionate share of seats to Scotland and Wales, presumably as a sop to their national susceptibilities; conversely Northern Ireland has less than its proportionate share, because its domestic affairs are dealt with by the Northern Ireland Parliament at Stormont. Of the 630 seats in the present Parliament in Great Britain 511 are in England, 36—

and that is one more than the minimum I quoted just now—

in Wales, 71 in Scotland and 12 in Northern Ireland. At the 1966 general election—

and this was conducted while the present Labor Government was in power—

the largest constituency Antrim South (in Northern Ireland) had an electorate of 113,645—five times as large as the smallest, the Western Isles (in Scotland) with an electorate of 22,823. In England the largest constituency, Billericay, with 102,198 electors, was over four times more populous than the smallest—(Birmingham, Ladywood) with 25,294.

The figures in this book for 1955, 1959, and 1966 show that, in 1955, the discrepancy in numbers in England was from 25,000 to 77,000; in 1959, it was from 25,000 to 83,000; and, in 1966, it was from 25,000 to 102,000. That is the way in which one vote one value (if there is such a thing) operates in Great Britain. There was previously a pro-Labor bias in the distribution in Great Britain. However, Mr. Leonard says that this bias has disappeared and, to some extent, the anti-Labor bias at present obtaining is fortuitous owing to the heavy concentration of Labor voters in mining and other predominantly industrial areas, while the Conservative vote is more evenly spread out. This disadvantage was, however, compounded by the action of the English Boundaries Commission, which decided in 1948 to give preferential treatment to rural voters in comparison with urban voters on the grounds of the advantages of accessibility and convenience enjoyed by the urban voters. I cannot see a great difference in the sort of set-up we have tried to provide in the various States in Australia and that which obtains in Great Britain.

The Hon. R. C. DeGaris: It is a smaller place.

The Hon. M. B. DAWKINS: Yes. Even though accessibility is far better in Great Britain than in Australia, Great Britain still has discrepancies of up to five to one in the number of people in districts there.

The Hon. R. C. DeGaris: Reasonable corrections.

The Hon. M. B. DAWKINS: That would probably be a better term. Having discussed at some length the situation in the House of Assembly and having expressed my doubts as to the wisdom of the distribution set out (I have referred to the somewhat inadequate representation of country areas), I want to turn to the situation as it will obtain in the Legislative Council if the Bill becomes law. First, I want to direct the attention of honourable members to the terms of reference under which the electoral commission worked. Section 8 (8) (*a*) of the Act referred to the city districts of the Legislative Council and paragraph (*b*), referring to the country districts, stated:

such consequential adjustments shall be made to other Council districts as the commission thinks necessary without—

and that is the operative word—

substantially altering the present boundaries of those Council districts.

Having regard to their terms of reference, I do not criticize in any way the commissioners, their integrity, or the job they did, but I do say, without directing criticism at them, that they failed to observe the condition "without substantially altering the present boundaries of those Council districts". They failed because under the terms of the Act it was not really possible to alter the Council boundaries without substantially altering the present boundaries of those districts. Whether the commission was right in bringing forward this present distribution in which it has substantially altered the boundaries of Midland, Northern and Southern or whether it should have said, "Well, in order to observe correctly subsection (8) (*b*) we cannot redraw the boundaries of the Legislative Council", I do not know. I believe that on balance they probably should have brought down a report saying that it was not possible for them to observe the conditions that were set out and that I have just read in paragraph (*b*), together with the other prior conditions set out for the Legislative Council boundaries.

Under this present Bill, there are two districts in the Legislative Council that are wholly and solely city districts and we have two other districts (one of which is very much so while the other will become progressively more so) that are a combination of country and city interests. This is not as it should be; I do not think it squares up with the requirement of community of interest. It is not a good thing that Midland District, for example, should have (I think from memory) 56,000 city voters and 38,000 country voters on the House of Assembly roll. It is not a good thing that the expanding city of Adelaide should continue to be included in Southern District. Under this Bill, community of interest cannot be served in the redistribution we have before us.

Therefore, I cannot support the redistribution as it affects the Legislative Council. I believe in some recognition, and this has

happened (I think, perhaps, slightly too much) in the House of Assembly, for the increasing population of the city of Adelaide. I do not say that I am opposed to greater numbers in the House of Assembly from the city of Adelaide than from the more sparsely populated country areas, but I believe that, as population has been taken due account of in the Lower House, in the Legislative Council there should be an equal balance of interests between country and city. When we have a Lower House of 47 seats, we should have an Upper House of about half that number. I suggest that there should be 24 members in this Council and that the 24 be divided in half—12 to the city and 12 to the country—so that there is some protection for country interests in this Bill. As it is at present drawn, there is no protection for country interests.

I am a great believer in the bicameral system of government, in two Houses of Parliament, and that the Upper House should never be less than half the size of the Lower House. I could not support the recent referendum in the Commonwealth sphere because it gave an open go to an increase in the Lower House to about three or four times the size of the Senate. These things should be kept in balance. Therefore, in any redistribution that I can support for the Legislative Council, if there are to be 47, 48 or 49 seats in the House of Assembly, there should be at least 24 seats in the Legislative Council, and they should be divided equally between the enlarged city and the country population. So I regret that, although a tremendous amount of work has been done on this legislation and although it has merit in some aspects, I cannot support it at this second reading stage—certainly not so far as the redistribution of the Legislative Council boundaries is concerned.

The Hon. R. A. GEDDES secured the adjournment of the debate.

PRISONS ACT AMENDMENT BILL (PAROLE)

Adjourned debate on second reading.

(Continued from October 23. Page 2448.)

The Hon. A. J. SHARD (Leader of the Opposition): I support the principles of this Bill, but there are two difficulties that I see in the proposal. The first is that it is suggested that the new parole board, which will take the place of Executive Council in decisions on the recommendations of the Comptroller (and it is admitted that, with the number of applications for parole now coming forward, Executive Council is unable adequately to deal with them) is to be presided over by a judge. I had no complaints about the recommendations for parole that were coming along. They were coming along quickly and, if they have come along more quickly or in greater numbers since the change of Government, I can understand it.

The Hon. C. M. Hill: You are referring to your term as Chief Secretary?

The Hon. A. J. SHARD: Yes. I thought the parole board had done a reasonable job. The new parole board may be a step forward and be more adequate. The new board is to be presided over by a judge. It has been a strange feature of our criminal processes that, although a judge has long and intensive training to be able to preside over a court that decides whether a citizen has so transgressed the rules laid down by society that the community must deal with him in some way, no training whatever is given to such people in criminology or penology. Consequently, on questions of how the community is to deal with someone it has decided needs to be dealt with, the people who make the decisions are almost amateurs.

None of our judges has adequate training in penology and, while in comparable countries now an assessment is made by experts of how best to deal with somebody who has been found guilty of crime, in this country we rely on decisions that can only be considered inexpert. I do not believe that a parole board should be presided over by a judge, although it would be useful to a parole board, as it is now to Executive Council, to have a report from a judge on the opinions he formed at the trial of the prisoner. I believe that a parole board should be composed entirely of persons qualified in the area and that it is not wise or sensible that a judge should preside.

Moreover, since we are taking the step now to provide a parole board in relation to the release and after-care of a prisoner, I believe we should take the further and important step of ensuring that expert advice is taken at the time of the sentence. The sentencing of a prisoner should not be left to a judge alone. While, clearly, the judge must be able to have formed a view of the prisoner from his trial and from the observations of the jury, any decision on how the prisoner is to be dealt with by the community should be the subject of expert advice. Therefore, a judge in sentencing should have the advantage of expert assessors. This procedure is followed in comparable countries, and particularly in Scandinavia—

The Hon. R. C. DeGaris: Do you want to follow their system?

The Hon. A. J. SHARD: —and I believe it should be followed here. At the moment, there is inadequate liaison between the sentencing authority and those who thereafter have the responsibility for the treatment, training and reformation of a prisoner. Therefore, it is my belief that after the second reading of this Bill we should consider important amendments at the Committee stage to ensure that on parole the judge has no more than his present duty and that on sentence he is given the necessary advice and assistance likely to ensure that whatever penalty is imposed by the community is effective in reducing crime and eliminating recidivism.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (PRISONS)

Adjourned debate on second reading.

(Continued from October 23. Page 2449.)

The Hon. A. J. SHARD (Leader of the Opposition): I support the Bill, the principles of which are set out fully in the Chief Secretary's second reading explanation. The amendments made to this Bill are consequential on those provided by the Prisons Act Amendment Bill at present before Parliament. In addition, the Bill inserts a new provision that is designed to deal with people with psychopathic tendencies. These people frequently require long periods of restraint and treatment before they are in a fit condition to be returned to society. The present Bill therefore inserts a provision that will give the courts adequate power to deal effectively with persons who, because of their ungovernable criminal propensities, require extended periods of detention and treatment.

We have heard much from the judges over the years on this subject. I think the Bill is a step in the right direction. I consider that it will work well and that it will be of benefit not only to the persons directly concerned but also to the public at large. I therefore support the Bill.

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

OFFENDERS PROBATION ACT AMENDMENT BILL (SUSPENSIONS)

Adjourned debate on second reading.

(Continued from October 23. Page 2449.)

The Hon. A. J. SHARD (Leader of the Opposition): I support the Bill. Although it is not directly related to the proposed parole board system, it is a step along somewhat similar lines, for it is connected with the general reform of penal law that is being undertaken by the Government at present. The Chief Secretary, in his second reading explanation, said:

It fulfils a long-felt need in that it enables the court to impose suspended sentences of imprisonment upon offenders. Thus a court may sentence an offender to imprisonment but may suspend the operation of the sentence provided that the offender observes the conditions of a bond to be of good behaviour and to observe such other conditions as the court thinks appropriate to the particular case.

I think this is a step in the right direction. I understand that this provision operates in other States of Australia. It is better to take this course of action in the case of a first offender who may have done something that is completely out of character. If such action can be taken and a person can redeem himself in a given period without having to serve a prison sentence, I think it will be better for the community as a whole. I therefore give the Bill my full support.

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

JUSTICES ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from October 30. Page 2619.)

The Hon. L. R. HART (Midland): I think it would be correct to say that most of the amendments introduced by the Government to various Acts of Parliament are requested by some organized body. With regard to the present Bill, no doubt the Law Society of South Australia or the Royal Association of Justices or members of the special magistracy have had some say in the amendments that we have before us.

The Bill sets out to provide, among other things, a practical method by which summonses may be delivered but without disadvantage to a defendant. Many persons to whom summonses are delivered are itinerant people who are often only one jump ahead of the police. These people are very difficult to run down, so it is always difficult to deliver a summons to them. Delivery by post to the last-named place of residence should be an acceptable method.

One of the problems we have today is the huge volume of work that has to be handled by the courts. Sometimes a defendant or some of the witnesses are not able to attend the court or when they do attend the case has to be adjourned and then they are not available on a subsequent day. I believe the provision that enables a case to be

heard by a court that is differently constituted from the original court is a step in the right direction. I fully support clause 10, for the salutary and continuing effect of a bond, in addition to any other punishment, is a proven method of maintaining effective law and order.

I fully support the Hon. Mr. Dawkins in his tributes to those people acting in the capacity of justice of the peace for the service they render in an honorary capacity. I join with him in his remarks regarding the refusal in recent times to appoint certain people because they have been convicted of minor offences. In these days, people of high repute can unwittingly be guilty of a minor traffic offence, for which they disqualify themselves for appointment as a justice of the peace.

We have certain anomalies here, because when a person is appointed or elected mayor of a town or chairman of a district council he is automaticlly entitled to be a justice of the peace, even though he has a recent minor court conviction. He can act in the capacity while he holds that office, but once he vacates that office his appointment has to be confirmed; but no doubt if the conviction is a fairly recent one the appointment would not be confirmed.

The adult education centres in certain areas have set up classes for justices of the peace, and in a recent case that came to my notice a person elected the mayor of a corporation decided to join one of those classes. He paid his fee but subsequently he was told that he could not join the class because he was not a justice of the peace. He made further inquiries and found that he was definitely a justice of the peace by virtue of the fact that he was mayor of the corporation. When he tried to rejoin the class he was told that he could not join because his appointment was only a temporary one. We have this anomalous situation where he can preside in a court as a justice of the peace and also witness documents but he cannot attend the class to further his education in relation to his duties as a justice of the peace.

The Hon. M. B. Dawkins: The previous Attorney-General was reported as having said that he believed mayors and chairmen should have their appointments confirmed while they were in office.

The Hon. L. R. HART: I think this matter should be looked into, for a person who is elected the mayor of a town is usually a person of high repute, and I agree that his appointment should be confirmed while he is in office. I have no complaints regarding the Bill, and I am prepared to support the second reading.

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

OATHS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 28. Page 2491.)

The Hon. F. J. POTTER (Central No. 2): This brief Bill is a legislative attempt to solve a technical legal difficulty regarding the possible state of a man's mind when he executes a declaration under the Act. As such, I imagine it will be successful, and I support it.

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

CHIROPODISTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 30. Page 2620.)

The Hon. V. G. SPRINGETT (Southern): I will not keep honourable members more than a few minutes in speaking to this Bill. I pay a tribute to chiropodists, a paramedical group of people, whose work is indeed important and greatly valued. The growth of this specialty has been remarkable in more recent years. In days gone by when less care was taken in such matters, old folk usually sat by the fireside and did not use their feet as much as they do now, and they were not then conscious of the defects from which they were suffering.

The Bill gives me much pleasure, because recently when speaking in another debate I referred to orthopaedic surgeons and the problems that were taken to them for treatment. Ill-fitting shoes also create many problems and much work for chiropodists.

In dealing with the Bill I should like to refer to three points. First, it allows for reciprocal registration and reciprocity insofar as it will recognize certain qualifications. Secondly, it makes misinterpretation and misunderstanding by the innocent lay people less likely to occur. In many parts of the world unqualified people sneak into various professions, trades and callings, and a bewildered public never knows where it stands. It is important that organizations dealing with the human body be well documented and registered, which this Bill seeks to ensure. Thirdly, the Bill will prevent border hopping by unqualified people into South Australia.

The Hon. R. C. DeGaris: I think that is its main purpose.

The Hon. V. G. SPRINGETT: And it is a very valuable one, too. The other important aspect that is worth recording is the close relationship that exists between the training of chiropodists and the Royal Adelaide Hospital. An honourable member who spoke last week said he hoped the South Australian Branch of the Australian Medical Association approved the terms of this Bill and that no difficulty would arise as a result of it. I assure him that in medical matters there are never any difficulties with a Bill if it concerns the interests of the patient. I therefore support it.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 30. Page 2617.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which deals with a number of unrelated matters. The only thing worthy of discussion at this stage is the proposed new points demerit scheme set out in Part IIIB. I support this scheme, because it will have a good psychological effect on the motoring public. It has been well debated in this Chamber so far, and it has more or less universally received the support of all honourable members, although they differed about one or two aspects of it.

I agree with the Hon. Sir Arthur Rymill that the principal value of this scheme is the deterrent or psychological value embodied in the idea behind it. It is a scheme in which one has a number of points recorded against one's name for breaches of a designated series of offences against the Road Traffic Act. In that way it has a psychological effect a little like the kind of thing that was common many generations ago when parents told their children that there was a recording angel up above and that one could get a black mark for telling a lie and two black marks for cheeking one's parents.

The Hon. A. J. Shard: That still goes on today.

The Hon. F. J. POTTER: I thank the honourable member for that comment. At least it shows that it is good psychologically. I thought some of those old ideas had gone now. Anyway, in this case the recording angel is the Registrar of Motor Vehicles. I do not think it matters very much whether the scheme is implemented by a schedule in the Bill or by regulation, as was originally suggested by the Minister, and with which we may finish up. The most important matter in this respect is the awareness of the public and of the driver regarding the schedule. This aspect can be conveyed to the public in as broad a fashion if it is done by regulation as it could if it were implemented by a schedule to the Act. It is only a matter of publicity. Once one commits an offence designated in the schedule, the relevant number of points for that offence are debited against one's name. The psychological or deterrent effect would be broken down somewhat if we followed the suggestions of one or two honourable members that we should leave it to the courts to determine the number of demerit points. This would not be a good thing because, if we left it to the courts, we would be making the demerit points part of the penalty. I do not believe this was originally intended, nor do I believe that it reflects the philosophy behind the Bill.

The Bill provides that, if a motorist is convicted of an offence, he incurs a specified number of demerit points, irrespective of whether it is a minor or a major offence. It is the very automatic nature of the recording of the demerit points that has the deterrent effect. If we leave it to the court, the demerit points will become part of the penalty, and the motorist will say, "Well, I copped a $10 fine and only one point, so I think I got out of it lightly." Most magistrates follow a more or less coherent policy, but their decisions are not usually circulated in the way that Supreme Court judgments are circulated.

Justices of the peace, too, deal with traffic offences. Some of the people constituting our courts have somewhat rule-of-thumb methods of their own. Not so many years ago a certain gentleman had a formula whereby he imposed a fine of $2 for every mile an hour that the motorist travelled over the speed limit. Such a person may very well adopt the same kind of approach in connection with demerit points. Consequently, I do not think it is a good idea to leave it to the courts. In addition, a difficulty may arise if the courts say, "There is a maximum number of points for this offence. How many points have been recorded against this motorist up to date?" It is undesirable for this consideration to affect the court's judgment.

The Hon. G. J. Gilfillan: Are you suggesting that the courts could not administer the scheme competently?

The Hon. F. J. POTTER: No; however, I am suggesting that leaving it to the courts would make demerit points very much a part of the penalty for the offence. The honourable

member may disagree with the philosophy behind the Bill, which, I believe, is to make the recording of the points automatic.

The Hon. C. M. Hill: In other words, it is not a punitive scheme.

The Hon. F. J. POTTER: I agree: it is a deterrent scheme. As I said by way of interjection when the Hon. Sir Arthur Rymill was speaking, the scheme provides for the recording of a certain number of points against a person's name that may, and in 90 per cent of cases will, completely disappear, because no further accrual of points will occur. I realize that some people are apprehensive that, over a three-year period, they may accumulate the number of points that will cause them to lose their licence. However, I think the Minister said that this will happen in very few instances. It will not usually involve the normal, careful motorist.

The Hon. D. H. L. Banfield: Will a motorist want to have a case adjourned if the number of demerit points recorded against him is approaching 12?

The Hon. F. J. POTTER: That is always a possibility. I have known the process of adjournment to be used from time to time to avoid a particularly awkward period. These are just little dodges that are used.

The Hon. C. M. Hill: Our scheme is to date the points back to the date of the offence.

The Hon. R. A. Geddes: What situation will apply in the case of a man who comes out of gaol after serving a sentence for a traffic offence?

The Hon. A. J. Shard: Let us assume that a person is convicted shortly after the three-year period expires. If the actual offence takes place within the three-year period, will the demerit points be included in the 12 that apply to that three-year period?

The Hon. C. M. Hill: Yes.

The PRESIDENT: Order! The Hon. Mr. Potter.

The Hon. F. J. POTTER: Some of these discussions are best left to the Committee stage, when we will have an interesting array of amendments to consider. I support the scheme because it is based on good psychology and will have an excellent effect. The Bill is particularly necessary because of the colossal road toll that we are now facing in South Australia. Any scheme at all that will reduce this toll is worth a trial. Some modifications to the scheme may be necessary but I think all honourable members have said that they are willing to try it. Some honourable members are a little apprehensive about one or two aspects of the scheme but, in principle, it has my complete support. At this stage I think I will support it as introduced.

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

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 30. Page 2607.)

The Hon. D. H. L. BANFIELD (Central No. 1): I support the second reading. As the Minister of Agriculture has said, when the Fisheries Act Amendment Act, 1967, was introduced we were promised that a completely new Fisheries Act would be enacted. Consequently, the purpose of this Bill is only to fill the gap. The Minister has said that there are various reasons why the new Fisheries Act has not been introduced, but he has not said what those reasons are. This Council is entitled to know why the introduction of the new Fisheries Act is being delayed.

The Fisheries Act Amendment Bill was introduced following the recommendations of a Select Committee that inquired into the crayfishing industry during the term of office of the Labor Government. It is interesting to note that at that time, although the original Select Committee contained representatives from both political Parties, for some reason or other members of the present Government saw fit to withdraw from it. However, it did not stop the remaining members from continuing their inquiries or from making certain recommendations. It is now obvious that Government members consider that the amending Bill resulting from the deliberations of that Select Committee is a good one. They probably feel a little ashamed at not having taken part in the inquiries conducted by the committee. We know that those members were frightened of what they might find out; they were frightened that they might have had to support amending legislation that would be unacceptable to some people, and they decided to run away from their responsibilities and resign from the Select Committee.

However, as I have said, it was as a result of recommendations made by that Select Committee that the amending Bill was introduced; it is obvious that it now has the blessing of this Government and it certainly has

the blessing of the crayfishing industry, which will benefit as a result of the measure. Although the Act was scheduled to expire on May 31, 1969, it is obvious that it has had to be re-enacted. This Bill, therefore, merely re-enacts the recently-expired Act, and I repeat that it was introduced as a result of inquiries conducted by members of the Select Committee. I therefore support the second reading.

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

ADJOURNMENT

At 4.24 p.m. the Council adjourned until Wednesday, November 5, at 2.15 p.m.