LEGISLATIVE COUNCIL

Wednesday, November 5, 1969.

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

QUESTIONS

COUNTRY DOCTORS

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

Leave granted.

The Hon. G. J. GILFILLAN: Many country communities are now faced with quite serious problems with regard to medical attention. Medical officers are leaving many of the smaller country centres and are not being replaced, and this in turn places a greater strain on the doctors in the larger centres because they are forced to attend people in the smaller communities. This adds considerable cost to these people because of the travelling time and the expense involved with doctors making private house calls on them when they are sick. In view of the fact that statements have been made recently by a prominent Commonwealth Government spokesman on increased benefits, is the Minister of Health prepared to take the matter up with the Commonwealth Government with a view to having included in the medical benefits scheme the travelling expenses involved when doctors have to make house calls in country areas?

The Hon. R. C. DeGARIS: Yes, I will undertake to do that.

SITTINGS AND BUSINESS

The Hon. F. J. POTTER: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. F. J. POTTER: My question relates to the future sittings of this Council in the current session. We now have a long Notice Paper before us, with 28 items thereon. Although I know that some of these Bills are contingent on one particular Bill, there are also quite a number of matters of private business and I understand that the consideration in this Chamber of one or two fairly difficult and controversial Bills is imminent. In view of this, can the Chief Secretary say what our future sittings might be and when we might commence sitting in the evening?

The Hon. R. C. DeGARIS: I think all honourable members are aware that the Council's Notice Paper is very lengthy and that the House of Assembly's Notice Paper has many items. Therefore, it is reasonable to assume that very soon we will have to engage in night sittings. It is hoped that the Council will rise for the Christmas break early in December.

SWIMMING CENTRE

The Hon. C. D. ROWE: I think we have all noticed the progress made on the swimming centre in the north park lands. Plans have been announced whereby the surrounding area is to be beautified. Whilst it is not in my district and I have no personal interest in the matter, can the Minister of Local Government say whether it is possible to show us a plan of the area to be brought under garden development? How much of the north park lands will this area cover?

The Hon. C. M. HILL: I am pleased that the honourable member said that the area was to be beautified by garden treatment. The question of park lands development, particularly the completion of the swimming centre, is, of course, entirely a matter for the Adelaide City Council to decide. I will however ask the council whether it will be good enough to supply me with a plan showing the methods by which the surroundings of the pool complex are to be developed with lawn and garden treatment. I am sure the council will be prepared to do this and, when I have this plan, I will be only too pleased to show it to the honourable member.

BOLIVAR EFFLUENT

The Hon. L. R. HART (Midland): I move:

> That a Select Committee be appointed to inquire into and report upon the desirability of using effluent from the Bolivar sewage treatment works for agricultural irrigation purposes.

I ask honourable members to cast their minds back to the time when they visited the Bolivar sewage treatment works on the occasion of the official opening on June 3, 1966. I think all honourable members will agree that they were very impressed with these modern works, no doubt one of the most modern works of the kind in the world today. I think each honourable member was presented with a brochure at that time; the following is an extract from it:

> From the inception of the initial work on these proposals it has been realized that every effort should be made to utilize the valuable effluent from this plant.

It later continues:

> The final effluent of the plant will be relatively clear and perfectly stable, and it will be conveyed in an open channel some seven and a half miles long for discharge into the gulf several miles north of St. Kilda. It is confidently expected, however, that a considerable portion of this effluent will later be utilized for irrigation, and this is the subject of a current inquiry.

It can safely be said that the people connected with the sewage treatment works have made a genuine effort to use this water for irrigation purposes. For the benefit of honourable members, I cast their minds back to the early history of these works.

On July 1, 1959, Mr. H. J. N. Hodgson, the then Engineer for Water and Sewage Treatment in the Engineering and Water Supply Department, submitted a comprehensive report to the Government suggesting that the old sewage works at Islington should be replaced by a modern treatment and disposal works. At that time Mr. Hodgson made the interesting statement that the proposals covering the treatment and disposal of the sewage were complete in themselves. He continued as follows:

> It is considered, however, that the utilization of the effluent for irrigation purposes, as and when required during the dry months of the year, is worthy of consideration and investigation by the appropriate authority and that, generally speaking in a country like South Australia, which is deficient in water supplies, this large volume of relatively good water should not go unused if it is suitable for use.

The Government of the day, acting on Mr. Hodgson's recommendation, referred the question of building a new treatment works to the Public Works Committee, which reported on its inquiry on June 7, 1960. Part of its report was as follows:

> The committee suggests that a committee of experts including officers from the Department of Lands, the Department of Agriculture and the Engineering and Water Supply Department should be appointed to report on possible uses of effluent for irrigation.

A committee, known as the Committee of Inquiry into the Utilization of Effluent from Bolivar Sewage Treatment Works, was duly set up. That committee conducted its inquiries over a period of about three years, and eventually presented its report to the Government.

It is interesting to look at the situation in the area in which it was contemplated that the sewage effluent could be used for irrigation purposes, and I refer mainly to the area surrounding Virginia, the economic life of which is very dependent on the market gardens established there. That area also contributes considerably to South Australia's economy. Expansion has taken place there in recent years largely because of the build-up in the metropolitan area, as a result of which many hundreds of acres of valuable gardening land have given way to urban development.

It is necessary that garden production, which is consumed mainly by the inhabitants of the metropolitan area, be carried out close to the source of consumption. This area was once considered to have an adequate supply of good underground water which could be used for irrigation purposes. The soil in the area is adaptable to market gardening. Therefore, there has been considerable growth in market gardening in this area, so much so that the supply of water from the underground basin has caused some concern recently. We have the Underground Waters Preservation Act and recently regulations have been made under this Act that have restricted the sinking of bores in this area. The earlier regulations placed restrictions on the deep bores in the area, which most of these bores are. Later, restrictions were also put on the shallow bores, and now it is virtually impossible to get a permit to put down a bore anywhere in the area.

In the present situation there is a move to impose quotas on the amount of water taken from the bores so as to preserve the underground basins from being depleted by excessive withdrawals of water from them. If the quotas contemplated do not effect some reduction in the amount of water taken from the underground basins or do not arrest the depletion of them, it is possible that more severe quotas will have to be applied in due course. If this happens, it will place a severe strain on the economy of the whole area, which in turn will have an effect on the State's economy.

It is interesting to look at some of the figures for market gardening in the Virginia area, which produces several varieties of vegetable in large quantities. For instance, there are close on 600 growers of glasshouse tomatoes who are operating about 9,000 glasshouses, from which over 500,000 half cases of tomatoes are exported to other States annually for a gross income of over $1,500,000 a year. In addition to this, the Adelaide market consumes about 250,000 to 300,000 half cases of tomatoes annually. Another commodity grown in considerable quantities in the area is potatoes, about 2,250 acres of them. The crop is divided into two sections —the main crop of about 1,500 acres and the winter crop of 780 acres. The figures

indicate that the income from potatoes in this area is nearly $1,200,000 a year. That is the amount actually paid to the growers themselves, and to that figure we may add the value of considerable quantities of potatoes exported to other States direct by the individual growers.

There are also considerable quantities of cauliflowers and cabbages—512 acres of cauliflowers and 150 acres of cabbages, yielding an income for the area of about $500,000 a year. Onions are another crop of considerable dimension—about 850 acres of them, returning over $900,000 a year. So we could continue with the list of vegetables and include beans and celery. I pause at this stage to point out that celery is a valuable commodity, and a considerable quantity of it is exported to the Philippines where it is used to a large extent by the United States Navy. Although that market is in its infancy, it brought about $6,800 in foreign capital to Australia last year, and it is estimated that next year its value could double or even treble.

I have many more figures that indicate the value of the industry in this area. It is a decentralized industry of considerable dimensions, employing a large number of people. It is estimated that the area contains over 1,500 families; if that figure is multiplied by three (and that would be a conservative estimate in calculating the total number of people involved), then the result would be well over 4,000 people engaged in production in that part of the State. Therefore, I submit that this is a valuable industry.

The Committee of Inquiry's report and conclusions make interesting reading. The committee made a number of recommendations on the ways that the water could be used. Part of its report read:

> Whatever the future holds the Committee does not believe that this valuable water can be thrown away by the driest State in the driest Continent of the world. The profitable reclamation and re-use of this water is therefore the challenge which will face South Australia's engineers, scientists and administrators in the future.

That is in relation to the reclamation and re-use of the water. Market gardeners are not concerned with reclamation, but they are concerned with the re-use of the water for irrigation. The committee reported that the water could be used for irrigation and for growing vegetables that are not eaten in their raw state; in other words, vegetables that are cooked before being eaten. A number of red herrings have been drawn across the trail regarding the use of this water, but I think all fears have been discounted by various authorities at some time or other.

I think we must look at the situation as it concerns the quantity of water being used in the area in order to establish a case for the use of that water. It is estimated that withdrawals from the Virginia-Two Wells water basin amount to about 7,000,000,000 gallons a year. That is a huge volume of water, and the replacement is estimated at something less than one-third of the amount withdrawn. One does not need to be a mathematician to realize that the basin has only a limited life. The quantity of water available through the effluent channel is about 1,000,000 gallons an hour, or a total volume of about 9,000,000,000 gallons a year. It can be seen that more water is running to waste at present from the effluent discharge channel than is being taken from the underground basin.

I think it is fair to say that there has been a certain amount of departmental resistance to the use of this water. At this point of time, and in fairness to the Engineering and Water Supply Department, perhaps this resistance is justified. However, I think we have to find a means by which we can make use of this water rather than try to find reasons why it cannot be used.

One thing that concerns me is that it is difficult to reconcile the statements of the officers of various departments. On October 31, 1967, an article in the *Advertiser*, under the heading "Bolivar water in new year", stated:

> The first supplies of effluent water from the Bolivar sewage treatment works would probably be available early next year, the Director and Engineer-in-Chief of the Engineering and Water Supply Department (Mr. H. L. Beaney) said yesterday. He said the Government was not planning to set up an irrigation area itself but intended to make the water available for private development. The water is there and people just have to take it, he said.

However, a statement made by the Minister of Works quite recently is virtually a complete contradiction of the statement made by Mr. Beaney. The Minister said:

> Following a detailed bacteriological and virological study of the effluent being discharged from the Bolivar sewage treatment works, the Engineering and Water Supply Department confirmed the view of the committee of inquiry into the utilization of effluent from the Bolivar sewage treatment works that the effluent should not be used for irrigation of any vegetables that might be eaten raw.

A further opinion was sought from the Director-General of Public Health, who considered that the effluent should be confined to irrigation of stock fodder crops and fruit trees. The Minister went on to say:

The effluent cannot be used to offset excessive over-pumping from the underground basin in the Virginia area.

Therefore, we get a conflict of opinion by members of different departments. I consider that we have reached the stage where someone has to correlate the views of the various departments and make some assessment regarding whether this water can be used and, if it can, what it can be used for.

I think we all agree that the situation in South Australia, particularly the area to which I am referring, is rather alarming, and some effort must be made to alleviate the present situation. When we look at what occurs overseas in relation to the use of effluent we find some interesting studies. In the United States of America, at a place called Santee, I believe there is an ornamental lake that is supplied with sewage effluent water in which people may go boating and even swimming.

The position in Paris is also very interesting, for most of the vegetables for human consumption, other than those that are eaten in a raw state, are grown with sewage effluent. In fact, some 4,500,000 people in Paris have their vegetable supplies provided from gardens that are watered entirely by sewage effluent.

We find also that sewage effluent is being used for irrigation on the Werribee experimental farm in Victoria. In this area cattle are grazed on pastures watered with effluent water. I might make the point that there appears to be no danger with the grazing of sheep on pasture that is irrigated with sewage effluent but that there is a certain fear in the minds of many people that there is a danger in grazing beef cattle on these pastures.

In Werribie in Victoria, over a period of 10 years about 47,000 cattle off these pastures have been marketed and only seven of those have been affected with tape worms. This would indicate that there is only a minor, almost infinitesimal, possibility that properly controlled pastures irrigated with effluent are a danger to beef cattle. In fact, when one considers how these areas are irrigated one should look at the methods of sewage disposal from some of the smaller works.

One could go into the Adelaide Hills and find that effluent from some of the areas is probably being discharged into the rivers, the waters of which eventually find their way into the metropolitan area, and one would shudder to think of what is finding its way into the Murray River itself in the way of sewage effluent.

One of the red herrings that is dragged across the trail is the question of salinity. Many people have said that this water is not suitable for irrigation because of its salinity. However, at Virginia there is an experimental plot being conducted by a group of growers on a patch of soil that one would not select by choice because of its high saline content, and vegetables are being successfully grown on this soil at present with water from the effluent channel.

The Hon. M. B. Dawkins: And they are very nice, too.

The Hon. L. R. HART: Yet we are not supposed to eat some of them! The other interesting point in relation to this experimental plot is that the saline content of the soil has, if anything, decreased rather than increased during the period over which it has been irrigated.

Irrigation has been going on in the whole of the Virginia area, admittedly with good quality water, over a very long period, and over the whole of that period (over 20 years in some areas) there has been no build-up of salinity. In fact, there has been no evidence whatever of waterlogging of the soils, and this would indicate that the soils in this area are quite capable of handling not only huge volumes of water but also a volume of water with a reasonably high saline content.

We are told that the salinity of this water varies from about 85 grains a gallon to about 110 grains a gallon in the middle of summer. This is the same quality water that is being used by many people at present for gardening. The sewage effluent has another quality which makes it attractive for gardening, and that is that it contains certain fertilizers that are valuable for gardening not only in the Virginia area but in any area. Therefore, I think that disposes of the suggestion that salinity is a problem.

I now come to the question of the economics of using this water. Although this is in the province of the engineers, it is believed that this water could be economically conveyed through the area and be made available to gardeners at a price that they could afford to pay. I know of one large grower of lucerne in the area who is prepared to pay at least 6c a thousand gallons for this water delivered

to his property; that is only for delivering the water to the property, not irrigating the property with it under pressure.

In the vicinity of Two Wells there are many glasshouses that are watered by reticulated water from the Barossa reservoir. Owners of these glasshouses would be paying about 35 cents a thousand gallons for the water they are using. So, here again the tomato growers would be able to pay about 30 cents or 35 cents a thousand gallons for water delivered to their properties.

The health angle seems to worry most people. I have referred to the situation in Victoria and in other parts of the world. We have another sewage treatment works at Glenelg, from which water is made available for irrigating the nearby golf links. This water is, I understand, not intended for human consumption, but some people who are unable to read the notices frequently visit the taps to quench their thirst—and without detriment to themselves.

Looking at the whole picture, I think it will be realized that, although there may be some fears about using this water, if we are to preserve the area we must do something to supplement its water supplies, and the only means available is using this effluent water. Therefore, I ask the Council to give my motion full support.

The Hon. H. K. KEMP (Southern): In seconding the motion, I wish to make some explanatory remarks. From the inception of the Bolivar sewage treatment works an instruction was given that the works had to turn out water capable of re-use for agricultural and horticultural purposes. Trial work was started many years ago by the taking over of the Parafield poultry farm. At present 25,000,000 gallons of water a day go to waste—good water, our most precious commodity. There is an urgent need by the industry in the district for this water, because without it people will face disaster—families that have invested everything they have in the land and equipment there.

It has been proved that the water will grow good crops and that, with the use of this water, salinity will decrease. No health hazard has been experienced in connection with the use, in all sorts of ways, of water from the Glenelg treatment works, so what is wrong with using the Bolivar effluent? We must have an answer!

Some growers have indicated their willingness to buy this water at 6 cents a thousand gallons, and others have mentioned the figure of 8 cents a thousand gallons. This means that $876,000 of revenue is being thrown away annually. This argument should appeal to the Government. Growers seem to be confronted with a mountainous, woolly obstruction that they just cannot get through. It seems obvious that there is buck-passing between the departments concerned. This urgent matter cannot be delayed any longer, and we must have the truth at once.

In other parts of the world such water is used again and again. In one very large section along the Rhine Valley, two-thirds of the water in the rivers (the only water supply for parts of Holland and lower Germany) is reclaimed water, and the same applies in North America. Provided that the plant is correctly designed, it is ridiculous to say that this water is not usable. Either there has been a grave dereliction of duty by someone or the plant is not being run competently. There is no other answer.

The Hon. M. B. DAWKINS (Midland): I support the motion. I would be failing in my duty if I did not support an investigation of the kind outlined in the motion. I have been in close touch with the situation in the area and I know how vitally necessary the investigation is. In 1967 the present Premier, when Leader of the Opposition, endeavoured to have a similar committee appointed. I have approached the Premier recently, so I know he is seized with the importance of this problem. Two or three weeks ago I gave some figures to this Council that showed the size and scope of the vegetable industry in the Virginia area and the great need for water there.

It has been suggested previously that the solution is probably to shift the industry, but I have endeavoured, I think with some success, to prove that the only solution is to provide water. Shifting the industry to another location would present almost insurmountable problems.

The Hon. H. K. Kemp: That would be impossible.

The Hon. M. B. DAWKINS: I agree that it would be virtually impossible to shift the industry. The Hon. Mr. Hart has now dealt further with figures that I gave some time ago, and he has also given some later figures. Consequently, I will not repeat what he said, but I wish to underline his remarks and stress the importance of the industry and the need for adequate water in the area.

It is essential to use Bolivar water. The Playford Government planned that the treatment works would be able to provide usable water, and this plan was followed through by the Government of which the Hon. Mr. Shard was a member. I believe it is absolutely essential that this water be used. On several previous occasions I have brought to the Government's notice the urgency of the problem. Whether this investigation is made by a Select Committee, as suggested by the Hon. Mr. Hart, or by other means is perhaps not as important as is the imperative need for a full investigation into this matter and for this water to be used as soon as possible. I have much pleasure in supporting the motion.

The Hon. R. C. DeGARIS (Chief Secretary): I am certain that honourable members greatly appreciate the interest that has always been shown in the area in question just north of Adelaide by the Hon. Mr. Hart, the Hon. Mr. Dawkins and the Hon. Mr. Kemp. Most honourable members share their interest. Those honourable members believe that the motion is in the best interests of the growers of the area. I will give the Council some information on the present situation and on what has been done in regard to using Bolivar effluent. In June, 1969, Cabinet decided to set up an interdepartmental committee, whose members would be drawn from the Engineering and Water Supply Department, the Agriculture Department and the Mines Department, to investigate water usage in the northern Adelaide Plains.

The Hon. H. K. Kemp: A committee was appointed right back in 1951.

The Hon. R. C. DeGARIS: I realize that, but I am giving information on what this Government has done recently. The committee to which I have referred had very specific terms of reference, which fell into two categories. The first category dealt with restrictions that were being imposed on the use of underground water in the area. In that category, three subheadings required specific investigation. They were, first, the basis for determining growers' quotas of underground water, secondly, the methods of metering the quotas and, thirdly, the administration of the restrictions that would be imposed in that area.

Every member of this Council is vitally aware that the underground water supplies in this area are being seriously depleted. I do not think one member would disagree that some restrictions are necessary to maintain an underground water resource in this area, or that anyone would advocate an over-use of this resource to the point where in a few years it would be exhausted.

The second term of reference was in relation to the effects of these restrictions. This covered three matters, the first of which was the social effects of the restrictions, the second of which was an investigation of alternative water supplies, including the use of Bolivar effluent, and the third of which was the question of recharging the underground aquifers with Bolivar effluent water. An investigation of alternative water supplies, including the possible use of Bolivar effluent, was to be carried out. The committee has reported on all items under the first term of reference, namely, the implementation of restrictions that were being imposed in the area on the use of underground water. Also, steps are being taken to further the investigation into the social affects of the restrictions. I hope that committee will soon be able to carry out its investigations. A report from the Engineering and Water Supply Department indicates that matters involving highly technical research in relation to the use of Bolivar effluent water are still to be resolved.

The Hon. H. K. Kemp: Send them overseas to learn about it.

The Hon. R. C. DeGARIS: That might be an answer, but it would take time to do so, and I do not know that we need to learn much more about making sure that this water is suitable for use for irrigation purposes. As the honourable member knows, a report has already been made on this matter, and since then further investigations have shown matters that are a little disturbing. Every member will appreciate that we need to be sure of our position before this water can be used completely for irrigating foodstuffs that will be consumed by the community.

Several departments are involved in the investigations to resolve the problem of using Bolivar effluent water. It was recently decided by Cabinet, with the Premier's approval, that the Premier would personally co-ordinate the inquiries into the use of this water. A number of reports on this question can be made available to any honourable member. Active consideration and investigation by the departments concerned is still continuing.

I will now give the Council a brief summary of the reports so far. A committee of inquiry, which has already been referred to by honourable members, was set up. The comprehensive report of that committee was completed on June 28, 1966, and laid on the table of

this Council on July 12, 1966. This was followed in April, 1968, by a supplementary report on the proposals to supply Bolivar effluent to the Virginia district. In summary, these reports have found that, first, the effluent could be used for certain irrigation purposes but no evidence existed for its use for industry, aquifer recharge, ornamental lakes or for public water supply, after further treatment, and, secondly, that the maximum salinity of the effluent, which at times is as much as 1,800 parts a million, is such as to restrict the use of the effluent to plants that exhibit moderate salt tolerance. It has been said that the salinity problem is probably not as great as may appear. Nevertheless, the salinity of this effluent at times reaches 1,800 parts a million. Thirdly, a small but real public health risk would result from the irrigation of vegetables that may be eaten in the uncooked state. At that time the committee also considered that no public health hazard would exist through the transmission of disease by stock grazed on pastures irrigated with Bolivar effluent.

That is briefly a summary of the findings of the committee, the report on which was completed on June 28, 1966, and which was followed by a supplementary report in April, 1968. These studies have continued and, following availability of effluent, studies were initiated to determine the survival of human tapeworm eggs through the treatment system. The results of the early work were not encouraging, and further bio-assays under fully controlled conditions will be commenced in December. The results of these experiments will be available in February, 1970, and will determine whether beef cattle may be held without risk on effluent-irrigated pasture or fed with effluent-irrigated fodder. The Director-General of Public Health is also examining the possibility of easing the current restrictions on the use of effluent for irrigation of vegetables for human consumption.

Effluent has been available to private landholders since February, 1968, when two off-channel pumping sumps were completed. The supply agreement provides, first, for a standing annual charge of 25c for each gallon a minute of installed pump capacity. This is calculated to recoup the cost of providing the works necessary to make the effluent available to consumers. This represents a standing charge of $25 a year for a pump of 100 gallons a minute capacity. A charge of 1c will be made for each 1,000 gallons of reclaimed water, part of which will be absorbed by administrative charges. These charges are in line with those made for reclaimed water elsewhere in the State.

To date the Minister of Works has entered into only one agreement to supply effluent. The existing formal agreement is with the District Council of Munno Para for the supply of effluent to a 12-acre experimental growing area adjacent to the outfall channels. A number of crops were successfully grown in this area.

Studies are at present being carried out in the Engineering and Water Supply Department on the survival of human tapeworm eggs through the treatment process, and the Director-General of Public Health is further investigating the complex question of health hazards associated with effluent irrigation of vegetables.

I am very much aware of the great interest shown in this matter by honourable members. Indeed, I congratulate them on the move they are making now to hurry along the work of making this effluent available in order to relieve the water shortage in the area. At this point of time a Select Committee may be somewhat premature. Until all those studies that are being made are completed and as the Premier has personally undertaken, co-operatively, to tie in all the work of the various departments involved in this matter, I do not see that a Select Committee could achieve much at present.

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

PUBLIC ACCOUNTS COMMITTEE BILL

Adjourned debate on second reading.

(Continued from October 29. Page 2544.)

The Hon. H. K. KEMP (Southern): I support this Bill. I do not think it is necessary for me to reiterate the many points raised, both in this Chamber and elsewhere, in the earlier speeches on the Bill, but there is a tremendous need for Parliament to have more knowledge of what is going on in Government departments, two of which are so big and so autonomous that Parliament and the respective Ministers have very little say in how the money voted to those departments shall be spent. Parliament, in fact, has very little direct control over them.

A good case can be made out for a public accounts committee because it is necessary, in view of this departmental autonomy, that there should be some Parliamentary committee looking over the shoulder of the departments. I

refer in particular to the Highways Department and the Railways Department, but there are many other departments that need supervision, although I admit there is a close control exercised by the Minister and by Parliament through the Estimates of Expenditure and through the Auditor-General.

However, the Public Service has now grown so large that it is beyond the capability of the Auditor-General to do much more than a routine audit. That is not sufficient, because the actual cash expenditure is often not indicative of the very great waste occurring today. The Public Service is a fine body of people, but they are only human, and a large organization's difficulty in keeping its work efficient without making a profit is one of the biggest problems facing the community today.

It is notorious how Government departments tend to grow. If somebody could devise a method of keeping them fully efficient, he would be conferring on mankind one of the greatest benefits possible. I do not want to go into details here but I am quite sure that in many cases the Ministers are not kept fully informed of what is going on. They are such busy men that often it is impossible for them to get out and see the detailed working of their departments. Particularly is this so where a department is far-flung. Although its members travel far and wide and its Minister works very hard, there is a need for close supervision, in some instances. We have heard a lot about this.

Let me give an example that comes to mind. Recently, we have looked at the work of the Aborigines Department, which is operating in every corner of the State. Its expenditure is about $1,800,000 a year, to which must be added a considerable sum of money contributed direct by the Commonwealth Government, so it does not come before this Parliament for review. This $1,800,000 amounts to $250 for every Aboriginal man, woman and child. Bearing this in mind, when we look around and see the pitifully primitive conditions under which so many Aborigines are living, we wonder whether this benefits them very much. In many cases, these people are in great difficulty.

It is hard to find a solution, not so much for the adult Aboriginal as for the child. The Select Committee recomended to the Minister that he extend the work of the Colebrook Home, but I understand it is now in the process of closing down, because the Minister has asked it to confer with the department about the future of its children. Is the Minister being told the truth in this matter? I very much doubt it.

When the members of the Select Committee saw the Colebrook Home, there was a happy group of people there, and the children were being put through school effectively; they were getting very good results and being nicely accepted into the community. Soon after our visit there, we found that the numbers had fallen from about 12 or 13 to five. Recently, I inquired what had happened to the eight children who had left. There are five Rigney children and three from Marree, and this is what has happened to them. The Rigney family of five children sought refuge at the Colebrook Home when their mother was seriously assaulted by her husband; it was the only refuge that could be found for them.

They went to the Aborigines Department for help, but it was refused. However, Pastor Samuels and his organization took them in. Mr. Rigney is occupied along the Commonwealth railway line north of Port Augusta. Soon after getting that job, he came south with his wife and was very happy indeed to have his children looked after at Colebrook. He offered to pay $20 a week for their maintenance.

Soon after that, he came down again and demanded his children. He said he would not have them at Colebrook at all. He said he needed his children and had to have them with him as he loved them. The plight of those children now is as follows. The parents have been separated and the five children are left in charge of a relative at Port Augusta. Some of the children are sent to school, but the eldest girl, who had been promised that she could return to Colebrook Home and continue at the Mitcham Girls Technical High School, refused to go to school at Port Augusta.

Since that time the mother has been reported to have gone to Point Pearce in the company of another man, while the father has gone north to get a job shearing because he had lost his job on the Commonwealth railways. The three children are still at Port Augusta and the youngest has been brought to Adelaide. That does not sound like a close-knit family who are aching to have their children with them. Somebody got behind Mr. Rigney, and told him to take his family away.

In the case of the children of the second family I mentioned, the story is even worse.

When these two children came to Adelaide they were in a desperate plight, in ill-health, and in need of urgent medical attention, which they were given. The officials at Colebrook Home took the children each week to the Adelaide Childrens Hospital, where they were making progress, but a welfare officer from the Aborigines Department appeared at Colebrook Home one day and said that the parents were demanding that their children return to them at Marree.

As a result, in the middle of winter these children were taken from Colebrook Home and put in charge of the officers at Marree because the mother and their erstwhile father had disappeared and gone north to a station over the border in the Alice Springs area. It was stressed by doctors at the Adelaide Childrens Hospital that one of the children, a boy, should be given at least weekly attention for his eyes and that unless he received that attention he would be in danger of losing his sight. But the children were out on this station under the care of their parents nearly 70 miles from Alice Springs, the nearest medical centre. That is what has been happening.

The father has again disappeared, and on two occasions at least the mother has left the children in the care of a school teacher and gone to an unknown place for several weeks. She has now returned to Marree with her husband, but they have both gone up the Birdsville track and left the children at the station in the care of any person, or relative, who might be prepared to look after them.

The Minister was informed that the mother had signed a paper to enable the children to be placed in Colebrook Home. However, she signed another paper (under the influence of a suggestion by the Welfare Department) to have them taken from that home. She loves these children so much that she cannot do without them, and yet that is what has happened. It does not make sense, and I pose the question: is the Minister being told the truth? I very much doubt it.

I think the worst case of all is that of the third child at Marree who was taken in midwinter from the comfort of Colebrook Home and lumped with her mother in the settlement, an Aborigines camp outside Marree, entirely devoid of equipment. Conditions in the camp are, frankly, appalling. I would like to read from the report that has been placed in my hands.

The PRESIDENT: Order! The honourable member should confine his remarks to matters associated with a public accounts committee. How does he link up his remarks with that?

The Hon. H. K. KEMP: I think what I have been saying is an illustration of the need for establishing a public accounts committee when an amount of $240 a head a year is being spent on Aboriginal people. My remarks illustrate the kind of cruelty to which they are subjected. I do not think I need go any further so far as the work of that department is concerned.

I could make other points of criticism about the working of a big organization such as the Public Service. Such organizations cannot work efficiently unless they are kept under constant review by not very friendly eyes. In the case of big industries, there are many eyes watching efficiency all the time. In the Public Service so many of the watching eyes are friendly, and I believe that we need some not so friendly, and I believe they should come from Parliament. I support the second reading.

The Hon. JESSIE COOPER (Central No. 2): The Parliamentary committee proposed in this Bill is a type of committee which has, in many places, been introduced and in others has been requested for years by members of Parliament. The power to make detailed examinations of public accounts and of the administrative handling of public moneys is not, under the normal circumstances of debate, available to members of Parliament. It is not satisfactory to members of Parliament to be required to approve the spending of large sums of money through budgetary control while at the same time having no means of ascertaining how well this money is handled by its administrators, or what economies are or are not being effected, except in so far as these matters are considered by the Auditor-General in his report or may be ascertained by the cumbersome and not always satisfactory method of questions addressed to a Minister.

One of Parliament's primary responsibilities is to ensure that the wealth of the nation (or at least, the taxation contributions derived from its citizens) is properly and frugally used. With the complexity of modern public administration it has become more and more difficult for the people's representatives to keep track of the vast sums of money now involved in the developmental and social welfare operations of a Government. It is therefore, in my opinion, necessary now more than ever before for Parliaments to have the type of subcommittee (if it may be called that) which we are now considering with the specific task of searching, recording and reporting upon special financial

matters for the benefit of all members of Parliament and for the better performance of their duties. I support the Bill.

The Hon. M. B. DAWKINS (Midland): I, too, rise to support this legislation because I believe this committee will serve a useful purpose. However, it should be amended to permit participation of members of the Legislative Council on the committee. I have drafted some amendments that are on members' files and which provide for the Legislative Council to have two representatives on the committee. I assume, without having spelt this out in the amendment, that one member from each Party would be appointed. There is a tendency to overlook the responsibility of Upper Houses regarding financial matters, and I think that an Upper House, even though it does not in many cases (as in this State) initiate money Bills, can exercise wise judgment and provide sound advice on financial problems.

If there is to be a committee of this nature established in this State, I believe it should include representatives of this Council. With your concurrence, Sir, I would like to quote from a speech (a copy of which you, Sir, were good enough to give me) made by Sir Alister McMullin, President of the Senate, on this very matter of the use of Upper Houses in financial matters:

> While, in the bicameral system, Lower Houses may be accorded special rights regarding the origination of money Bills, they enjoy no right to unrestricted financial power. Delay, second opinion, amendment or suggested amendment, and in certain circumstances the veto, are the business of Upper Houses, each according to its own responsibilities.
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> From time to time suggestions are made that the power of an Upper House on financial matters should be only that of consultation, even in a federal system. That argument, while overlooking the special responsibilities of Upper Houses, also forgets that stripping an Upper House of financial or other power does not necessarily enhance the power of the Lower House. On the contrary, it may tend to give more authority to the Executive, which dominates the Lower House, at the expense of the checks and balances of the Parliamentary system. That is not Parliamentary reform.
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> The present-day widespread move for Parliamentary reform in Cabinet systems of Government has sprung largely from frustration, with the growth of Executive power on the one hand and Parliament not keeping up with the pace on the other. Lower Houses, with their rigid Party discipline, must find their own answer to Executive dominance. In some countries the answer has concentrated on the appointment of standing, select and specialist committees to probe and check the Executive's performance and legislative proposals. It is an irony of history, however, that the most effective type of Parliamentary reform may turn out to be the recognition of strong Upper Chambers, with a measure of independence amongst their members, and with their own special and recognized charter of responsibilities in the scheme of government. Whereas strong Upper Houses used to be advocated as protectors of the State against the people, they may yet provide the most effective means of ensuring that the people are adequately protected against the modern State.

I believe that everything Sir Alistair said on that occasion is a strong argument for the existence of adequate Upper House representation not only on this committee but on all Parliamentary committees. The Chief Secretary opposed this Bill, and one statement he made that I question is as follows:

> One can understand that, with the simplicity of accounting procedures in Great Britain in 1836, a public accounts committee possibly could be of some use. However, with the great complexity of accounting procedures today, I wonder whether any public accounts committee is capable of performing any useful function.

I think that statement could be construed as meaning that members of Parliament would not be able to understand or perform any useful function when examining the overall effects of the spending of public moneys. However, I do not think the Chief Secretary was wishing to reflect on the capabilities of members of Parliament. I trust that he did not intend to do so, because I believe that many eminent Treasurers in this State and in others, too, who had a very marked beneficial effect on Government policy and Government spending were not specialist accountants.

I believe that the function of a committee such as this is not so much a detailed probing into the final accounts and auditing of very great detail as an examination of what is being done overall by a Government or a Government department, and I believe that in this way this committee could be of considerable use.

I am aware that the Public Works Committee, for example, is examining every day architectural and engineering problems and that it is listening to the advice and the reports of architects and engineers, and I venture to say that few, if any, of the members of that committee would have any specific qualifications in that regard. However, they give us a very able report on the many projects carried out by the Government from day to day. Therefore, I believe that, whilst not all the members of a public accounts committee would be accountants, they would be able to give a valuable insight into the workings of the

Government. Also, the members of that committee themselves would get a valuable insight into the workings of the Government, the details of which, as the Hon. Mrs. Cooper has said, are not always available to the ordinary back-bencher.

The Hon. R. C. DeGaris: Actually, I was pointing out that this committee in Great Britain is now reduced to about three members who very seldom attend, and in effect the work is done by the Auditor-General.

The Hon. M. B. DAWKINS: I thank the Chief Secretary for that information. If this committee is formed, I would hope that we would not reach the situation where it was only a nominal committee and where, as is apparently the case in Great Britian, it was not functioning effectively. As I have said, I think that in the circumstances in which we find ourselves this committee could perform a useful function in this State in the future. Therefore, I support the Bill.

The Hon. G. J. GILFILLAN (Northern): I thank honourable members for the attention they have paid to this debate. All members who have spoken have contributed worthwhile points of view with regard to the necessity for a public accounts committee in our Parliamentary structure. I think the only speaker who has opposed this Bill has been answered very ably by the Hon. Mr. Dawkins on all points raised with the possible exception of one, namely, that such a committee would be working *post facto* with reference to public accounts. I believe this reference implied that the work the committee would be doing would consist of considering reports received in Parliament from the Auditor-General.

In answer to that criticism, I point out that there are many other fields in which this committee could work on current affairs, and I believe that it is in this regard that the committee's most valuable function would lie. I also believe that the Hon. Mr. Dawkins raised a very valid point when he said that this committee could have some value as a training ground for members in the more intricate financial aspects of Government.

The three main Parliamentary committees at present are the Public Works Committee, the Subordinate Legislation Committee and the Land Settlement Committee, and those committees give many members a very valuable background and prepare them for the time when they may have to take added responsibility. This proposed committee will be a valuable adjunct to this experience, for it will enable those members not at present serving on any other committee to have experience in this field.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Constitution and appointment of committee."

The Hon. M. B. DAWKINS: I move:

In subclause (2) after "consist" to insert "two members of the Legislative Council and".

This amendment provides for representation on the committee of members of this Chamber.

The Committee divided on the amendment:

Ayes (15)—The Hons. Jessie Cooper, M. B. Dawkins (teller), R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 11 for the Ayes.

Amendment thus carried.

The Hon. M. B. DAWKINS: I move:

In subclause (2) to leave out "the House of Assembly and of whom not less than two shall be so appointed from the group led by the Leader of the Opposition" and insert "their respective Houses".

This would mean that five members would be appointed from the House of Assembly and two from this Chamber. Although it is not spelt out that the two members from this Chamber would come one from each Party, I assume that they would do so, and I think this is in line with previous practice.

The Hon. G. J. GILFILLAN: The addition to the committee of two members from this Chamber would benefit the committee, because the wider the choice of membership the more likely it is that the committee will comprise members whose particular talents are suited to considering the matters before the committee. Apropos what the Hon. Mr. Dawkins said about the usual practice of appointing one member from each side of the Chamber, I point out that this involves a problem that has been difficult to overcome, bearing in mind the number of Parliamentary committees that exist. However, regarding this amendment, the matter will be in the hands of the Government of the day. The committee is appointed every three years, and the Government of the day will have the majority in the other place to ensure that it has a majority on the committee.

Amendment carried; clause as amended passed.

Clause 4—"Term of office."

The Hon. M. B. DAWKINS: I move:

To strike out "the House of Assembly" and insert "a House of Parliament"; and to leave out "each" and insert "such".

These are consequential amendments.

Amendments carried; clause as amended passed.

Clause 5—"Casual vacancies."

The Hon. M. B. DAWKINS: I move:

In subclause (1) after paragraph (*a*) to insert the following new paragraph:

(*aa*) being a member of the Legislative Council, deliver to the President of the Legislative Council or, if the office of President is vacant, to the Clerk of that House, his resignation in writing signed by him;

This amendment is consequential on the previous amendments.

Amendment carried.

The Hon. M. B. DAWKINS: I move:

In subclause (1) (*b*) before "delivers" to insert "being a member of the House of Assembly,"; and in paragraph (*c*) to strike out "the House of Assembly" and insert "a House of Parliament".

Again, these are consequential amendments.

Amendments carried; clause as amended passed.

Clause 6 passed.

Clause 7—"Quorum and voting."

The Hon. M. B. DAWKINS: I move:

In subclause (1) to strike out "three" and insert "four"; and in subclause (2) to strike out "four" and insert "five".

These are consequential amendments.

Amendments carried; clause as amended passed.

Clause 8 passed.

Clause 9—"Duties of committee."

The Hon. M. B. DAWKINS: I move:

In paragraph (*b*) to strike out "the House of Assembly" and insert "both Houses of Parliament"; and to strike out "House" second occurring and insert "Parliament"; in paragraph (*c*) to strike out "the House of Assembly" and insert "both Houses of Parliament"; and in paragraph (*d*) to strike out "the House of Assembly" first occurring and insert "both Houses of Parliament".

The Bill was amended in another place to enable the committee to delve into questions on its own initiative and into questions referred to it by resolution of the House of Assembly. I do not intend to proceed with the second amendment to paragraph (*d*) that I have on file.

Amendments carried; clause as amended passed.

Clause 10 passed.

Clause 11—"Power to sit during sittings."

The Hon. M. B. DAWKINS moved:

To strike out "the House of Assembly is not sitting" and insert "neither House is sitting"; and to strike out "that" second occurring and insert "either".

Amendments carried; clause as amended passed.

Clause 12 and title passed.

Bill reported with amendments. Committee's report adopted.

The Hon. G. J. GILFILLAN (Northern) moved:

That this Bill be now read a third time.

The Council divided on the motion:

Ayes (11)—The Hons. Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan (teller), L. R. Hart, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

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

Majority of 3 for the Ayes.

Third reading thus carried.

Bill passed.

LOTTERY AND GAMING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 29. Page 2545.)

The Hon. D. H. L. BANFIELD (Central No. 1): The purpose of the Bill is to allow Totalizator Agency Board agencies to pay out dividends at the conclusion of racing or trotting meetings. When T.A.B. was originally introduced much was said about starting-price bookmakers and that, because they were acting outside the law, people wanted some legal method of betting and this was a way of overcoming any obstacles that might have existed. The original Bill was not introduced with the intention of encouraging betting: it was merely introduced to make law-abiding citizens of people who opposed breaking the law.

It is said that because the Bill was originally introduced in certain circumstances, that is not a reason for altering the Act. If circumstances change from time to time, the Act should be amended to keep up to date with those changes. However, nothing has changed since the introduction of T.A.B. Also, no great pressure is being exerted to have T.A.B. agencies paying out dividends after race meetings.

All honourable members will recall that much was said about the old betting shops, when mothers and their young children frequented betting shops on a Saturday afternoon and, of course, no-one wants to return to that position. However, the Bill will allow such a thing to happen between 4 p.m. and 6 p.m. on Saturdays. If the Bill is passed, there is nothing to stop an agency paying out on a race held in an Eastern State when two races are still to be run here in South Australia. This will lead to people frequenting betting shops after they have collected their winnings so that they can bet on the remaining races to be conducted here. By the time the South Australian races have finished, other races will still have to be conducted in Western Australia, and these people can continue thereafter to bet on those races as well. Although the Bill will not mean a complete return to the old betting-shop days, it will mean that at certain times people will frequent the betting shops more in order to bet on interstate races. I am against this happening.

The Victorian Act pioneered the establishment of T.A.B. agencies in Australia, and it has worked satisfactorily there since then, as it has done here in South Australia. In supporting the Bill the Chief Secretary said that it would assist holidaymakers who might be leaving the State after they have invested their money on a race. However, this would not necessarily involve inconvenience being caused because an interstate visitor, having placed his bet, would leave his ticket with the agency together with his name and address, and, if he was lucky enough to win anything, his winnings could be forwarded to him. If a person travelling throughout the State invested money in Adelaide, he could go to one of 25 agencies or 18 subagencies to collect his winnings.

The Hon. Sir Norman Jude: No, he couldn't.

The Hon. D. H. L. BANFIELD: The honourable member differs with me in this respect.

The Hon. Sir Norman Jude: That applies only up to a certain amount.

The Hon. D. H. L. BANFIELD: I was told by the people in charge of T.A.B. that the winnings can be collected from any agency or subagency within a certain period and at the head office within six months after the bet was placed.

The Hon. Sir Norman Jude: But only a limited amount can be collected.

The Hon. D. H. L. BANFIELD: I was not told that. The T.A.B. officer to whom I spoke informed me that the money can be collected at any agency.

The Hon. A. J. Shard: And you accept what you were told.

The Hon. D. H. L. BANFIELD: If the honourable member thinks what he says is correct, that is all right. I do not doubt that he thinks he is correct. However, I made inquiries of people who should know about these matters, and that is what I was told. If there was some misunderstanding, I will accept what the honourable member says; I am not being hard and fast. However, I point out that anyone moving through the State should not necessarily be inconvenienced, and, if my information is correct, such a person can collect winnings at any agency or subagency of the T.A.B. If my information is not entirely correct, a person can leave his ticket at an agency, and any winnings can be forwarded on. In this way no inconvenience would be caused to the holidaymaker. Indeed, I understand that in some instances if a person presented his South Australian ticket at a Victorian agency he could possibly be paid his winnings. Some South Australian agencies have paid out on Victorian T.A.B. tickets, and it is understood that this arrangement could be reciprocated without difficulty. Although it is not done to a great extent, it is done. It can therefore be seen that the holidaymaker need not be inconvenienced at all.

I refer now to proposed new section 31m (3), which provides that no agent, officer or servant of the board shall pay out any dividend in respect of a bet placed before the conclusion of the race or trotting meeting. It does not go on to provide that it shall be paid. This means that the position may not be the same throughout the State and we shall probably find that some agencies will pay out and that some will not, and it will be left to the board's discretion to decide who will be the lucky people and be able to collect their winnings, and who will be the unlucky ones that will have to wait until the following day. This is a great weakness in the Bill, apart from the fact that it is likely to encourage more betting in this State, which is something the Act was not designed to do. For those reasons, I oppose the Bill.

The Hon. Sir NORMAN JUDE (Southern): I will not take up much time; I will merely confine my remarks to replying to specific

points already made. The Hon. Mr. Shard opposed the Bill on three grounds. First of all, he objected to my introducing it on the ground that the Bill, as originally introduced two years ago, was specifically against what my Bill virtually strives to do. In fairness to the honourable member, I say that he has consistently been opposed to paying out on the same day. To show him that I bear him no ill will on this matter, I quote what he said two years ago:

I cannot support the suggestion that agencies should remain open and that people should be permitted to collect their winnings after the last race. That is a personal attitude. I can see some merit in the suggestion, but the small amount of merit is overwhelmingly outweighed by the dangers. I have vivid memories of the old betting shops and, if this amendment were carried, it could lead to people hanging around the agencies. Any suggestion that would make it possible for this type of thing would not have my support. I have already told the Premier that if this amendment is carried I will not vote for the third reading of the Bill.

I admire him for his consistency in this matter. Nevertheless, I must take the additional points he made and remind him that in his own Bill, in new section 31ka, he specifically provided for no loitering within the vicinity of T.A.B. shops, in furtherance of his own attitude.

The Hon. Mr. Shard also took the point that one of my clauses "passes the buck" to the board, but in the Hon. Mr. Shard's Bill we "passed the buck" all over the place to the board. I will not weary honourable members by going into it now in detail but, if they read the second reading speech of the Hon. Mr. Shard when he introduced his Bill, they will find that the board could do all sorts of things in administering the Act; it gave it all sorts of powers not contained in its clauses. Honourable members here supported not only that but the Minister in his outlook. For example, the Licensing Court makes dozens of variations under the powers given it by the Licensing Act, but we do not say this is "passing the buck" to the Licensing Court all the time.

Finally, I have to rub it in a little to the present Leader of the Opposition that he was the Minister who introduced that Bill; yet, when I interjected on several occasions about the betting shops at Port Pirie, he made no attempt to have them closed down or have them pay out in line with the T.A.B. after the last race or the next day. That still goes on. I was surprised the other day that he did not suggest that the betting shops in Port Pirie should be brought into line with the Lottery and Gaming Act, unless he intended to support my Bill to permit paying out after the last race. It is a grave anomaly and I do not like it. In reply to the Hon. Mr. Banfield, I point out that I contacted the general manager on the very point he made. He assured me that a man could collect only up to a certain amount at any other agency on the following day.

The Hon. D. H. L. Banfield: What is the amount?

The Hon. Sir NORMAN JUDE: I would not like to be held to this figure, but I think he said it was $20. The honourable member could check that. If it is over that amount, it must be checked with the head office. The other point made by the Hon. Mr. Banfield does not sound right to me—collecting in another State. That was one of the grievances from Mount Gambier. As regards the point made about money being held in a T.A.B. office overnight, when the press refers to $317,000 that passed through the T.A.B. offices yesterday, that is an unreasonable amount to be held overnight—although I admit this recent bank strike could cause inconvenience in getting the money away. However, if some 70 per cent was paid back to the punters, that problem would not arise from time to time. I thank honourable members for their consideration of the Bill and hope they will give it their support.

The Council divided on the second reading:

Ayes (13)—The Hons. Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude (teller), H. K. Kemp, F. J. Potter, C. D. Rowe, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, S. C. Bevan, M. B. Dawkins, A. F. Kneebone, Sir Arthur Rymill, and A. J. Shard (teller).

Majority of 7 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Provisions as to off-course totalizator betting."

The Hon. D. H. L. BANFIELD: I want to make it clear that I in no way attempted to mislead honourable members when I suggested that winnings could be collected at interstate T.A.B. agencies. I went to what I thought were the proper quarters to seek my information, and

that is what I was told. I make this explanation because it has been suggested that the Hon. Sir Norman Jude thought it was incorrect. If it was not correct, I can only say that I was given the wrong information from a source that should have known better.

Clause passed.

Title passed.

Bill read a third time and passed.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

The Hon. C. R. STORY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Wheat Industry Stabilization Act, 1968-1969. Read a first time.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL

The Hon. C. R. STORY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Bulk Handling of Grain Act, 1955-1968. Read a first time.

GAS ACT AMENDMENT BILL

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Read a third time and passed.

OATHS ACT AMENDMENT BILL

Read a third time and passed.

WEST LAKES DEVELOPMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2646.)

The Hon. S. C. BEVAN (Central No. 1): This is primarily a Committee Bill and involves a development scheme of some importance to the State. At present the area consists of waste land that should have received developmental attention years ago. A great deal of talk took place in past years regarding developing the area, but it did not go further than that. Some years ago a grand scheme was suggested that became known as the Greater Port Adelaide Plan; it embodied development of the upper reaches of the Port River, but unfortunately it did not get past the talking stage. From memory, I believe the next concrete move was made in 1962. It was investigated by the Parliamentary Standing Committee on Public Works, of which I was a member at that time. This scheme was to be undertaken entirely by the South Australian Housing Trust, but it was found to be impracticable.

It was only after 1965 when a Labor Government took office that the matter was tackled on a practical basis. Finance was sought and obtained, agreement was reached between the parties, and an indenture signed for the complete development of the area. That indenture was delayed and eventually cancelled by the present Government, and it was replaced by a new indenture that does not materially depart from the original indenture except that the Housing Trust is now included. It was not included in the original scheme, and executive control has been extended considerably, something that was lacking in the previous indenture.

The area comprising the West Lakes scheme is only a few miles from the city and lends itself admirably to the proposed development. However, I express the hope that the cost of land and buildings will be within reach of the ordinary person and that it does not result in the establishment of a secluded area for moneyed people only.

A Select Committee from another place investigated the proposal and reported favourably on the scheme. During inquiries conducted by that committee representatives of various bodies gave evidence, amongst them being representatives of the Port Adelaide council and the Henley and Grange council, who were at that stage somewhat dissatisfied with the proposed liability of their respective councils regarding costs of drainage works associated with the scheme. The representatives of the Port Adelaide council submitted that their council could become involved in considerable expenditure on stormwater drainage without any benefit accruing to the city from the development. The Henley and Grange council also expressed concern regarding the amount of money it could be called upon to spend on drainage for very little return in the way of direct rate revenue.

The Henley and Grange council also submitted for the consideration of the Select Committee a question in relation to its boundaries. Its representatives considered that because of the nearness of the present facilities at Henley and Grange those facilities would be used extensively by the people in the West Lakes area when it was developed and settled.

The Hon. F. J. Potter: What facilities are you talking about?

The Hon. S. C. BEVAN: The shopping and various other facilities now available in the Henley Beach and Grange areas. I am aware that provision is to be made for shopping centres within the proposed West Lakes area. However, many people from there will be using the swimming pool and other facilities that now exist within the Henley and Grange council area. In fact, the development will go right up to the Henley and Grange and Woodville council boundaries.

This question of the boundaries was taken up before the Select Committee which, of course, could do very little regarding any alteration of boundaries or even regarding any recommendation in that respect. Indeed, under the Local Government Act even the Minister is limited in what action he can take in relation to boundaries. I understand that the door is not completely closed to the two councils involved and there is room for negotiation, and perhaps in the final analysis something may be done in relation to a realignment of the boundaries of those two council areas.

The Select Committee recommended that the Port Adelaide council be relieved of any contribution towards the drainage scheme with regard to the Old Port Road drain, and that the contribution of the Henley and Grange council in relation to stormwater drainage be fixed at an upper limit of $17,000. The Select Committee suggested that these matters in relation to the cost of stormwater drainage should be notified to the council by letter, and it recommended that no amendment be made to the Bill.

This recommendation appears fair enough, but I am a little concerned about the question of stormwater drainage as it affects the Henley and Grange council. I consider that there are still many questions yet to be answered on this point. I understand that most of the drainage affected will be what is known as the Fulham Gardens drainage scheme, which still has to be connected. These questions include, for instance, what volume of water will be allowed to flow through the drains into the ponding basin, and I consider that this is a question that should be ironed out between the authorities concerned before the Bill is finally passed, because this could have a very important bearing on the cost to the Henley and Grange council, the suggested upper limit of which is $17,000. Is this to meet the cost of just this one drain under the Fulham Gardens scheme, which is yet to be connected, or is it expected to cover all floodwater drainage in Henley and Grange?

The Hon. R. A. Geddes: Will this drainage water affect the level of this basin?

The Hon. S. C. BEVAN: That has not been answered. I am conversant with the Fulham Gardens area, and I know that when we have a severe winter with heavy rains the run-off from this area is tremendous. This will go into the ponding basin, and with the continuation of high tides caused by storm conditions the basin will not be flushed out daily, as it is expected it will be. If as a result flooding occurs, who will be responsible for the damage? Will the Henley and Grange council be held responsible, or will the upper limit of $17,000, which has been accepted in the other House as well as, I understand, by the developing company, be the sum that the council will be committed to and nothing more?

Another question concerns the volume of water that will be allowed to flow through the main drain in this area. That question has not been answered. If only a limited volume of water is allowed to enter this drain, the Henley and Grange council will have to make provision for other drains with an outlet somewhere else. I submit that the authority itself or the developers would not agree to meet the cost of any additional drains to take away all the floodwaters that could congregate in this area. I know that inquiries have been made into this matter, but no-one has been able to answer these questions. I am of the opinion that these answers should be given to the council so that everyone will be well aware, before the Bill is passed, what the actual effect will be.

The Hon. R. A. Geddes: Would it help at all if the houses and other buildings were built above the highwater mark?

The Hon. S. C. BEVAN: No. Part of this area in the West Lakes Development Scheme is low-lying swamp land. I know that reclamation work will be carried out and that this will have the effect of building up the area, but I imagine that the lake and ponding basin area would be left lower because, if it was not, much excavation work would be necessary. I imagine that the surrounding areas where shopping centres, schools and other buildings will be erected will be built-up areas.

The Hon. R. C. DeGaris: How did the previous Government handle this problem?

The Hon. S. C. BEVAN: I suggest that the Chief Secretary would perhaps be a little more conversant with this than I am, because it was his Government that altered the indenture. So, he has the answer, and he does not need me to supply it. These questions should

be answered before the Bill is passed. However, because this development will greatly benefit the State, I certainly support the second reading of the Bill.

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

SUPREME COURT ACT AMENDMENT BILL (VALUATION)

Adjourned debate on second reading.

(Continued from November 4. Page 2648).

The Hon. Sir ARTHUR RYMILL (Central No. 2): In moving the second reading of this Bill the Chief Secretary said that there were four main objects to be achieved by it, and he then enumerated them. I must say that, having considered the Chief Secretary's second reading explanation, I still cannot really claim to know what the object of the Bill is, unless it is to withdraw from applicants for compensation the right to appeal against a decision of a single judge. I deeply object to this and I totally oppose it. If new section 62f is passed, I intend to oppose the whole Bill, because I really do not think that it is of any great importance. It purports to establish a new jurisdiction of the Supreme Court.

The Chief Secretary's second reading explanation suggests that there are some advantages to be obtained from having a single judge, who, it is claimed, will become expert or, rather, to quote the Chief Secretary's second reading explanation, "will become a specialist in a branch of the law that is becoming more and more complex and difficult". I have never believed that the law on compulsory acquisition is of any great complexity and difficulty; it may be difficult to the layman, but the legal principles are very well laid down and enunciated, and I would think that present machinery under the Compulsory Acquisition of Land Act is quite satisfactory and has worked well over the years. It seems that this Bill is intended to provide a substitute for that machinery, although, on my reading of it, it does not quite say so.

New section 62d (2) says that the court shall have jurisdiction in regard to certain matters and it refers to the Compulsory Acquisition of Land Act. It says, in a fairly oblique manner, that this is a substitutionary Bill for that Act and, thus, the opportunity of a person whose land is acquired of going to an arbitrator is withdrawn; this is my reading of the Bill. However, it does not expressly say this: it seems to say it by some sort of implication. I do not know that this is particularly objectionable, because I do not think that opportunity of having one's claim for compensation heard by arbitrators has very often been invoked. I do not think that it is a procedure that need necessarily be observed. I should like the Chief Secretary to say a little more about that in his reply, because that is the construction I place on the Bill. However, I am still not clear whether that is what it means. Consequently, I shall be very grateful for his assistance.

One thing is clear: the Bill purports to remove the right of appeal, and I find this to be completely objectionable. I have only recently objected in this Council very vigorously, as the Hon. Mr. Geddes will recall, to the right of appeal being withdrawn in respect of a matter of comparatively little significance; I did so as a matter of principle. Under this Bill one may get a very small claim or the biggest claim that has ever been made in the history of South Australia.

The Hon. R. A. Geddes: I support you completely.

The Hon. Sir ARTHUR RYMILL: I am very grateful to the honourable member. This is my greatest objection to this Bill. It purports to withdraw the right of appeal, a thing that I find objectionable in any circumstances, as honourable members know, but particularly in matters of the most immense magnitude.

The Hon. A. J. Shard: It affects one's life's savings in some instances.

The Hon. Sir ARTHUR RYMILL: In many instances. Indeed, in the case of acquisition of dwellinghouses, it affects people's life's savings in the majority of instances. This Council has always stood for the protection of the rights of the individual, and this is one of the reasons why I find this matter to be very objectionable. I know that Sir Frank Perry was a great stickler on the question of compulsory acquisition; he did not like it any more than I do. On the other hand, he, as I do, realized that in certain circumstances it was necessary for it to be done in the cause of progress, but it is certainly for this Council to see that the rights of the individual are protected.

Probably one of the worst things we can do to take away the rights of an individual is to take away his right of appeal because, after all, tribunals are composed of human beings, and the mere fact that a right of appeal does lie must have some influence on the tribunal itself. So, from that viewpoint alone, the right of appeal is valuable. I am not disparaging members of these tribunals, for whom I have the greatest respect, but they are only human,

like the rest of us. As the Hon. Mr. Rowe has said, we do not know who will be administering this jurisdiction. There is no doubt the Bill aims to remove completely the right of appeal. New section 62f (1) provides:

Subject to the provisions of this section, a judgment or order of the court shall be final and without appeal.

That must mean "without any appeal". New section 62f then gives a few minor exceptions, but they do not in any real way protect the rights of individuals. What has happened here? Has someone blundered? Does this new subsection remove the right of appeal? I think it does: I think it removes a general right of appeal to the Full Court, which is a comparatively cheap form of appeal, as compared with an appeal to the High Court or the Privy Council. However, I do not think this Bill overrides section 73 of the Commonwealth Constitution, which provides:

That the High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences.

Subsection (2) names, among others, the Supreme Court of any State. It therefore seems that the right of appeal to the High Court is reserved and guaranteed under the Constitution Act.

The Hon. S. C. Bevan: What court would you appeal to for leave to appeal to the High Court, if you could not get before the full Supreme Court?

The Hon. Sir ARTHUR RYMILL: In certain matters there would be no need to do so, because appeals lie as of right. However, I agree with the honourable member's interjection in relation to actions involving lesser sums. I am speaking purely from memory, but I think an appeal would lie as of right in respect of a compensation matter over a certain sum.

The Hon. R. C. DeGaris: How does one appeal against the High Court's decision?

The Hon. Sir ARTHUR RYMILL: In relation to a law of the State, I think an appeal to the Privy Council is still available. Whether that will be altered later, I do not know, but that is as it stands at the moment. As honourable members realize, I was a member of the Adelaide City Council for some time, and I recall a case in 1960 involving this matter; the Adelaide Fruit and Produce Exchange Co. Ltd. appealed to the High Court against a compulsory acquisition claim by the Corporation of the City of Adelaide.

It was argued by the Adelaide City Council that section 73 of the Commonwealth Constitution did not apply because the determination of the Supreme Court was not a judgment, decree, order or sentence within the meaning of that section but was an appeal from a decision of judges of that court who were *personae designatae*. In other words, when they were designated as the persons who were to hear this compensation matter, they were designated as an individual tribunal and not as the Supreme Court. That is specifically excluded by the terms of this Bill, because proposed new section 62d (4) provides:

The court shall, in the exercise of its jurisdiction, have all the powers and authority of the Supreme Court of South Australia and a judgment or order of the court shall be regarded as, and shall have the force and validity of, a judgment or order of the Supreme Court of South Australia.

Therefore, the argument that the judge in this instance is a *persona designata* could not possibly apply. However, the sort of thing instanced by the Hon. Mr. Bevan's interjection could still apply. There could be cases where an appeal does not lie as of right under section 73 of the Commonwealth Constitution and, therefore, it is imperative (assuming honourable members agree with me, as I am sure they will) that this restriction on the right of appeal should be removed.

The Hon. Mr. Rowe raised the question whether there should be one judge or a panel of three judges from whom the tribunal could from time to time be chosen. This matter could be argued either way. Provision is made in the Bill for temporary judges to be appointed. Indeed, proposed new section 62c (4) (*a*) provides:

Where the judge upon whom the jurisdiction of the court has been conferred deems it improper or undesirable that he should hear and determine any proceeding before the court, or he is, by reason of ill health or any other cause, unable, wholly or in part, to perform the duties of his office, the Governor may, by instrument published in the *Gazette*, confer temporarily or permanently, the jurisdiction of the court upon any other judge.

That is really half-way towards what the Hon. Mr. Rowe suggested. He suggested that, instead of there being one so-called specialist judge only, there should be a panel of three judges from whom one shall from time to time be chosen. The Bill contemplates that if the so-called specialist judge is not available for the reasons stipulated, another judge shall take his place. I hope the Government will further consider the Hon. Mr. Rowe's suggestion on

the basis that the so-called specialist judge is not, in my opinion, necessary in a jurisdiction of this nature, and a panel of judges available for the purpose should make the working of the system easier and more practicable.

I support the second reading on the basis that I expect the curb on the right of appeal to be removed. I hope the Government will do this. If it does not do so, honourable members will find an amendment of mine on their files in due course, unless the Hon. Mr. Rowe or one or two other members have placed one there before me.

The Hon. Mr. Bevan was the first member to speak on this Bill after the second reading explanation was given and he, with his usual astuteness, picked up this point. As I can object to nothing in the rest of the Bill, I support the second reading on the basis I have mentioned. I will certainly consider it further before the Committee stage. It may be that further amendments will be desirable. I am not in complete accord with the Minister in his hopes and aspirations that quicker attention to causes and other work before the court will result because of this appointment.

Many Acts of Parliament are affected by this legislation, a list of which is on the Notice Paper. I think 15 other Acts are affected, the amendments to which will have to be individually considered by the Council, although I imagine that the general principles underlying this Bill will apply to them also. Points about other considerations and the valuation of land itself are involved, such as ratings.

The Hon. C. M. Hill: And pastoral lease rents.

The Hon. Sir ARTHUR RYMILL: Yes, and so on. The totality of these may build up this jurisdiction in time to the magnitude the Minister has suggested—I do not know. The Bill provides for this but early in the piece there will not be much work for this tribunal to do, although it will no doubt increase over the years. For instance, the Metropolitan Adelaide Transportation Plan may have a considerable bearing upon it; the degree to which that plan comes into effect will no doubt greatly influence the amount of litigation that will be indulged in under this legislation, but in many cases, as has happened in the past, applications for compensation will be settled out of court. I imagine that in the vast majority of cases the parties reach agreement in respect of the applications and, if that can be done, it is most desirable.

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

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2652.)

The Hon. R. A. GEDDES (Northern): I opposed the previous Bill to appoint a commission to look into the electoral boundaries of the House of Assembly, although I compliment the commission on the job it has done in drawing up the boundaries in the way it has. I have no enthusiasm for this Bill. The interests of the country people have been ignored, as we have said so often previously. The message has not been understood or even recognized. The services for the electors in the metropolitan area are available today without the need for representation by many members of Parliament. Those in the metropolitan area have hospital services, doctors, sewerage systems, water reticulation, roads and footpaths, electricity supply, public transport, and pensioners' concessions on public transport. A variety of schools abounds in the metropolitan area. (These services are to be compared, of course, with those available in the country.) Metropolitan residents enjoy a 24-hour telephone service and the use of social amenities such as theatres, cinemas, meeting halls and dance halls. All these things have grown with the demands of the people without the need for a large or excessive number of city politicians to champion their cause.

If there is an injustice to the people in the metropolitan area and their grievance is just, it is so easy for them to get together and put their joint complaints to their local member of Parliament, the Minister concerned, the press, or television. Many honourable members will have seen on television during the winter the sewage problems in the metropolitan area with septic tanks and the ground not being able to absorb their overflow. Channel 2 and other television stations made great play of this problem, getting an immediate answer from the Minister about where the deep drainage or sewerage was in the area concerned and a statement on how long it would be before the problem would be alleviated.

When a complaint, an injustice, a problem occurs in the country, it is amazing what scant attention it receives from Government departments. When these complaints come from a small group of people, they may be just as important as those of a larger group but they receive scant attention because those people live in the bush; they can be fobbed off with incomplete and inconclusive answers, such as,

"It will be done as soon as we have the money." That happens with major issues like water reticulation and with minor issues such as where roads should go or the problem referred to by the Hon. Mr. Gilfillan today—doctors in the country leaving the district, thus creating a hardship for the people there. So there is great frustration for people living in the country, and now they have to praise or condemn, or vote for or against, a Bill that will give a preponderance of Parliamentary representation to the city and effect a reduction in the number of members representing the country. It is said that about 66 per cent of the population lives in the metropolitan area. If that figure is correct, then about 34 per cent lives in the country. This Council has in the past recognized the needs and rights of minorities. It has been a tradition of this place and one of its basic principles that the needs of the minority should be recognized.

The Hon. S. C. Bevan: You are saying that the minority should rule.

The Hon. R. A. GEDDES: The honourable member is saying that the minority should rule.

The Hon. S. C. Bevan: I am not saying it —you are.

The Hon. R. A. GEDDES: Also, one of the expressed principles of the Liberal and Country League is that there shall be "practical recognition of the special need for adequate country representation".

The Hon. D. H. L. Banfield: Then your principles are different from your policy.

The Hon. R. A. GEDDES: The modern idiom of images and catch cries to the people seems to be of greater importance than the needs of the minorities.

The Hon. M. B. Dawkins: They seem to have followed our policies in Great Britain.

The Hon. R. A. GEDDES: When it comes to giving greater recognition to representation and support to the rural areas in the broader sense, America recognizes this problem, in spite of the Supreme Court ruling in that country; and Great Britain and France recognize it, too. In fact, one of the points at issue in the referendum which was responsible for General de Gaulle's resignation was the principle of country representation compared with city representation. So this is not a new problem that I am putting before the Council. It is recognized by other great nations but there is difficulty in getting it recognized here at present.

The Hon. R. C. DeGaris: The Supreme Court ruling in America concerned the principle of one vote one value, but it supported a four-to-one ratio in some instances.

The Hon. R. A. GEDDES: This is so. If my memory serves me correctly, the original Supreme Court ruling in America approved the principle of one vote one value, which is, I understand, one of the constitutional requirements of the United States. However, it was in Texas that the impracticability of that principle was evident, resulting in an appeal to their equivalent of the High Court, and I happened to be in Texas at the time this took place. Their problem is similar to that of South Australia, with large urban areas and large cities, but mile upon mile of sparsely populated country.

The Hon. S. C. Bevan: All salt bush and kangaroos.

The Hon. R. A. GEDDES: America does not have kangaroos; they have Indians and they have bison. However, the other House has prepared the recipe contained in this Bill and it is this recipe that it will put into the brew, and if it works then it has to learn to manage it. It is typical that in this modern day and age it appears necessary for priority to be given to the Lower House; again, that is not a problem associated with South Australia alone. The House of Commons was concerned for its welfare in relation to the House of Lords. Gen. de Gaulle in France endeavoured to alter the system in order to make the power of the Lower House stronger than that of the Upper House, and endeavoured to have that included in the Constitution in some form or other.

So the modern thinking of our time is: let us alter the boundaries as applying to districts of the Lower House and let us forget the role, function and needs of the Upper House. It is on that point that I wish to make reference, because when it is said that the Lower House has to meet the clamour of the people (and it is only clamour of the politicians telling the people, not the clamour of the people themselves) I believe the needs of the people are being provided for, anyway, in that they have such facilities as hospitals, sewerage systems, roads, schools, and electricity now.

The Hon. R. C. DeGaris: Do you think that the people would support this Bill at a referendum, or not?

The Hon. D. H. L. Banfield: Not much they wouldn't!

The Hon. R. C. DeGaris: The Gallup poll shows otherwise, by the way.

The Hon. D. H. L. Banfield: Why don't you give it a run?

The Hon. R. A. GEDDES: All right, I will put my thinking towards a Gallup poll right now and suggest that the honourable member

canvass in his own electorate, and that we write such a provision into this Bill, because there is a need for change in this place as much as there is in another place.

The Hon. S. C. Bevan: Of course there is: a big change—wipe it out!

The Hon. D. H. L. Banfield: Why not let everybody have a vote for the Legislative Council?

The Hon. R. A. GEDDES: I am putting forward my views at this time; the honourable member can have his say in his own time.

The Hon. D. H. L. Banfield: You are not prepared to let the people have a say on this.

The Hon. R. A. GEDDES: I am not prepared to agree that this Council should be a complete mirror of another place.

The Hon. D. H. L. Banfield: Why is it a mirror?

The Hon. R. A. GEDDES: Obviously, the honourable member must be taught a little more. "Why a mirror" was the interjection made, and the reason is that if one House is elected by popular vote, and the people vote for one Party on a certain day according to their mood on that day, then that is how they vote. Does the honourable member understand me up to that point?

The Hon. D. H. L. Banfield: Yes.

The Hon. R. A. GEDDES: If the mood of the people on that day is to elect a certain Party to office in the Lower House, then it would be fair to assume (and, in fact, history proves it) that the people will vote for the same Party in the Upper House.

Members interjecting:

The ACTING PRESIDENT (Hon. Sir Norman Jude): Order! The honourable member will address the Chair.

The Hon. R. A. GEDDES: The Upper House has been recognized in all principal western democracies, as has been said by the Leader of the House of Lords in a recent document. I believe every honourable member has a copy of that document.

The Hon. S. C. Bevan: They have not much say over there now; I would not put much faith in the House of Lords.

The Hon. R. A. GEDDES: The need for a House of Review is still important in this changing world.

The Hon. R. C. DeGaris: And it is more important today than ever.

The Hon. R. A. GEDDES: I agree. It was equally as important when the State was first being developed as it is today. The speech made by the Hon. Sir Arthur Rymill today was surely a review of a Bill designed to—

The Hon. A. F. Kneebone: But that Bill was introduced in this Council; that is not a review.

The Hon. R. A. GEDDES: It is a review of the Bill; all Chambers are allowed to introduce legislation to provide for the needs of the people.

The Hon. D. H. L. Banfield: The popular House would then become the House of Review, would it?

The Hon. R. A. GEDDES: One often wonders where we are going when we get that sort of interjection. It was at about this time last year that the Hon. Mr. Rowe introduced a Bill to allow the enrolment of a spouse for voting for the Legislative Council.

The Hon. M. B. Dawkins: A very good Bill, too.

The Hon. R. A. GEDDES: The idea was that if a husband or wife had his or her name on the roll then the spouse was entitled to have his or her name placed there also.

The Hon. A. F. Kneebone: If you are prepared to go that far, why not go the whole way?

The Hon. R. A. GEDDES: There are also other requirements regarding ex-servicemen, but that is not a subject on which I wish to speak at this point of time. My friends of the Opposition have difficulty in understanding the need to support minorities; they also have difficulty in understanding why this House should not be a rubber stamp to, or a mirror of, another place. Therefore, it is rather difficult for them to follow the meaning of my comments.

The Hon. M. B. Dawkins: But the members of the Opposition supported the Bill relating to spouses last year.

The Hon. A. J. Shard: I do not think we did.

The Hon. R. A. GEDDES: I hope that the Opposition will give due consideration to this Bill and support the enrolment of spouses so that the other place will be able to have its glorious 28 city representatives and 19 hard-working country representatives.

The Hon. R. C. DeGaris: The Opposition say that is unfair; they say it should be 35 to 13.

The Hon. R. A. GEDDES: Of course. That brings in another matter, because we are not told of their figure; this is not shouted from the rooftops but is something that is purely "one vote one value". Is that right?

The Hon. A. J. Shard: We do not run away from that.

The Hon. R. C. DeGaris: Then you get a ratio of 34 to 13.

The Hon. R. A. GEDDES: One vote one value in a State geographically situated as is South Australia, where 90 per cent of the State receives less than 10in. of rain in a year! The chances of population growth where industry can be established, other than in places such as Whyalla and Port Augusta, are minimal, and yet the Opposition wants to see the export potential of the State maintained, and possibly grow.

The Hon. A. F. Kneebone: I take it that you are supporting the existing arrangement of 26 country members against 13 city members?

The Hon. R. A. GEDDES: I am pointing out the ridiculous idea of wanting to give one vote one value in a State such as South Australia, which has been made by Mother Nature, the Good Lord, or by someone, in such a way that it is difficult to have an equitable distribution of population so that there can be reasonable representation for the bulk of the State. The A.L.P. advocates one vote one value, but this is not practicable in South Australia at this point of time, nor is it desirable.

Some honourable members have referred to the changing of the electoral name in the various districts. However, I do not wish to comment on that point. We have the rather peculiar set of circumstances that, although the Bill is designed purely for the members of the House of Assembly, members of that Chamber, with the exception of one, do not appear to have queried the names of the new districts. I have not received any complaints regarding names and, although I would be prepared to give thought to any concrete amendment, I have no objection to the names recommended for the various districts.

One honourable member asked what was wrong with "Mallee" for a name. Mallee is a most wonderful plant or shrub. Many a traveller, many an explorer, and many a person opening up country in the early days of the State obtained sustenance from the mallee root. One can get water, food and heat from it. If this State is cleared of much more of the mallee still remaining on it, despite our modern agricultural technology, our understanding of soil and of the effects of clovers and superphosphate, it will become a dust bowl of no mean consequence, and if the drought pattern of climatic conditions that we have known comes again—

The Hon. D. H. L. Banfield: But this Bill preserves the name "Mallee".

The Hon. R. A. GEDDES: I thought the honourable member earlier was trying to make derogatory remarks about the name "Mallee". The mallee has held the sandy soil of this State together.

The Hon. A. J. Shard: The trouble is that we do not have enough mallee in the State.

The Hon. R. A. GEDDES: I object to the principles of this Bill. However, if consideration is given by the Council to the enrolment of spouses, I will be prepared to consider it further.

The Hon. JESSIE COOPER moved:

That this debate be now adjourned.

The Council divided on the motion:

Ayes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Motion thus carried; debate adjourned.

PRISONS ACT AMENDMENT BILL (PAROLE)

Adjourned debate on second reading.

(Continued from November 4. Page 2653.)

The Hon. V. G. SPRINGETT (Southern): Few of our social systems have undergone more change more quickly than those concerned with penal systems. The emphasis nowadays is on rehabilitation and the restoration into society of an offender. Parole has always been a recognized feature of our system. As the Chief Secretary said when introducing this Bill, criminal justice connotes a much wider responsibility than the means for investigation, trial and (where there is a conviction) sentence.

It is easy to demonstrate to an offender how he has outraged society and offended against normally accepted standards, but it is less easy to give that man the chance to rehabilitate himself so that he is accepted again in the community. Lip service is very easy, but practical expression is never so spontaneous. The ex-prisoner carries the burden and stigma of his past crime and his sentence. Not so many years ago a serious crime startled the world with its implications, and it made the

headlines all over the world. Recently, it has been dredged up again for the sake of sensationalism and, presumably, financial gain for the publishers. However well a prisoner tries to rehabilitate himself, it is hard to do so really effectively.

Under the law as it is now being administered in this State, one-third of a prisoner's sentence can be remitted and, by special petition, he can be released after he has served only one-third of his sentence. On the recommendation of the Comptroller of Prisons, a person serving a life sentence can be released on licence. At present, release on probation or licence rests on the recommendation of the Comptroller to Executive Council, which in turn exercises its discretion. With great respect, I suggest that Executive Council is no more able to exercise this discretion than is any other group whose collective experience is on an executive or Government level. In his second reading explanation the Chief Secretary said:

> It requires, in this age, the discernment of a psychiatrist, the training of a sociologist, the background of a police officer, the knowledge of a prisons officer and the patience and objectivity of a judge.

To that list should be added "much common sense", too. These decisive requirements listed by the Chief Secretary are no more present in the Executive Council than in any other group of people. Under new section 42a the new parole board will have 10 members, although only six members will sit at any one time. The chairman is to be a judge of the Supreme Court. Yesterday the Hon. Mr. Shard said that judges had no training in criminology or penology. However, I suggest that, because of the very nature of their duties, judges have a deep and wide knowledge of criminology.

[*Sitting suspended from* 5.35 *to* 7.45 *p.m.*]

The Hon. V. G. SPRINGETT: Only six members of the parole board will sit at any one time, and its exact composition at any time will depend on the sex of the prisoner whose case is being considered. A Supreme Court judge is particularly well fitted to be chairman of the board. The Comptroller of Prisons most certainly has the closest knowledge of penology of anyone in the State; such knowledge was another requirement referred to yesterday by the Hon. Mr. Shard. Two members of the board are to be legally qualified medical practitioners. The only comment I wish to make in this connection is that modern social care at all levels comes into the ambit of medical training. In dealing with persons on parole, the value of doctors cannot be over-estimated in the vital fields of mental and emotional health.

Two experienced sociologists are to be members of the parole board. Again, the social background into which the prisoner will be released on parole is most vital, as is his future ability to fit into society and earn an honest living. No-one is more able to gauge these factors than a trained sociologist. Further, two members of the parole board are to be nominated by the South Australian Chamber of Manufactures Incorporated and two by the Australian Council of Trade Unions. Since rehabilitation involves integration into society, which in turn involves work and self-respect, the value of these board members cannot be overestimated.

The number of board members provided in this Bill is, in my humble opinion, large enough. There are many other groups of people whose representation on this board may be considered justified but, if the board's membership becomes too large, it will become unwieldly. Those sections of the community that will be represented on the board provide sufficiently wide representation to give fair judgment in all cases.

It is certainly important that the committee should not be too large but it is also important that its members should be experienced people with a flair for this sort of work. Consequently, to find the requisite number of board members in this State will not be easy. Therefore, I query the wisdom of a three-year term of office. The first chairman is to hold office for five years and the other members for three years. Too frequent changes in membership could easily leave the parole board in the hands of the expert whose evidence it will have to call upon. It will take quite a while for the board members to settle into their work, and I can well believe that board members who have had no experience in dealing with people with emotional disturbances and criminal tendencies will take at least a year to settle into their duties.

The Hon. R. C. DeGaris: Very probably they will be reappointed.

The Hon. V. G. SPRINGETT: I hope so. If the board members were changed every three years there would be chaos. The United Kingdom Central Board of Control visits institutions, and I hope that our parole board will visit penal centres, too, and not just function from a remote central office. It is only when we see prisoners at first hand that we

are able to form a balanced judgment. The Chief Secretary referred to the four great aims of the criminal law: retribution, prevention, deterrence and reformation. The term "retribution" has a Victorian flavour, but it is one that is not to be ignored. According to the dictionary, retribution means a recompense for evil or, more rarely, for good that is done.

The day has gone when retribution alone is the key factor in justice. In some circles today there is a tendency to belittle, even to despise, retribution as a form of justice, but the peace, tranquillity and safety of the community demand that it should still form part of our system. Measures such as this Bill have as their aim the other three objectives of the criminal law especially: prevention, deterrence and reformation. By giving a man greater incentive to rehabilitate himself by making it possible for him to be usefully restored into society, that man himself is being served and society reaps the benefit.

This Bill will be regarded by balanced thinkers as just and humane. As long as it never becomes regarded as a do-gooder's charter for starry-eyed sentimentalism, it will achieve its purpose of complying with modern thought, which realizes that the interests of the community are as closely linked to the future of a prisoner after sentence as they are to the pre-trial and trial period in consequence of which he became a prisoner. I support the Bill.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (PRISONS)

Adjourned debate on second reading.

(Continued from November 4. Page 2653.)

The Hon. V. G. SPRINGETT (Southern): This Bill is consequential to no small degree on the provisions of the Prisons Act Amendment Bill. The position and place of psychopaths in society lead to a conflict between the inadequately informed people in society and those whose work brings them into contact with this psychopathic group. Law enforcement officers, social workers, and doctors—particularly those with psychiatric training and special skills in this field and who deal with these problems—have perhaps a slightly different outlook from those in society who regard psychopaths solely as people with illnesses rather less serious than they really are. In treating all delinquents of all shades and conditions, there is a place for sentiment but there is no place for sentimentality.

I recently asked the Chief Secretary a question regarding the number of psychopaths in hospitals and penal centres, and the answer emphasized that the international nomenclature of diseases was not always adequate, because technically and at interational level such a condition does not exist; it comes under anti-social disorders, and this in turn is a sub-division of personality disorders. Yet no psychiatrist would deny that there was a condition of psychopathic state. From this group of psychopaths comes a group of people with grossly disturbed minds, and from this group comes the hard core or our vicious criminals with their inborn anti-social tendencies of utter depravity on occasions, with physical bashings, brutality, and violent sexual assaults. Many of these are the spontaneous outcome of a psychopath's mind.

Society needs protection against such folk coupled with a recognition that these are essentially potential repeat offenders, not because of their crimes only but because of the very nature of their personalities. I can recall sitting around a table with psychiatrists, welfare workers, chaplains, and senior nursing staff and discussing new admissions at weekly conferences at a criminal institution in the United Kingdom. A diagnosis of a psychopath might be made, and when we started looking back through the history of the person under discussion we found that there had been embryonic evidence present years before which would lead one to know that the future days held tragedy and crime for that man. Had that patient been placed under restraint and given treatment years before, some ultimate ghastly murders and other crimes could have been prevented.

The Hon. R. C. DeGaris: Could this be done in any other way than through the courts?

The Hon. V. G. SPRINGETT: I was coming to that. Will the day ever come when society will allow a person, because of his potential tendencies (which could level themselves out at a future date), to be put under compulsory restraint?

The Hon. R. C. DeGaris: That is difficult.

The Hon. V. G. SPRINGETT: It is a very dangerous doctrine, and very few people (I would not like to be one of them) would like to introduce into a Chamber of any Parliament in the world legislation which could put people under compulsory restraint because of their future potentialities, not because this

is a fact (although it certainly is a fact) but because of the terrible side issues that would be involved.

The Hon. A. M. Whyte: Do you believe that people with such a sickness should be treated?

The Hon. V. G. SPRINGETT: Definitely. I have emphasized the anti-social dangerous type of person against whom protection is needed by society. However, there is the other side of the question. We tend to forget nowadays with our open prisons, our unlocked wards, and our mixing with ordinary society, the feelings of the prisoner. He has as much right to protection from society as society has to protection from him. In the old days witch hunts, mob law, and revenge were the governing passions, and basically they still are. Such expressions as "He is not fit to live" or "He should have the same done to him" are often heard. I wonder how many honourable members of this Council, in their sense of disgust and horror, have said that at some time or another.

The Bill that we discussed a short time ago dealt with parole, and this one makes certain consequential adjustments, especially as they relate to a particular type of repeat offender. I would like to refer to the massive problem of recidivism, maybe with a pattern of increasing violence coupled with sexual depravity. This, we are told, is going to lead to long terms of imprisonment as an end in themselves, but not only as an end in themselves, I hope, because long terms of imprisonment as an end in themselves accomplish nothing beyond making an anti-social outcast even more so. This is why I say people who are sick need treatment. However, sickness must include and involve therapy or treatment in its broadest sense.

The Hon. A. M. Whyte: We haven't any legislation to bring them in for treatment.

The Hon. V. G. SPRINGETT: This could involve discipline coupled with understanding, social and moral education, with medical and, on occasions, even surgical care. The Chief Secretary in his second reading explanation told us about the sentences, dealt with in clause 5, of not less than 10 years in certain circumstances. In answering a question the other afternoon, the Chief Secretary referred to the revival of discussions concerning separate institutions within the confines of Yatala for such people. He said that it was discussed earlier but shelved because of other building priorities. However, when one contemplates the real as well as potential danger of these folk in the community and the horror they can inflict on innocent people, I hope that not too much priority will be withheld from such a project.

As a first step, there is a case for long sentencing, for it gives the public a sense of security, but so did the bars and dungeons of Bedlam. We have come a long way from those days, and unless we couple special provisions with protracted sentences we will not have taken a step forward; we may even have taken a step backwards. Requests for and consideration of cases for release will come under the new parole board, but there will be no release except at great danger for the public unless treatment as well as detention is provided. I support the Bill.

The Hon. R. C. DeGARIS (Chief Secretary): I think we all appreciated the excellent speech made by the Hon. Mr. Springett. This matter has been referred to as one of reform. This is a word that I do not like to use, because it has certain political overtones; I believe that some people are advertising themselves as reformers when very often they are only taking a normal step in the right direction. I think it is obvious that the action authorized by this Bill is only a first step.

I entirely agree with the Hon. Mr. Springett's contention that there is not very much advantage in taking this step unless other steps are taken in the future to cater for this section of the community, which can be broadly defined as people with psychopathic tendencies. It is obvious that the whole of our gaol system must gradually develop into a system of treatment and rehabilitation. There will be areas, of course, where treatment and rehabilitation will be impossible, as society will demand protection from certain offenders having free access into society. Nevertheless, I entirely agree with the view put forward by the Hon. Mr. Springett that there is a need in the field with which we are dealing to make sure that treatment is available for this type of person, and I assure members of this Council that this is a first step in this direction.

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

OFFENDERS PROBATION ACT AMENDMENT BILL (SUSPENSIONS)

Adjourned debate on second reading.

(Continued from November 4. Page 2653).

The Hon. M. B. DAWKINS (Midland): The Chief Secretary, in referring to the previous Bill, referred to treatment and rehabilitation, and I believe that this Bill is

an example of the enlightened approach we have today towards offenders. Where it is possible so to do, treatment and rehabilitation should be the object of corrective measures. As an example of this enlightened approach, I mention that I was privileged soon after coming to this place in 1962 to travel with you, Mr. President, when you were Chief Secretary, to the Cadell Training Centre, where I saw the final stage of rehabilitation of criminals who had in many cases committed most serious offences. I was impressed, as was my colleague from another place who accompanied us on our visit, with the work being done there. I have since been able to revisit Cadell on several occasions and I have continued to be impressed with the work being done there by Mr. T. N. Lashbrook, the officer in charge, and his staff, and with the way in which men are being returned to civilian life from that training centre and given an opportunity to lead a useful life after having committed serious offences. I have met some of the people who have graduated, as it were, back to a responsible life in the community.

There is, perhaps, no parallel with that in this Bill except that this Bill is just another step in the enlightened approach that we have today towards people who have committed offences. Clause 2 amends section 4 of the principal Act and provides for the conditional discharge of offenders. This is to be done by a court at its discretion when it has taken into account the character, antecedents, age, health or mental condition of the person convicted and the trivial nature of the offence. The court has the opportunity to discharge a person conditionally after having regard to these and to any other extenuating circumstances. A court may impose a sentence of imprisonment upon a convicted person, but it may suspend that sentence upon the condition that the person enters into, and observes the terms and conditions of, a recognizance to be of good behaviour for a term not exceeding three years, as imposed by the court. Clause 2 inserts new subsection (2b) to section 4, as follows:

> If a person . . . does not, during the term of the recognizance, fail to observe any term or condition of the recognizance, the sentence of imprisonment shall, at the expiration of that term, be wholly extinguished.

This is another step forward in certain circumstances where a person has made a mistake; at the discretion of and in the wisdom of the court, he may have that mistake completely obliterated if he observes the conditions laid down.

The Hon. Sir Norman Jude: It is just like the points demerit plan.

The Hon. M. B. DAWKINS: I think it is a little better than that, but there may be some slight parallel. As I said in my observations regarding the Cadell Training Centre, I am impressed with our enlightened approach towards offenders.

The Hon. R. C. DeGaris: Do you want to have a special schedule inserted in the Bill?

The Hon. M. B. DAWKINS: I do not think there is any need to make any alteration to the Bill, but if the Chief Secretary wishes he can indicate that intention when he replies. Clause 3 provides for action that may be taken in the event of any breach of the recognizance. However, I believe the important aspect of the Bill is the enlightened approach shown by clause 2. The Bill has my full support.

The Hon. JESSIE COOPER (Central No. 2): I rise to support this Bill. I agree that there is very good reason for the courts to be enabled to impose suspended terms of imprisonment on offenders. That is in accordance with modern thinking on the rehabilitation of offenders, as the Hon. Mr. Dawkins has said. It is, therefore, all the more difficult for me to understand what has been happening recently with juvenile offenders. I have seen press reports in recent months of a disturbing number of cases in which children (and, peculiarly enough, a very high proportion of young girls) have been refused bonds and sent to remand homes for considerable periods. I use the adjective "disturbing" advisedly, because we have constant complaints that these remand homes are anything but moral reform institutions.

These children would need to come from very bad homes indeed (and I expect very few of them do) to be better off in a remand institution than in their own homes. I say "better off" in the sense that they should be more able to profit by their experience and become useful citizens in the future. This should surely be our first aim in dealing with young offenders. Therefore, I hope the practices proposed in this Bill will be more liberally adapted towards young children, who are rarely, if ever, improved by incarceration.

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

JUSTICES ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 4. Page 2654.)

The Hon. C. M. HILL (Minister of Local Government): In reply, I thank honourable

members for the attention they have given this Bill. The only major query was that made by the Hon. Mr. Dawkins when he dealt with the question of summonses that ought, in his view, to be posted by registered post. In practice, it has been found that people do not accept registered mail in these circumstances in some cases, so it is thought appropriate and best to send the summonses by ordinary mail.

The other queries that have been raised can be dealt with in Committee if there is need for further explanation. I was pleased to hear the manner in which honourable members have praised the services of justices of the peace in this State. Those compliments were well merited because we are all, I am sure, well aware of the splendid services that these gentlemen render to the community throughout the length and breadth of the State.

The Hon. M. B. Dawkins: There are quite a number of ladies, too.

The Hon. A. J. Shard: Yes, don't forget them.

The Hon. C. M. HILL: I meant to include them, and I regret that I omitted to do so. Some points were also made regarding the appointments of justices of the peace today, and these matters will be referred to the Attorney-General, who is basically in charge of such appointments. I thank members for the attention they have given the measure.

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 November 4. Page 2655.)

The Hon. M. B. DAWKINS (Midland): I commend the Government for bringing down this Bill, which has my full support. It amends the Chiropodists Act of 1950 and contains some valuable amendments which bring the principal Act up to date and make it more effective. The main clause relates to what is sometimes called border hopping. Also, the diploma or certificate in chiropody of the South Australian Institute of Technology is given due recognition.

Provision is also contained in the Bill for reciprocity. Other States have for the most part followed the example of this State, which commenced registering chiropodists nearly 20 years ago. About seven years later, Western Australia followed our example, New South Wales did so later again and Queensland has done so this year. As people are living longer now and becoming more active in their later years, they find that their feet are no longer what they used to be. The assistance that can be obtained from chiropodists is therefore of increasing importance.

There are amongst the human race people who are not as well equipped with good feet as they might be. Of course, if they were stud animals we would cull them. However, this not being possible with human beings, many people have trouble with their feet.

The Hon. C. R. Story: Some stud masters must be relieved that general culling is not practised.

The Hon. M. B. DAWKINS: I agree with the Minister of Agriculture. I happen to be one of those people who has felt the benefit of the services of a good chiropodist, and I am impressed with the importance of this Bill. I do not wish to delay the Council more than necessary. I have examined the Bill and can see no objection to it. I therefore give it my full support.

The Hon. R. C. DeGARIS (Minister of Health): Once again I thank honourable members for the manner in which they have dealt with a Bill. I need not say very much in reply except to deal with the three questions asked by the Hon. Mr. Springett. I think the first was whether the amendments to this Act would enable reciprocal registration to be effected in each State. The amendments being made to this Act will provide conditions of registration similar to those that obtain in the other States and, to this end, will assist in reciprocal registration.

I think the Hon. Mr. Springett will appreciate the fact that I am not in favour of what one may term a national register or national registration either in the field of chiropody or in other fields, but we need to have standards that we will accept in this State, whether they are applicable to the medical or any other profession in South Australia. Therefore, it is important that we maintain our own standards.

At this point, I hope there will be co-operation between the various boards of the States so that the details of reciprocation between the States can be worked out. I believe firmly that we in this State should at least set out our standards in professional qualifications in all these fields. The Hon. Mr. Springett also asked whether this Bill protected the public against unqualified people.

I can link my reply to that question with my reply to the query he raised about border-hopping. The reason for this Bill is that we require some protection for the public against the operations of unqualified people who can call themselves all sorts of names to be able to operate in this State, believed by people to be qualified chiropodists. This Bill does give protection. In particular clause 13 provides:

> A person who is not registered as a chiropodist under this Act shall not, for fee or reward, practise chiropody.

Then the clause deals with a series of titles that may not be used. It provides:

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

This gives the public adequate protection. One of the reasons for the introduction of this Bill is this very matter of border-hopping. Other States have tightened up their provisions in this regard and there is the possibility that people who are unqualified in other States will be able to practise in this State unless the Chiropodists Act is tightened up. That is one of the fundamental reasons for this Bill.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2656.)

The Hon. V. G. SPRINGETT (Southern): Enough, if not more than enough, has already been said that needs to be said about this Bill. The Government is to be commended for introducing it. When we tackle road safety, we usually tackle it by making the roads safer for the user. This Bill in no small measure tackles the problem of safety on the roads in the reverse order by finding those people who are not safe to use the roads. I do not intend referring to any particular part of the Bill, apart from the much disputed points demerit scheme. In the limited reference to faulty vehicles in the points demerit scheme, we are told that the reference is so limited because such vehicles are covered by sections of the Road Traffic Act.

The exercise of this points demerit scheme is meant to be a deterrent and not a penalty, but is not a deterrent an encroachment, a hindrance, a dislike of trouble? In this Bill what is the trouble we are trying to cure? We have a schedule of points applicable to certain offences. Whether we regard this as an academic exercise or as a fact, it is true to say that people are influenced by an awareness of the fact that they have collected a number of points—and surely that is a form of penalty. The cancellation of a licence is only the penultimate conclusion to a number of convictions for offences during the previous three years.

Please do not imagine that in saying this I do not think the principle of the points demerit scheme is not good: I do think so—it is very good. But I suggest that the imposition of a certified number of points as a consequence of a breach of the Act may not be the penalty to some people that it would be to others. For a man to lose his licence for two speeding offences is one thing but, following punishment for those offences, for him to retain the demerit points for them, so that he is half-way towards losing his licence again, can be considered a savage type of punishment. It is saying in the clearest possible way, "You have gone wrong and you are now a marked man. There is already a price on your head for next time."

The Hon. Sir Norman Jude: I do not think the Minister can hear you.

The Hon. C. M. Hill: I am listening very intently.

The Hon. V. G. SPRINGETT: In New South Wales, when a motorist's licence is suspended, the number of demerit points recorded against him reverts to nil. This happens if the motorist's licence is suspended by a court or if the number of demerit points recorded against him has reached the maximum. Any motorist who has been caught for speeding —even once—must think to himself, "Watch out, brother." He knows that any further slip will automatically bring him close to losing his licence, and this must create mental tension, which is not conducive to good driving.

The experts say that the ideal is to drive in a relaxed frame of mind, but I am sure that I could not drive in a relaxed frame of mind if I knew that my licence would be suspended if only three more demerit points were recorded against me. Perhaps the imposition of demerit points may be regarded as a tranquillizer, because we are told that it is not a penalty but a deterrent and therefore will have no ill effect—it is only a warning in the form of a tranquillizer. Frankly, I am

not sure that it is a tranquillizer: rather, it is like recovering from an anaesthetic and in the nature of a nightmare.

People who have contacted me have almost unanimously accepted in principle the points demerit scheme but they dislike the idea of a penalty set by regulation. They all say that, if Parliament approves the scheme, the number of points for the various offences should be set by Parliament, not by Ministerial regulation. I support the idea of the points demerit scheme but I will reserve until the Committee stage my judgment on whether it should be implemented by regulation or through a schedule to this Bill.

The Hon. C. M. HILL (Minister of Roads and Transport): I gave my second reading explanation on September 30, so honourable members have had a long time to debate this Bill. It has been debated exceptionally well, and I thank all honourable members who have so carefully considered it. Honourable members will realize that many queries have been raised during this debate and, whilst I have endeavoured to group them so that I do not speak for too long, nevertheless I must cover many matters. In the Committee stage we can deal with any questions that I do not deal with now. I will now reply to the questions that were raised on general matters and I will then deal with the actual points demerit scheme.

Some honourable members have sought a further explanation of clause 5, which will enable the Registrar to amend or vary a registered number allotted to a vehicle. The need for this arises from difficulty in identifying some vehicles owned by interstate hauliers that have South Australian numbers, which are easily confused with similar numbers allotted in other States. It is desired to change these to conform to the new South Australian *alphanumero* system so that this difficulty can be removed.

I can allay the fears of honourable members by saying that it is certainly not a power that the Registrar would need or use in normal circumstances, as it is to his department's disadvantage administratively to change numbers. It is intended to exercise this authority only to a limited extent, and then only where necessary. The Government intends to meet the cost of changing the numbers of interstate hauliers' vehicles.

Clause 7, which was queried by the Hon. Mr. Bevan, maintains the Registrar's existing limited discretion to reduce a period of registration where the certificate of insurance lodged by an applicant does not sufficiently cover the period of registration sought. This amendment is considered necessary by the Parliamentary Draftsman, who drew attention to the fact that there was doubt whether the original provision was ever brought into operation by proclamation.

It is obviously desirable in the interests of convenience to the applicant and the department to have this facility, and, in fact, the provision is frequently applied. This amendment is merely designed to validate what has already been done as a measure acceptable to all concerned.

Queries have also been raised with reference to clause 8, which gives the Registrar discretion to determine the horsepower of a vehicle that is not propelled by a conventional piston engine. It has been suggested that perhaps this could have been more fully explained in the second reading explanation and that it should be possible to prescribe the horsepower of a rotary engine.

If the brevity of my second reading explanation offended some honourable members, I apologize that more detail was not given to assist them in their deliberations. It is certainly possible to prescribe the horsepower of a rotary engine. In fact, there are various methods which could be considered but which, I have to say, would be inconsistent with the present method of rating as set out in the principal Act.

It is not considered desirable to commit ourselves permanently to a formula by legislation until we see the extent of development and use of this new type of engine and whether a more suitable system can be devised in the future. A reasonable alternative, therefore, is to provide some discretion, and the department has agreed upon an interim method that is mutually acceptable to all concerned.

By "all concerned" I mean the distributor, some of his clients, the Registrar, and engineers. The method at present used involves multiplying the swept volume in litres by 10 on the somewhat rough basis that 1 horsepower equals 100 c.c.

The swept volume is, I am told, in general terms the volume covered by the rotor within the casing. In the same manner, an ordinary piston engine has a swept volume; it is the volume within the cylinder covered by the piston when it moves up and down the cylinder. A similar proposal exists in Victoria.

A precedent for this already exists in the same section for determination of the horsepower of some steam engines, although I must admit that this no longer has a practical application.

In answer to the Hon. Sir Norman Jude, it is true that the Registrar is not an engineer but he has obtained expert opinion from a competent authority, as a layman often has to do. As I have said, the interim determination which has been decided within this proposed discretionary power is acceptable to all the parties concerned to whom I have referred.

The Hon. Sir Norman Jude suggests a special regulation to set out the formula clearly. If this were to be prescribed by regulation, it would be desirable to amend section 145 of the Act to give the necessary regulation-making power.

A question has been asked whether clause 9, which adds certain vehicles to the free registration category, enables them to be exempt from third party insurance as well. The answer is "No". Third party insurance applies in terms of section 21 of the Act to all registrations whether the fee is or is not payable. Therefore, the problems envisaged by the Hon. Mr. Bevan will not occur. A proposal to grant free registration for vehicles owned by the Lyrup Village Association resulted from representations to the Government some little time ago. As their vehicles are used on irrigation and drainage work in the same way as those of the Renmark Irrigation Trust, which is entitled to free registration for the purpose, it is considered that the Lyrup Village Association is entitled to the same concession.

Several honourable members, in discussing clause 10, expressed concern as to whether 14 days is sufficient time to allow for payment of full fees after the death of the owner who enjoyed a concessional registration on account of incapacity. I am intrigued that this clause has causesd so much comment when it involves no change in the existing position. It is an amendment in wording considered desirable. There may be no strong objection to extending the period, but as no difficulty has been experienced in practice I doubt whether any purpose would be served in altering the *status quo.* I should point out that this is a personal concession relating to a vehicle which is used wholly or mainly for the transport of the incapacitated owner. It was not intended that this should be passed to anyone on cessation of eligibility by death or for any other reason.

The Hon. Mr. Geddes, in discussing clause 11, which inserts a new section providing concessional registration for incapacitated pensioners, asked what would be the position where a vehicle is registered in the name of a wife who is the pensioner but is used mainly by the husband. The answer is that in those circumstances the full registration fees must apply, because one of the conditions of a concessional registration of this kind is that the vehicle must be used wholly or mainly for the transport of the incapacitated person.

Regarding the comments of the Hon. Mr. Bevan on clause 16, I have to say that the honourable member is incorrect in saying that sections 76 and 77 still contain references to the old sterling currency. His request for bringing the currency up to date has already been implemented. If he cares to look at the reprint on March 1, 1968, pursuant to the Acts Republication Act, 1967, he will see that the Motor Vehicles Act now contains complete reference to decimal currency.

In reference to clause 17, which repeals and replaces section 80 to remove some shortcomings in that section, the Hon. Mr. Gilfillan asked whether the Registrar had authority to take action administratively in connection with offences against the Road Traffic Act if there were a dangerous driver on the road. The answer to this is that administrative action in these circumstances can be taken by direction of the Minister to the Registrar in a specific case, as provided in section 82 of the Act.

I have noted the comments of the Hon. Mr. Geddes on clause 20 which, he says, "is an interesting exercise in compassion and leniency". With respect, I think that he may have missed the purpose of this clause. Section 89 at present only allows the Registrar to suspend a South Australian's licence if he becomes disqualified under the laws of another State or territory. It does not allow the Registrar to refuse to issue a licence to an applicant who is already under disqualification elsewhere. The object of the new section is to remove this undesirable inconsistency.

I note that the Hon. Sir Norman Jude, in discussing this clause, asks for my comment on what he calls an error in English, when I used the words "has been disqualified" instead of "is disqualified" in my second reading explanation. I doubt whether this can be called an error in English, because I used the expression "has been" in the sense that the situation still obtains. However, the intention is clear because the amendment itself contains the word "is".

The Hon. Mr. Gilfillan raised a point regarding clause 29, which is purely a drafting amendment to section 118 of the Act dealing with third party insurance claims involving injury to the spouse of an injured person. He asks what is meant by the words "within such time as to prevent the possibility of prejudice to the insurer". I can only answer this by saying that such time can only be assessed by having regard to the particular circumstances of the case and any argument as to whether it prevented the possibility of prejudice to the insurer is a matter for the court to decide.

I now turn to the proposals regarding the points demerits scheme. I think it is well to compare our proposals with the position as it exists in other States at present. Three States (New South Wales, Queensland and Western Australia) operate points demerit systems as part of driver-licensing programmes. They have come into operation in New South Wales and Queensland by Government policy decision, relying on already existing discretionary powers of disqualification vested in the licensing authority.

The first points demerit system in Australia has operated in Queensland since December, 1967. As I have said, it is a discretionary system. It is not incorporated in legislation but is, as the Hon. Mr. Bevan stated, sanctioned by a Cabinet minute. Authority is vested in the District Superintendent of Traffic, Brisbane, who maintains a complete record of violation involvement of all drivers in Queensland. Demerit points are noted in this record according to a predetermined scale decided upon administratively. Points have a value for two years from the date of the offence and then become redundant. When six points are accumulated within any period of two years, a warning letter is sent to the offender.

When nine points are accumulated within any period of two years he is called upon to show cause why his licence should not be suspended. These cases are then handled by officers in charge of various police divisions in Queensland. They report back to the District Superintendent of Traffic who then decides whether to suspend or cancel the licence and for what period. The offender has the right of appeal to the court against this suspension. I should mention that in Queensland the discretionary powers conferred upon a Superintendent of Traffic to suspend or cancel licences prior to the introduction of the points system remain unaltered.

The Hon. D. H. L. Banfield: Who pays for the appeal?

The Hon. C. M. HILL: I do not have that noted here, but I will find that out for the honourable member. In other words, the points system in Queensland was superimposed over, and in addition to, existing discretionary powers.

In New South Wales, a points demerit system administered by the licensing authority (the Commissioner for Motor Transport) has operated since March of this year. This is also a discretionary system with the scale of points decided administratively and licences suspended under existing wide powers of disqualification. A driver who accumulates nine points in any period of two years is liable to disqualification for up to three months.

A driver who is disqualified can make a fresh start with points at zero when he regains his licence. However, if he commits further offences the licensing authority does not necessarily wait until a further nine points are accumulated before again reviewing the driver's fitness. A further disqualification may be ordered before a second total of nine points if the circumstances are considered to justify such action. The offender has the right of appeal against a disqualification under the points system as he does against any disqualification imposed by the licensing authority.

Whilst the systems I have already mentioned are no doubt meeting with some measure of success, I believe that discretion in suspension of licences under a points system should be avoided and a clear procedure should be defined by legislation. It is more just and practicable to set up a statutory system involving automatic allocation of points as a result of court convictions for offences which are serious enough to be of an accident causing nature and then to suspend automatically the licence of a person who shows by repeat offences, even after warning, his inability to drive with safety to himself and the public. Legislation for such a system was passed in Western Australia and has operated in that State since July of this year. The legislation now being considered here is similar to that operating in Western Australia. It is devoid of any discretion and removes any suspicion of favouritism or discrimination that might be suggested regarding the discretionary schemes. The system will be simple and economical to operate. I am informed that a statutory system with mandatory allocation of points of similar lines has been recommended in Victoria by a joint select committee on road safety.

Honourable members will have noticed in this week's press that there has been an announcement that the Victorian Cabinet has approved of the introduction of a points demerit scheme in Victoria. I believe it still has not been introduced in Parliament, and from inquiries I made yesterday it would appear that the principle is similar to that proposed here. It differs from our proposed system in that the schedule will be introduced into Parliament as being written into the Act; it will not be by regulation. I understand that it is a very severe points system. It is much more severe than the system we propose.

The Hon. Sir Norman Jude: The scale of points is much lower.

The Hon. C. M. HILL: I hope that honourable members know the real facts of the case. After all, it was only approved in the Victorian Cabinet probably last Monday, because information about it was published in the *Advertiser* on November 4; it was impossible to get any information on Tuesday from Victoria because that State observes a public holiday on that day. It has been difficult to obtain factual information about proposals there, and the information I received was obtained by our Registrar of Motor Vehicles, who contacted an officer in his opposite department in Melbourne.

The Hon. D. H. L. Banfield: Bolte never was co-operative, was he?

The Hon. C. M. HILL: He is a very good Premier of that State. Several honourable members have raised the question as to whether the scale of points should be prescribed by regulation or in a schedule to the Act. From what I have already said it will be noted that in New South Wales and Queensland the points are not prescribed in legislation at all. In Western Australia they are set out by regulation as is proposed in the Bill before us now. Whilst I appreciate the desire to specify offences and related points in the Act it is felt more practicable and effective to determine these and amendments from time to time by regulation.

Flexibility is needed to ensure that the prescribed offences and points scale are updated and consistent with changes in road traffic legislation. It would obviously be undesirable if something in the points scale were found to be unfair or unreasonable and needed amendment or deletion and could not be corrected in a reasonable time. I do not think it can be assumed that there is more likelihood of motorists familiarizing themselves with a schedule in the Act than with regulations. In any case, it is our intention to issue information to every licensee explaining details of the demerit system.

The Hon. M. B. Dawkins: You will do this whether it is by regulation or by schedule, I take it?

The Hon. C. M. HILL: That is true. We hope to do this by issuing a pamphlet with the renewal notices for licences. Another suggested method is that we may send out a folder with the renewal notices in which people may keep their licences, and this information may be printed on this small folder.

The Hon. R. A. Geddes: What guarantee of continuity will there be in the future that this will take place? Is it suggested that succeeding Ministers will always follow this procedure?

The Hon. C. M. HILL: What any other Minister does is up to that person to decide. I am only telling honourable members what I propose to do as Minister. I think it is fair to say that motorists will be regularly informed of the points system. I believe that it will be maintained, anyway, because I believe any future Minister will see that this is done annually.

One argument which has been put forward in favour of a schedule in the Act is that there is more chance of getting a copy of the Act than a copy of regulations at the Government Printing Office. To my mind this cannot be sustained as an argument—the answer is to ensure that copies of regulations are as readily available as are copies of Acts.

There are certainly benefits in effecting quickly whatever changes may be necessary by regulation. On the contrary, it has been shown that reliance cannot be placed on amendment to an Act to expedite a change within a reasonable time. This current Bill to amend the Motor Vehicles Act is an example of this. There are matters in this Bill which were recommended as far back as 1967 and which, because of the heavy pressures which have been placed on Parliament, have had to be deferred until now, with some inconvenience to administration and the public.

It is suggested that the demerit system as proposed punishes an offender twice for the same offence. This does not represent the position in its true perspective. The system is designed as an additional deterrent to the repeat offender and to prevent him from becoming a danger to other road users. If he does persistently offend in spite of this, it is

right and proper that he should be deprived of the privileges of driving and thus not expose other road users to danger. In the interests of public safety it is essential that a sincere and positive effort be made to correct the offender.

The Hon. S. C. Bevan: All the more reason why there should be a schedule so that he knows what his offence is and he can then correct it.

The Hon. C. M. HILL: Whether it is done outside the Act or done within a schedule, he can still be informed, and he will know. It is hoped that the presence of the demerit system in itself will act as a deterrent to this type of offender—in other words, that it will have the effect of preventing dangerous and unsafe driving rather than penalizing people for it.

The scheme is not necessarily only directed towards the repeat offender. It is felt that it will also have a salutary effect on what might be termed the casual offender. In fact, its very existence should create in all drivers, good, bad, or indifferent, an added awareness of the responsibilities as road users and respect for the law and the community. I would go so far as to say that the success of the system could be gauged by how few licences are suspended, not how many, thus proving that the system has had the deterrent effect of preventing bad driving and therefore preventing accidents.

The Hon. Mr. Bevan suggests a programme of driver improvement as a first step. The fact is that a demerit system is part of such a programme. It is not pretended that it will be the final answer and it is quite likely that further ideas and measures for driver improvement will also have to be considered as time goes on.

The additional measure suggested by Mr. Bevan that an "authority" should talk to the offender with the aim of improving his driving habits is employed in some other places where demerit systems operate, but so far has not been adopted or proposed in any of the Australian systems. It is a time consuming practice to administer effectively, but nevertheless, the proposal has merit, and may be implemented at a later date. In designing our system it has been considered desirable to simplify and streamline procedures as far as possible and therefore to adopt the system of written warnings and advices to persons concerned.

The use of words "where practicable" in providing for the Registrar to send warning notices to offenders who had accumulated half the maximum points is not intended to be a let-out for the department. It is done so as not to invalidate a points disqualification merely because the person has not been given or has not received such a warning. There will be circumstances where it will be impracticable to issue a warning; for example, a person who has accumulated, say, five points may suddenly accumulate the remainder in a short space of time—so short that the Registrar has not a chance of warning him. I hope this would not occur but nevertheless there should be provision for such a contingency.

There may also be cases where an offender cannot be found and therefore it is impracticable for the Registrar to warn him. Suggestions have been made that a second warning should be given after a person has accumulated six points and before he reaches the maximum of 12 points. The reason given by the Hon. Mr. Dawkins was that some people who drive vehicles for their livelihood are placed in a difficult position if they are to be disqualified for 12 months, the time suggested by the honourable member. I point out that the period of disqualification proposed is three months, not 12 months.

Whilst I do not object to a second warning being given, I doubt the justification for creating this extra work. There are many who are now disqualified by the court without any warning at all before committing an offence. In driving a vehicle at any time, a driver should be aware of traffic laws and the possibility of losing his licence if he disobeys them.

Personal need, including reliance on a driver's licence for one's livelihood, has sometimes been advanced as a reason for protecting special classes against disqualification.

The Hon. H. K. Kemp: Do you have to read the rest of that schedule?

The Hon. C. M. HILL: I haven't even come to the schedule, yet.

The Hon. H. K. Kemp: I meant the statement you have in your hand.

The Hon. C. M. HILL: These are replies to queries which have been raised and which it is proper for me to give. I answer this by saying that public safety on our roads is of paramount importance, and ability to drive competently and safely is the only qualification for a licence to drive. The fact that a

person intends to engage in employment as a commercial driver is not considered in granting a licence.

Similarly, it should not be considered in deciding whether he should be allowed to continue if he shows that he is a grave risk to public safety, and one who accumulates maximum points in the prescribed time is considered a grave risk as a driver. If a professional driver, despite the amount of driving he does, behaves so poorly on the road as to accumulate 12 points in three years, I doubt if he is entitled or sufficiently skilled to follow that occupation.

I expressed the view some time ago that it is doubtful if any professional driver would get caught up in the scheme. Any driver who has a genuine sense of responsibility to the law, despite the amount he uses the road, should have nothing to fear from a points system.

The Hon. Mr. Kemp referred to difficulties in the implementation of the legislation which appears to have arisen in New South Wales and Queensland in the short period of operation of their demerit systems. I have no knowledge of those difficulties, but I must remind him that those States did not make legislation aimed at a demerit system. In other words, as I have explained earlier, their systems evolved from administrative action under wide discretionary powers of disqualification which already existed.

It is not considered desirable that a magistrate should have discretion in determining the degree of severity of an offence and therefore the number of points which should be allocated in a particular instance.

The Hon. Sir Norman Jude: But he has that discretion now in penalizing a person.

The Hon. C. M. HILL: Yes, where he is dealing with what might be called a punitive offence, but that is not the case here. I will come to this point later. The honourable member has raised this point time and time again, and he does not listen to or understand the fundamental of the point that this is not a punitive scheme: it is a protective scheme. The honourable member must start off with that premise if he is to understand the points demerit scheme properly. The Act is framed to prevent discretion in this way.

It will be noted that new section 98b (10) provides that the court in convicting a person shall not take into account that the conviction will attract demerit points. There would be many more inconsistencies if discretion were allowed as to the number of points to be debited according to circumstances. Discretion by a court in determining points is not, to my knowledge or that of my officers, part of any demerit scheme operating elsewhere.

It is important to consider the responsibility of the court in dealing with offences and the effect of the demerit system separately and in their true perspective. The court takes punitive action against people who commit offences. Whilst it may be argued that the demerit scheme operates also as a punitive measure, it is more important to regard a points disqualification as a measure taken in the public interest by removing the person concerned from the roads for a period and thus preventing him from exposing others to danger.

The Hon. A. F. Kneebone: That is what the court does.

The Hon. C. M. HILL: I would also mention that the Motor Vehicles Act already contains provision for removing, by administrative action, drivers who are considered unsafe for other reasons, and in effect this is an extension of that policy. It would be an unorthodox departure from normal procedure to place upon a magistrate the responsibility of determining points as well as the degree of punishment which should be imposed on the offender. The awarding of points is a protective measure (returning to that point) rather than a punitive one, and therefore does not come within the normal role or function of a court.

It should also be remembered that the points scale is designed to prescribe the reasonable minimum which should be debited in relation to particular offences. I stress the point that the schedule we have prepared is a schedule of a reasonable minimum number. Therefore, if honourable members wish to continue with their proposals to allow discretionary power for the courts, they will have to prepare a new series of points.

I must confess that I am surprised, indeed alarmed, that the Hon. Mr. Kemp should refer to the inevitability of accidents and also the implication that allowance should be made for the driver who covers a greater mileage and therefore lays himself open to greater risk of losing his licence. If this argument is valid in relation to a points system, it must also be valid in relation to the present situation. I am at a loss to suggest how miles travelled can in practice be taken into account when assessing points, and I note that Mr. Kemp is also uncertain how this can be done. It also appears that he relates actual involvement in

accidents to the points system rather than the commission of traffic breaches which may be of an accident causing nature.

A person who drives greater distances is naturally exposed to more hazards, but he runs no greater risk of accumulating points as long as he is not negligent himself. In fact, it may be argued that a person who does less driving and has less experience (and here I give the example of the Sunday afternoon driver) is more inclined to accumulate points.

I stress the comments I have made concerning professional drivers. I do not want them to be misconstrued in any way, as I have the greatest respect for commercial drivers and for the Transport Workers Union, which came to me and put its submissions in relation to this matter. Indeed, partly because of its representations we have included in this measure the repeal clause.

Mr. Geddes raised the point that there is nothing in the Bill to indicate what the Government will do to help repeat offenders once they have been isolated by the points system. His suggestions are worthy of consideration and I feel that this is an administrative matter which can be decided according to the circumstances, experience with the system and available resources. It does not require legislative backing to enable the kind of measures envisaged by Mr. Geddes to be implemented.

At the same time I think he is to an extent misinterpreting the effect that the system will have on the steady driver whose driving record is, as he puts it, fair and reasonable over a number of years.

The Hon. R. A. Geddes: He will not be the guilty person, anyway, will he?

The Hon. C. M. HILL: No. As I indicated earlier, that type of person has nothing to fear from the points demerit scheme, and I should be surprised if the honourable member's fears were realized in practice.

The honourable member also queried whether a person should have to appeal to the Supreme Court and not to a special magistrate. Whilst there may be no very strong objection to allowing appeal to a lower court, it is felt that this matter is of sufficient importance to warrant a justice's appeal. It is important to view a "points" disqualification as a measure taken in the public interest rather than as a punitive measure. It will be seen that it is proposed that the court must be satisfied that it is not in the public interest that the licence be suspended and then it can only reduce the number of points by one-quarter.

Some honourable members have expressed concern at the possible loss of points for so called "trivial" offences. The proposed scale of offences and related points refers only to violations which, from experience, have been sufficiently serious to be of an accident-causing nature. If the circumstances of a particular case bringing conviction for one of these offences are considered trivial, the court can be asked for a certificate to that effect and, if granted, the conviction would not attract points which would otherwise be debited.

The Hon. Sir Norman Jude expressed some disagreement with the scale of points it is proposed to adopt. He feels that it contains inconsistencies and some points for offences that he says are too trivial. Despite what he says, I should stress that, in carefully arriving at this scale, due consideration was given to the extent to which these violations have in fact caused accidents. What may appear at first sight to be an inconsistency is not, in the light of experience, necessarily so.

The Hon. S. C. Bevan: How many prosecutions are there of people crossing the "stop" line?

The Hon. C. M. HILL: Because of that interjection, I will explain the point a little further. The honourable member knows, as we all do, that the police have statistics of all accidents in their records and they make a close study of the offences of an accident-causing nature. The police were represented on the committee, which in fact comprised the Commissioner of Police, the Registrar of Motor Vehicles and the General Manager of the Royal Automobile Association.

The Hon. S. C. Bevan: You need not tell me what I know.

The Hon. C. M. HILL: It is necessary to explain it further because the honourable member knows full well that I would not know the small details of what he asked me in his interjection. We are all endeavouring to reduce the accident rate in considering this measure.

The Hon. Mr. Whyte suggests that we should put the demerit proposals to one side and wait until investigations in the Eastern States have been completed before we pursue the matter further. He says that perhaps we should not jump into a scheme that has not been proved to be of any great benefit to the community. I do not know what investigations, if any, are to be conducted in the near

future in the Eastern States, and in any case I do not think that the outcome of investigations there could cause us to make any radical change in our plan. We could go on for ever delaying implementation of important safety and driver improvement measures pending the outcome of investigations elsewhere.

We must not forget that the discretionary systems operating in New South Wales and Queensland are quite different from ours, and I can understand that they have some aspects that need investigating. I would point out to honourable members that this is not something that has been devised without careful examination. A thorough investigation has been made into aspects of points systems operating elsewhere in Australia and overseas, and there is ample evidence to show that they are beneficial to the community.

Several other points have been raised by honourable members in the debate which I have not answered. Because of the great amount of material it has been necessary for me to refer to, it is best for me to deal with those matters individually as I come to them during the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Duty to grant registration and allot number."

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

After "amended" to insert "—(*a*)"; and after "section" to insert the following new paragraph:
and
(*b*) by inserting after subsection (4) the following subsection:—
(5) The Registrar may refuse to register a motor vehicle if he is satisfied that the design or construction of the motor vehicle does not conform with the provisions of any Act or any regulations under an Act that regulate the design or construction of such a motor vehicle.

I have not yet had the opportunity to explain this amendment. It relates to the fact that a certification board has been set up throughout Australia to inspect all new motor vehicles, both produced here and imported. In effect, it has to approve these vehicles in regard to safety design. Certain design rules have been agreed to. This amendment foreshadows some of the machinery yet to be set up. It gives the Registrar the right to refuse to register a motor vehicle in the circumstances to which I have referred.

The amendment has no great effect at the moment because the provisions of any Act or any regulations under that Act regulate the design or construction of a motor vehicle. I hope regulations will be introduced within the next few weeks for some of the design rules that the Hon. Sir Norman Jude referred to during the second reading debate. So this amendment simply clears the way for that measure.

It empowers the Registrar to refuse to register a motor vehicle if he is satisfied that the design or construction of the motor vehicle does not conform to the provisions of any Act or any regulations under an Act. It is proposed that a Bill shall be introduced later this session amending the Road Traffic Act. Amongst the amendments to that Act will be an amendment empowering the Government to regulate the design or construction of all new motor vehicles. This amendment foreshadows proposed new design rules and, as a consequence of their introduction, it will be necessary that the Registrar have power to refuse registration to defective vehicles. This is the matter about which Sir Norman Jude said he thought we had done nothing.

The Hon. Sir Norman Jude: How does section 92 operate in regard to vehicles from Melbourne?

The Hon. C. M. HILL: That does not apply because the same design rules are accepted all over Austraila by each State. They have been agreed to in the Australian Transport Advisory Council. These design rules that we are shortly to introduce will deal with seat belts, seat belt anchorage points, and hydraulic brake hoses.

Also, the Government proposes to introduce several other design rules with lead times extended, covering the following matters: reversing signal lamps; door latches and hinges; seat anchorages for motor vehicles; direction turn signal lamps; safety glass; standard controls for automatic transmissions; steering columns; internal sun visors; glare reduction in field of view; forward field of view; rear vision mirrors; demisting of windscreens; and other matters.

The Hon. S. C. BEVAN: New subsection (5), in the amendment, states that the Registrar may refuse to register a vehicle. I take it that once this is in the Act it will apply also to the re-registration of a vehicle?

The Hon. C. M. Hill: That is right.

The Hon. S. C. BEVAN: The Minister has told us that he is foreshadowing legislation that will deal with many things that are safety measures of the future. There are many vehicles on the road today that would not measure up to these generally approved standards when they are introduced. Therefore, are all these vehicles to be condemned as unroadworthy? They could be in first-class condition but they would not meet the requirements that the Minister has just foreshadowed as safety measures. When a motorist wants to re-register his vehicle, will the Registrar of Motor Vehicles refuse because it does not meet the requirements? If he does refuse, many roadworthy vehicles will be put off the road, and I do not think any Government would want to see this happen. It is possible for a person to buy a brand new car not fitted with some of the safety features described by the Minister. If such a person applies for re-registration of the vehicle in 12 months' time he will find that his application is refused because it does not meet the requirements.

The Hon. A. M. WHYTE: I was interested to hear the Minister foreshadow amendments to the Road Traffic Act and to hear that he plans to impose safety requirements on vehicles. Many accidents are caused because the vehicles involved, although equipped with all necessary safety features, completely disintegrate on violent impact. Greater road safety could be achieved if manufacturers were forced to make vehicles that could withstand violent impact. When the Road Traffic Act is amended, will the Minister consider requiring that the bodies of vehicles be strengthened?

The Hon. C. M. HILL: Regarding the point raised by the Hon. Mr. Bevan, this amendment deals only with the first registration, not a renewal of registration.

The Hon. Sir Arthur Rymill: It does not say that.

The Hon. C. M. HILL: It deals with matters of design and construction in a new vehicle.

The Hon. Sir Arthur Rymill: There is nothing in the amendment about new vehicles.

The Hon. C. M. HILL: Surely a first registration would involve a new vehicle? Does the honourable member query that?

The Hon. Sir Arthur Rymill: There is nothing in the amendment about a first registration, which the Minister is importing. The amendment may involve the first registration of a secondhand vehicle in a certain person's name.

The Hon. C. M. HILL: That is not intended, anyway. I assure the Hon. Mr. Whyte that the whole question of safety features in vehicles is thoroughly investigated by committees principally set up by the Commonwealth Government through the Commonwealth Department of Shipping and Transport. These committees, in close collaboration with the industry, investigate safety features that ought to be incorporated in new vehicles. Many of the standards set are based on world-wide practice. Much attention is given to implementing these standards. Regarding the honourable member's question about cars that distintegrate on impact, I point out that an accident may be so severe that all the safety features in the world cannot prevent a certain degree of injury.

The Hon. A. M. Whyte: Do you agree that there should be collaboration with owners of vehicles?

The Hon. C. M. HILL: Every accident is closely examined and reported upon. Obviously, there may still be areas where improvements can be effected, and there always will be, but at least the whole area of vehicle design is being closely examined. As each year passes the construction of vehicles and their safety features, not necessarily their power and speed, are thoroughly investigated. I point out to the Hon. Mr. Bevan that my amendment will not apply to present vehicles.

The Hon. A. J. Shard: It does not say that.

The Hon. C. M. HILL: The amendment says that the Registrar may refuse to register a vehicle, but it does not say anything about renewal of registration.

The Hon. Sir Arthur Rymill: It means that.

The Hon. C. M. HILL: That point can be looked into.

The Hon. Sir Arthur Rymill: It is the Minister's amendment.

The Hon. C. M. HILL: I say it does not mean that.

The Hon. Sir Arthur Rymill: I say it does and that the Minister ought to have his amendment in clear terms.

The Hon. C. M. HILL: That may be the honourable member's fault in interpretation, but it is not mine.

The Hon. Sir Arthur Rymill: I don't think so. You are wandering off the point.

The Hon. C. M. HILL: I am not: I am being sidetracked, but I am trying to answer some of the points put to me.

The Hon. A. J. Shard: There is nothing about renewal in the amendment. If a person wants to register and the Registrar refuses, that is the end of it.

The Hon. C. M. HILL: The amendment relates to the actual registration of new vehicles, as I have said several times.

The Hon. Sir Arthur Rymill: But that is not what it says. It is not a question of intent when Parliament passes a Bill: it is a question of what the legislation says.

The Hon. C. M. HILL: I do not know whether the honourable member would like further time to consider this matter or whether he will rest on his expert opinion. I am quite happy to try to convince him that he is incorrect, but this may take some time. I ask that progress be reported.

Progress reported; Committee to sit again.

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2657).

The Hon. H. K. KEMP (Southern): I rise to support this Bill very sincerely. However, I wish to make a few comments on some of the debate that has taken ploce. This Bill puts into operation the recommendations of the Select Committee of the House of Assembly appointed by the previous Government; it is left to our Government to implement the legislation because the then Minister in charge of fisheries did not have the guts to put forward the measures involved. That is the fact of the matter, and I throw it in the teeth of members of the Opposition.

With every day that goes by in this Parliament we are seeing a breaking down of values, of integrity and of truth, and when we have such complete untruths on this subject as were put forward the other day I think it is time we came up fighting. This is a straight Bill which is badly needed by an industry that is in trouble, and when we have this sort of canard put up by the Opposition I think it is time that we objected. The Bill is a clean Bill and there is absolutely nothing wrong with it. It is needed, and it was recommended by the Select Committee, which was wholly a Labor Party committee.

The Hon. D. H. L. Banfield: And it has been accepted by the present Government

The Hon. H. K. KEMP: Our Government has had to bring in the legislation because the Opposition did not have the stomach to do it when it was in office.

The Hon. D. H. L. Banfield: What a lot of rot.

The Hon. H. K. KEMP: I support the Bill.

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

UNFAIR ADVERTISING BILL

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

PROHIBITION OF DISCRIMINATION ACT AMENDMENT BILL

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

LAND SETTLEMENT ACT AMENDMENT BILL

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

DOG FENCE ACT AMENDMENT BILL

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

CRIMINAL INJURIES COMPENSATION BILL

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

ADJOURNMENT

At 9.46 p.m. the Council adjourned until Thursday, November 6, at 2.15 p.m.