LEGISLATIVE COUNCIL

Thursday, November 6, 1969.

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

ASSENT TO BILLS

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

Citrus Industry Organization Act Amendment,
Footwear Regulation,
Land Valuers Licensing,
Licensing Act Amendment,
Textile Products Description Act Amendment.

QUESTIONS

HOSPITAL KITCHEN

The Hon. D. H. L. BANFIELD: I ask leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. D. H. L. BANFIELD: The following article, headed "Pilot kitchen at hospital", appeared in this morning's *Advertiser*:

The Hospitals Department is seeking a highly qualified "food technologist" to control a pilot kitchen which will distribute frozen food. The Minister of Health (Mr. DeGaris) said yesterday that the kitchen would be established at the Glenside Hospital.

The initial distribution would be to mental health institutions because their patients did not require special diets. Frozen food packs would be prepared at the kitchen and distributed to the hospitals for quick cooking.

When I read this article I was very perturbed that it implied that the patients did not require a special diet. It appears to me that, whether they are patients at a mental hospital or at any other hospital, there must be some people there who require a special diet. Can the Minister assure me that patients requiring special diets at these hospitals will receive them?

The Hon. R. C. DeGARIS: I think the honourable member realizes that that would be the position. I can state clearly that South Australia is leading the world in this field of removing from the actual hospitals what I call an industrial complex; in other words, the tendency is to remove all matters that can be handled on a production line basis from the hospital complex. We have already done this (and you, Mr. President, will appreciate this more than anybody else) with the group laundry in South Australia, which has drawn favourable comment all round the world. The next thing we are looking at is the removal of kitchens from the hospitals themselves, just as we did with the group laundry. We need a pilot scheme and, obviously, the most suitable area in which to establish this scheme would be the mental hospitals, although admittedly in these places some patients do require a special diet, which will be provided. However, to establish a pilot scheme of this sort in mental hospitals offers the best means for the operation of such a scheme.

MEAT PRICES

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply to a question I asked on October 22 about meat prices and the margins between the producers' net returns and the retail prices?

The Hon. C. R. STORY: The Prices Commissioner has reported that an investigation into meat prices indicates that retail margins generally are not excessive. An examination of butchers' annual trading results for recent years shows that there has been some deterioration in both turnover and net profits, a situation that has no doubt been influenced by growing competition from supermarkets. In spite of an increase of 1.04 per cent in population in the metropolitan area in 1968, the number of butchers' shops decreased by 16 to 668, and the trend has continued in 1969.

The retail margin on pork is currently slightly lower than at this time last year. However, there is a small increase in the retail margin on lamb. It is normal practice for butchers' margins to be fairly flexible as between different classes of meat in order to maintain a measure of price stability rather than vary their prices with every market fluctuation. Margins on pork and lamb are normally slightly higher than the margin on beef and substantially higher than the margin on mutton. Whilst the current average return to the producer from porkers is about 29c per lb., the average retail price of 69c per lb. quoted in the question is higher than the average indicated by the branch's inquiries. Less than 80 per cent of the total weight of the carcass is saleable on a retail basis, and killing charges, delivery charges and wholesale margins have to be allowed for before the gross retail margin is arrived at. Owing to increased wage and other overhead costs, gross retail profit margins on all types of meat have risen in recent years. However, it is not considerd that butchers generally are making unduly high profits.

The Hon. M. B. DAWKINS: I thank the Minister for his reply. However, I have recently had reliable evidence from a citizen of high repute that he walked down the street only this morning and was charged no less than 78c a pound for pork. As that figure is rather higher than the one quoted previously, will the Minister ask the Prices Commissioner to examine this question further?

The Hon. C. R. STORY: Yes.

MEDICAL PRACTITIONERS

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

Leave granted.

The Hon. V. G. SPRINGETT: In this State we have a system of registration of medical practitioners; we have also reciprocity in this field between this State and other States and also certain countries, such as Great Britain. A number of doctors come to this State from countries with which we do not have this reciprocity. Can the Minister say how many migrant doctors coming from countries whose standards are not specifically recognized here have been granted permission to practise in South Australia?

The Hon. R. C. DeGARIS: I will obtain that information for the honourable member.

COUNCIL REGULATIONS

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

Leave granted.

The Hon. L. R. HART: The Salisbury City Council is concerned over the delay that has occurred in the tabling of its zoning regulations, which have been on public view for the full period of two months, as required under the Planning and Development Act. Indeed, they have been on view for some time; and I believe that the Minister visited Salisbury while they were so available for the public to see.

It has been suggested that some objections to these regulations have been heard by the Planning Appeal Board, which has been set up under the Act. However, this would seem to be irregular, as the regulations have not been tabled, and, that being the case, they have not become law. Will the Minister therefore indicate what is the position regarding the planning regulations submitted by the Salisbury council?

The Hon. C. M. HILL: There has been some delay in submitting the Salisbury planning regulations because it has been necessary for many plans to be drawn up and printed to illustrate them. They are at present with the Government Printer, and I understand that the final print will be available tomorrow.

During the course of the preparation of the regulations, I believe an appeal against them was lodged (as the honourable member indicated) and heard by the Planning Appeal Board, which is constituted under the Planning and Development Act of 1967. I believe it has been alleged in several circles that the delay in making the regulations has been occasioned by that appeal. However, that is not so; the hearing of the appeal and the steps necessary to make the regulations proceeded independently of one another and are not related.

EUDUNDA-MORGAN RAILWAY

The Hon. M. B. DAWKINS: Has the Minister of Roads and Transport a reply to the question I asked on October 23 regarding the provision of a co-ordinated freight service to replace the service given by the Eudunda-Morgan railway?

The Hon. C. M. HILL: A co-ordinated rail and road freight delivery service from Eudunda was introduced on Monday, November 3, 1969. The service will operate twice-weekly, and all goods and parcels received by rail at Eudunda on Tuesdays and Thursdays will be delivered the same day to Sutherlands, Bower, Mount Mary, Morgan and Cadell.

The Hon. M. B. DAWKINS: I believe the continuation of this co-ordinated service is dependent upon the carriage of wood that comes from Morgan and Mount Mary. Is the Minister attempting to provide inward traffic as well as outward traffic for this freight service, or is he prepared to give any assistance in the matter?

The Hon. C. M. HILL: Further representations have been made concerning this question of firewood freight between Mount Mary and Morgan and the new railhead at Eudunda. I know that departmental officers are still making some inquiries and great endeavours indeed to try to assist the interests at Mount Mary and Morgan who are affected in this matter. These investigations have not yet been completed, but I will get the latest information and bring back a report for the honourable member.

RAFFLES

The Hon. M. B. DAWKINS: The prosecution of certain people under the Lottery and Gaming Act was reported in the *Advertiser*

recently. Can the Chief Secretary make available to the Council a report on this matter?

The Hon. R. C. DeGARIS: The honourable member spoke to me about this matter yesterday, and I have a report which I think should be made available to the Council. On September 3, 1969, the following advertisement appeared in the *Advertiser*: "Boys wanted 12 to 14 years for light holiday work. Good money. Apply 219, Kensington Road, Kensington."

It is the practice for members of the Vice Squad to check the advertisements appearing in various papers in order to counter illegal operations, and it was considered necessary in the public interest to check on the *bona fides* of the above advertisement. As a result of their inquiries it was ascertained that the boys were required to sell raffle tickets.

On September 8, 1969, Constable Watson, who was attached to the Vice Squad, called at 219 Kensington Road, Kensington (the address appearing in the advertisement), and interviewed William Nicholas Bohlin, who stated he was the President of the South Adelaide Ramblers Football Club, and that he had distributed lottery tickets from his home for the purpose of raising money for the football club. He stated he thought his actions were lawful, as it was intended to select the winner by drawing a ticket from a barrel and then asking the person who bought the ticket a question before he would be determined the winner. He admitted that 1,500 books had been printed, each containing 20 tickets valued at 20c each. He stated that $546 had been paid into the football club's fund from the sale of tickets and that the sellers of the tickets had retained from the club 10c for each 20c ticket they had sold. A large quantity of sold and unsold tickets was confiscated from the premises.

On September 11, 1969, Mr. Bohlin was again interviewed concerning the prizes that were to be offered at the draw. He stated he could only give an approximate value, and that was: first prize $50, second prize $30, third prize $30, fourth prize $15, and fifth prize $10.

Following the interview with Bohlin, five other persons were interviewed and all admitted they were members of the football club committee and had authorized the conducting of this lottery.

It was considered that the actions of Bohlin and the other members of the South Adelaide Ramblers Football Club Committee constituted a flagrant breach of section 6 of the Lottery and Gaming Act, in particular in encouraging young boys to flout the law.

Although there is no definite evidence to support this allegation, it would appear that Bohlin was given the responsibility of conducting this lottery, and the records and unsold tickets that were found in his possession suggest that the committee was not concerned with auditing his transactions.

BURNING OFF

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

Leave granted.

The Hon. L. R. HART: It appears that the Railways Department has discontinued its policy of burning off along railway lines, and at present the only burning off that takes place is at crossings where growth may obstruct a view of the crossing to approaching traffic. I believe the department is prepared to burn off at those places and in other areas provided that a request originates from a local government body or from an adjoining landowner. I also understand that the local government body or adjoining landowner making the request is required to accept full responsibility should the fire happen to get out of control. Can the Minister indicate the present policy of the Railways Department regarding burning off, and is it correct that when a request for burning off is made the person or organization making that request must assume full responsibility for the fire?

The Hon. C. M. HILL: It is true that the railways does not now burn off along all their rights of way because it is claimed that the diesel engines do not cause fires. I know a belief exists in some quarters that fires are started by diesel engines, but the Railways Commissioner claims that that is not so.

As the honourable member has said, therefore, any burning off that does take place along a railway line is carried out at or near an intersection of a road and the railway. The exact submission that the Railways Department makes to adjoining landowers concerning liability is one of some detail, and I think rather than deal with that in a general way, and to be fair to the honourable member seeking exact information regarding this detail, I shall refer the matter to the Railways Commissioner and later bring down a report.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Automatic Data Processing Centre Extensions,

Highbury Primary School.

LOCAL GOVERNMENT ACT AMENDMENT BILL (WHYALLA)

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1969. Read a first time.

WHEAT DELIVERY QUOTAS BILL

The Hon. C. R. STORY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to make provision with respect to the determination of wheat delivery quotas in respect of land used for the production of wheat and to give effect to such determinations and for matters incidental thereto. Read a first time.

JUSTICES ACT AMENDMENT BILL (GENERAL)

Read a third time and passed.

CHIROPODISTS ACT AMENDMENT BILL

Read a third time and passed.

FISHERIES ACT AMENDMENT BILL

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

That this Bill be now read a third time.

The Hon. D. H. L. BANFIELD (Central No. 1): Honourable members would not want this Bill to pass without my putting the position straight. Last night the Hon. Mr. Kemp put what he called facts before this Council, but we now find that his statements were completely untrue. If it was not unparliamentary I would use stronger language than that, because I believe the honourable member knew at the time that what he said was completely untrue. However, I want to put the record straight. The following is the statement of the honourable member that I want to correct:

> 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.

The facts of the matter are not as stated by the Hon. Mr. Kemp: they are that the Fisheries Act was assented to on October 30, 1967. True, the Labor Government delayed proclamation for one day. The proclamation had to be made before the Act could come into operation, and it was proclaimed by the Governor on November 1, 1967. For the information of honourable members, particularly the Hon. Mr. Kemp, I point out that the regulations were gazetted on February 1, 1968, while the Labor Government was still in office. So much for the "facts" put forward by the Hon. Mr. Kemp! He certainly cannot deny the facts I have put forward. He continued:

> 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.

I suggest that that remark was a genuine demonstration of the breaking down of integrity and truth, and I suggest that, if he intends to come up fighting, he should not do so with Dutch courage that is worked up by old Scotch. It is not in the best interests of this Council. The Hon. Mr. Kemp continued:

> 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.

I have already pointed out what happened when the Labor Government was in office; during the second reading debate I said that a Select Committee was set up to inquire into the fishing industry, from which Liberal and Country League members withdrew because they did not have the guts to continue to serve on it and make the necessary inquiries. It was the Labor Government that had the legislation proclaimed. The Hon. Mr. Kemp knew this very well, but he attempted to mislead the Council last night, and I believe it is my duty to put the record straight and not have it left in the air.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

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

BULK HANDLING OF GRAIN ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Honourable members will not be unaware of what may be called a crisis in the wheat industry resulting from the large harvests of last

season and certain marketing difficulties that have given rise to a large "carry over" of grain in storage. To meet this situation representative wheatgrowing organizations proposed a scheme of restriction of wheat deliveries by allocation of quotas, and this scheme was agreed to by the State and Commonwealth Governments.

In essence, the scheme involves a limitation of the amount of wheat that will be accepted by the board that will attract the first advance payment of $1.10 a bushel. Of the amount, this State is entitled to deliver 45,000,000 bushels. This Bill is the first and most important of three measures designed to give legal effect to the scheme and, in order that its implications may be fully understood, the legislative framework of orderly wheat marketing should be outlined.

The marketing authority for wheat produced in this country is the Australian Wheat Board which, as far as this State is concerned, relies on two interlocking Acts, the Wheat Industry Stabilization Act of the Commonwealth and an Act of the same name of this State. For constitutional reasons it is necessary to have both Commonwealth and State legislation in this field. For all practical purposes the board is the only authority which can, under the law, engage in wheat marketing. It follows, then, that until 1968 it was obliged to acept all wheat delivered to it, since for practical purposes it was only by delivery to the board that the farmer could receive a financial return for his wheat.

The Australian Wheat Board does not in this State physically handle the wheat delivered to it but operates through a licensed receiver, South Australian Co-operative Bulk Handling Limited, a grower-controlled co-operative. It is obvious that if the licensed receiver were compelled to receive all wheat offered for delivery the scheme of restricted deliveries proposed by the growers and accepted by the State and Comonwealth Governments just would not work, and chaotic marketing conditions would ensue.

When the life of the Australian Wheat Board was extended by the Commonwealth and State Wheat Industry Stabilization Acts in 1968, this situation was recognized and it was made clear that delivery of wheat was not effective unless and until it was accepted by the licensed receiver, and specific recognition was given to State legislation to regulate or refuse such deliveries, the relevant sections being section 19 of the Commonwealth Act and section 12 of the State Act. This short Bill seeks to confer on South Australian Co-operative Bulk Handling Limited the absolute power to refuse to accept deliveries of wheat during the season that commenced on October 1, 1969, and during any other season that is a quota season—that is, a season in which it is necessary to restrict deliveries. This power will enable the company to ensure that the only wheat that comes into the system will be wheat delivered in accordance with the quota arrangements.

I have no hesitation in asking this Council to confer this power on the company which, as I have mentioned, is a grower-controlled organization, is fully seized of its most important duty in this matter and realizes that a breakdown in the quota system would affect the economic survival of the wheatgrower. It may be helpful here if I inform the Council of the progress made in the allocation of wheat delivery quotas. Shortly after the scheme was formulated by the wheat industry representatives, the Government appointed a committee comprised of eight persons nominated by the grains section of the United Farmers and Graziers, a representative of the Australian Wheat Board, a representative of South Australian Co-operative Bulk Handling Limited and a representative of the Agriculture Department, and charged this committee with the task of allocating farmers quotas from the amount available for allocation.

In all, this committee has considered between 11,000 and 12,000 applications and will be in a position to send out its quota certificates by the middle of November. When this Bill is passed, farmers will be able to deliver wheat secure in the knowledge that the basic legal framework of the quota system has been established. In the immediate future I shall place before the Council two further measures intended to give effect to the scheme. They will be (*a*) a Bill to amend the Wheat Industry Stabilization Act of this State that will show how wheat delivered under the scheme will be dealt with by the board and will also make provision for certain sales on the domestic market; and (*b*) a Bill that will set out in detail the factors the committee took into account when it fixed the farmers' quotas and will provide for a review committee to which appeals against allocations may be addressed.

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

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is the second of three measures designed to give effect to the system of wheat delivery quotas. It amends the principal Act which, together with the Wheat Industry Stabilization Act of the Commonwealth, provides for the exercise of the Australian Wheat Board's powers in this State.

Clauses 1 and 2 are formal. Clause 3 inserts certain necessary definitions, which are self-explanatory. Clause 4 amends section 14 of the principal Act to make it clear that the costs of the quota scheme can be absorbed by the board as part of the costs of marketing the wheat delivered under the scheme. Clause 5 is the provision that sets out the method by which quota wheat will be included in the pool for the quota season. It also provides for the absorption of over-quota wheat in the pool for subsequent seasons. In summary, it provides that quota wheat will go straight into the pool for the season and over-quota wheat will be held outside the pool unless all or some portion of it is declared by the board to have been sold and paid for in full during the season, in which case, to that extent, it will be part of the pool. If the next season is a quota season and there is good reason to expect that it will be, the over-quota wheat from the previous season that was not sold and paid for in full during that previous season will go into the pool for the next season as if it had been delivered as quota wheat for the next season, and the amount of quota wheat that can be delivered by the person who delivered the over-quota wheat in that next season will be reduced by the amount of that over-quota wheat.

Clause 6, which inserts a new section 20a, provides for the domestic sale of wheat by the board not intended for human consumption at a lower price than would otherwise obtain. Under the wheat stabilization scheme two prices obtain—an export price of about $1.41 a bushel and a domestic price of about $1.71 a bushel. This provision, which reflects a proposal from representatives of the wheat industry, will enable the board to sell on the domestic market wheat not for human consumption at a price below the normal domestic price but not below the export price.

In substance, the provision operates in two ways: (*a*) it will enable the board to sell wheat not intended for human consumption at a price between the domestic price and the export price; and (*b*) it will empower the board to rebate the price (within the limits set out above) of wheat sold for human consumption in proportion to the amount of by-products produced from the processing of that wheat that are not used for human consumption.

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

LAND SETTLEMENT ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The Land Settlement Act, 1944, which constituted a Parliamentary Committee on Land Settlement, provided that the committee would operate for about five years—that is, until December, 1949. Since that time by a succession of amending Acts the life of the committee has been extended by two-yearly intervals and the last of such extensions will expire on December 31 of this year.

By the Land Settlement Act Amendment Act, 1948, the committee was given power to recommend the acquisition of land in the Western Division of the South-East, either by agreement or by compulsory process. This power was expressed to be exercisable for nine years from the passing of the 1944 amending Act, but the time within which this power is exercisable has also been extended to accord with the extensions of the life of the committee.

Section 4 (2) of the principal Act provides that two members of the committee shall be members of the Legislative Council and five members shall be members of the House of Assembly. By custom, one of the members appointed from the Legislative Council has been a member of the Party led by the Leader of the Government and one has been from the Party led by the Leader of the Opposition. This custom was, by implication, adverted to in an amendment to the principal Act in 1965 by the Statutes Amendment (Industries Development and Land Settlement Committees) Act, 1965, when it was thought desirable to provide for the situation when one or other of the Parties represented in the Legislative Council did not have a member

available for appointment. The effect of that amendment was that, when the Governor was formally apprised of this situation, he would be empowered to appoint six members from the House of Assembly and one member from the Legislative Council.

However, when the question arose of extending the life of the committee past December of this year, it was apparent that the situation would need examination. Under the previous system of extending the life of the committee by merely extending the terms of office of the members in office, there would be no way of altering the composition of the committee back to its representation of five House of Assembly and two Legislative Council members until a member from the House of Assembly vacated his office, since in the terms of the Act there is no provision for such a member being required to vacate his office to restore normal representation. As the position now stands, there is a representation of six Assembly members and one Legislative Council member when the need for that type of representation is long past.

Accordingly, in this Bill it is proposed that (*a*) the life of the committee will be extended for four years, that is, until December 31, 1973, any further extensions after that time being within the province of future Parliaments; (*b*) on December 31 of this year all members in office will go out of office and future members will be appointed for a two-year term; and (*c*) whenever the Governor is required to make an appointment to the committee, an opportunity will be provided for appropriate representation to be made by the President of the Legislative Council in the light of the composition of the parties in that Chamber, which should ensure that after such appointments the representation by Houses of Parliament reflects the current situation.

I now consider the Bill in some detail. Clause 1 is formal. Clause 2 sets out a formal expiry date for the measure. Clause 3 sets out in detail the mode of advising the Governor of the availability of members of the Legislative Council for appointment and directs the exercise of the Governor's powers of appointment in this regard.

Clause 4 provides for the vacation of offices of members, for appointments for two-year terms thereafter, and for the terms of members appointed to fill casual vacancies. Clauses 5 to 8 effect certain amendments consequent on the adoption of a system of decimal currency. Clause 9 provides that the power to recommend acquisition of land in the South-East may be exercised for the duration of the life of the Act. Clauses 10 and 11 effect decimal currency amendments.

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

DOG FENCE ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Its object is to increase the subsidy payable by the Government to the Dog Fence Board. Section 31 of the principal Act provided for a $1 for $1 subsidy for all rates levied by the board up to a maximum of 20c a square mile of ratable land. The proposed amendment will remove this limitation and provide that the subsidy payable will be in respect of all rates levied, without limitation.

Owing to increasing costs, the Dog Fence Board is finding difficulty in meeting its commitments and in fact is showing a deficit on its operations, and if the proposed amendment is agreed to it will have the effect of restoring the position to what it was before 1953, when the limitation of the amount of the Government's subsidy was provided for by way of a proviso to section 31 of the principal Act as it then stood. This proposed amendment is provided for at clause 7. The remaining clauses are formal or make appropriate amendments consequential on the introduction of the system of decimal currency.

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

GAS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Its most urgent and main purpose is to make some amendments to the Gas Act so as to make provision to facilitate the reticulation of natural gas to consumers in the metropolitan area. The opportunity is also taken to make some other necessary and desirable amendments to the principal Act that I will explain as I deal with the clauses of the Bill.

Clause 2 inserts the definition of "gas supplier" in section 5 of the principal Act in its proper alphabetical place. It also strikes out the definitions of "President" and "standard price", which have been obsolete since the Prices Commissioner became the price-fixing authority for gas. Clause 3 makes a formal amendment to section 7 of the principal Act.

Clause 4 recognizes that gas is now reticulated not only in the suburbs of Adelaide and in Port Pirie, and makes provision accordingly. Clause 5 provides for the intervals between the testing of meters to be prescribed by regulation. At present, the Act provides for all meters to be tested at least once in seven years. With the advent of natural gas and improved methods of meter construction, the South Australian Gas Company claims that the testing of meters every seven years is unnecessary. The Director of Chemistry agrees with this view. However, until sufficient information is available to decide on a definite period between testing, provision is made for the interval between the testing of meters to be prescribed by regulation.

Clause 6 confers on an employee of a gas supplier power to enter premises accompanied by a member of the Police Force for the purpose of interrupting a supply of gas to a building or rendering it safe during the period when gas appliances are being converted to the use of natural gas. This is only a safety precaution, and the power will be rarely used. A similar power exists in Victorian legislation and in practice has been found useful.

Clause 7 fixes the standard rate of dividend payable by the company to its members at 7 per cent or such higher rate not exceeding 8 per cent as is approved by the Treasurer. For a number of years the approved dividend has been 7 per cent. The clause also provides that the interest paid by the company on money borrowed by it on security is to be at such rate as is approved by the Treasurer. This is a provision similar to one that applies to the Electricity Trust of South Australia.

Clause 8 strikes out some obsolete provisions of section 29a of the principal Act. Clause 9 repeals certain sections of the Act that have become obsolete by reason of the fixing of the price of gas by the Prices Commissioner. Clause 10 clarifies section 36 of the principal Act to apply its provisions to all gas suppliers and not only to the South Australian Gas Company. Clause 11 repeals section 37 of the principal Act which is no longer necessary.

Clause 12 enables the South Australian Gas Company to invest its funds at the discretion of the Directors of the company. Section 38 (2) of the Act at present limits the types of fund in which its depreciation and reserve accounts may be invested. It seems unnecessary for the Directors to be restricted in the way in which specific portions of its funds may be invested and, as there is no need for statutory direction in this matter, clause 12 deletes this subsection. Clause 13 repeals section 41 of the principal Act because the half-yearly statement which the company is required to publish under that section would now serve no purpose.

Clause 14 prescribes in the First Schedule to the Act the calorific value of various types of gas and makes provision for the testing of gas for purity in accordance with the regulations and by a method approved by the Director of Chemistry. As natural gas is odourless, it is necessary, in the interests of safety, that it should contain an additive that gives it a distinctive smell, and paragraph (*c*) of clause 14 adds a new Part to the First Schedule providing accordingly. This Bill has been inquired into and reported upon by a Select Committee in another place.

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

SUPREME COURT ACT AMENDMENT BILL (VALUATION)

Adjourned debate on second reading.

(Continued from November 5. Page 2725.)

The Hon. R. A. GEDDES (Northern): Research into the whole ambit of this Bill, with all its consequential amendments to other Acts, is most interesting because of the complexity of the whole scheme to set up a land valuation court. In the first instance, I was under the impression that this Bill was designed to give assistance to those people who desired a right of appeal in relation to the implementation of the Metropolitan Adelaide Transportation Study plan.

The Council will recall that many members asked that there be some right of appeal for people who were dissatisfied with compensation assessed upon acquisition under the M.A.T.S. plan and that there be some point of reference provided for them by the Government. Speaking for myself, the depth of this Bill is far greater than I had envisaged it would need to be in implementing that very part of the M.A.T.S. plan. Whether this is good legislation because it is so all-embracing, bringing in as it does so many other Acts affecting the acquisition of land and appeals against rates and assessments, is something on which I would like to reserve judgment. My first thinking is that this centralized type of control, with all power to one judge, is not good. However, I could be wrong on this point, because it is not one to be treated lightly or capriciously. In any event, the Bill is now before us and I intend to try to debate it as I see it.

Arriving at decisions of conformity and agreeing to methods of dealing with the problems of land valuation could result in greater consistency in the determinations of this court. However, a problem that has occurred to me concerns the problem of the small complaint, the objection to, say, valuation, particularly in relation to those parts of the Local Government Act which apply under the Bill. For instance, a person could appeal against an assessment of between $100 and $200. I would say that, because of the cost involved and the small monetary return likely to accrue to the person making the appeal, its chances of getting to the Land Valuation Court would not be great. Therefore, justice would be denied that person. At present, as the Council would be aware, the appeal is made to the local court nearest to the offices of the local government authority involved.

As the Hon. Sir Arthur Rymill said yesterday, with a big claim in connection with, say, the acquisition of a house, there is certain justification for this consistency of appeal and for the consistency of decision such as this court will ensure. However, because it is such wide legislation, we should ensure that we do not make it too big for the small appeal—not necessarily for the small person but for the small appeal.

More learned members have spoken at length on the need for full rights of appeal, and I endorse that thinking entirely. The Minister will be required to give very compelling reasons why this right of appeal should not be granted, particularly as the court concerned will be dealing with matters ranging over the whole ambit of State legislation. After all, judges are only human. A judge can be unwell or distracted by other matters, and possibly he could give a decision that would not be consistent with other rulings, either past or present. Therefore, to my way of thinking this right of appeal is most necessary.

I disagree with one thing that my friend the Hon. Sir Arthur Rymill said yesterday. The *Advertiser* report of the honourable member's comment is as follows:

Sir Arthur Rymill said he believed a specialist judge was not necessary to administer the law on compulsory acquisition which he had never understood to be of any great complexity or difficulty.

Here I see the argument on the other side, because not only will this court have to make decisions in relation to the compulsory acquisition of land used for freeways or the auxiliary services but the Land and Valuation Court will have to be able to make a decision in relation to the land or property adjoining the freeway which possibly was in a high value area prior to the building of a freeway, and because of the freeway and the position of the land there may be some difficulty in deciding what would be a fair and just valuation of that property.

I do not think a panel of judges is what is needed. I believe we need efficiency and speed, in getting decisions. I do not know the answer to the question whether three judges would do a better job than one judge but, in my opinion, as long as there is a right of appeal (and that must be emphasized), I believe one judge can handle the work efficiently. Turning again to the question whether the position will be one of complexity or difficulty, I point out that the Bill makes it clear that the South-Eastern Drainage Act has to be amended. In relation to the Bill's effect on that Act, I have been told that decisions often have to be made where a hypothetical interpretation has to be placed on what might be the productivity of certain land in, say, five or ten years' time. I have also been told by various people within this State that people concerned with the South-Eastern Drainage Act could benefit from the passing of this Bill, especially once the court has existed long enough to establish its precedents and principles.

Turning to the Bill, I am a little confused because in his second reading explanation the Minister, in referring to clause 4, said:

Clause 4 increases the number of puisne judges of the Supreme Court from six to seven to allow for the appointment of a judge to the land and valuation court.

In the Bill before us all those words have been crossed out. I do not know why that has been done; possibly there is an explanation, and I presume there is, but it is not self-explanatory to me. My next comment relates to clause 6 (4), which reads:

(*a*) 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 illhealth or any other cause, unable, wholly or in part, to perform the duties of his office;

or

(*b*) the Governor is of the opinion that it is in the interests of the administration of justice to do so,

the Governor may, by instrument published in the *Gazette*, confer temporarily or permanently the jurisdiction of the Court upon any other judge.

I wonder why it is neessary for the Governor to do this? Would it not be wiser for the Chief Justice to say that a judge of a particular court is unable to perform his duties for any of the reasons stated and to appoint another judge to carry out those duties in his stead?

This Bill is one of considerable legal depth. Some of the remarks of the Hon. Sir Arthur Rymill relating to the Australian Constitution and to the High Court of Australia are matters which I am unable to debate, but I hope that the Minister will seek a further opinion on those points before the Bill is passed in this Council in order to see that the court does not become bogged down with further appeals to the High Court on technicalities and points of law. We want this type of legislation introduced so that people who need the court to help solve their problems will be able to make use of it without any unnecessary resort to the High Court to obtain a further opinion.

The only problem, as I see it, is when an appeal is lodged in connection with local government, or with the Renmark Irrigation Trust, or other Bills complementary to this Bill, if that appeal is of a minor nature. At present an appeal of that kind would be dealt with by a magistrate's court. I do not know whether we are going too far in providing that all appeals be heard by this one court. In spite of what I said earlier, it will be good to have such a court, which will provide consistency. I think that sometimes legitimate cases will arise that will never reach this court, because the claim may be a minor one and the people concerned may not approach the court, as it would not be practicable to do so. At this point I support the second reading.

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

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 5. Page 2728.)

The Hon. JESSIE COOPER (Central No. 2): We have been asked to consider this Bill to amend the Constitution. This is the most far-reaching alteration to the South Australian Constitution since it was first adopted. It could well break this State in the future. Whereas in the past it has been recognized in South Australia that our wealth comes largely from our exports of rural production and primary industries, and whereas it has been recognized that, in such a situation, it is reasonable to give the people who cultivate the soil and produce that wealth from nineteen-twentieths of our State an equal say in its law-making with those who function in secondary industries and commerce in the crowded metropolitan and industrial towns, we are now faced with the proposition that this principle should be annihilated.

We are asked to consider a proposal that will give the metropolitan area and the other four major industrial towns 32 seats in another place as against 15 seats from the substantially rural areas—that is, a majority to those who live in the industrial areas of over two to one. What hope have the people from our country areas of having their voices heard when they are represented by no more than 15 members in a House of 47?

This Bill, I repeat, brings about the greatest change that has ever been proposed in our Constitution. I am astounded that it comes to us after just two days' debate in another place. I am astounded that the representatives of the rural areas were not heard in opposition to this most damaging Bill. Evidently the future of this State is to some representatives not as important as, for example, betting on the dogs, which brought forth 18 speakers over a period of a month, or as the right of privacy, which has brought forth 9 speeches to date, or even the good old Prices Act which in this year of its old age can still stir eight people to give tongue.

I consider that the contents of this Bill should be shouted from the rooftops and the people of the State made to realize what is happening behind all the smoke screens spread in recent months. If and when this Bill is passed, the country people, who are responsible for a gross value of primary production in South Australia of about $500,000,000 each year, will not have an effective voice in the councils of this Parliament for the next 50 years. Let us not forget that these are the people who produce more than 77 per cent of all South Australia's exports. For the benefit of honourable members, I have examined the last *South Australian Year Book* (1968), which, at page 462, states:

> Exports of manufactured goods are increasing both in absolute terms and as a proportion of total exports but the bulk of exports is still of goods normally classified as primary products. In 1966-67 the "food and live animals" group (including wheat) accounted for $98,700,000, or 30.4 per cent of exports . . . and "crude materials, inedible" for $151,800,000, or 46.7 per cent (including wool . . .).

The inedible products referred to include hide, skins, fibres, ores and scrap metal. I consider that this Bill should be drastically amended to

permit the people who produce what is substantially the State's major new wealth each year to have a voice in Parliament sufficiently powerful to insist on its being recognized. I believe that one of the great weaknesses of the South Australian Constitution is that it can be changed by Parliament and does not require the prior approval of the people of the State. I will not nauseate honourable members by attempting to define that much used (and much misused) word "democracy", although we are constantly being told that the alterations being made to our Constitution are necessary to maintain various people's vague concepts of what that word means. I believe that many people, both inside and outside Parliament, have been misled by those who presume to practise that most unscientific of alleged sciences, political science—that realm of activity that seems to be mainly concerned with ignoring the lessons of history, or camouflaging them, and with promoting a campaign of old-fashioned, discredited Socialism under a screen of pseudo-intellectual jargon. I hope that before the catastrophe of this Bill is finally wished on the State, the South Australian people will, through their press and other means of distribution of information, be well-informed on what this proposed redistribution really means to the future of South Australia.

The Hon. H. K. KEMP moved:

That this debate be now adjourned.

The Council divided on the motion:

Ayes (15)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), 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.

Motion thus carried; debate adjourned.

MOTOR VEHICLES ACT AMENDMENT BILL

In Committee.

(Continued from November 5. Page 2744.)

Clause 5—"Duty to grant registration and allot number"—to which the Hon. C. M. Hill had moved the following amendments:

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.

The Hon. C. M. HILL (Minister of Roads and Transport): I ask leave to withdraw the amendments I moved last evening.

Leave granted; amendments withdrawn.

The Hon. C. M. HILL moved:

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 did not at the time of its construction conform with the provisions of any Act or any regulations under an Act regulating the design or construction of such a motor vehicle.

The Hon. Sir ARTHUR RYMILL: I thank the Minister for his consideration in this matter. This amendment very suitably covers the questions at issue, so I am happy to support it.

The Hon. Sir NORMAN JUDE: The Minister was good enough to inform us that, where the Registrar varied the numbers on vehicles of interstate hauliers, the department would meet the cost involved. Does the Minister think that the department's undertaking to meet the cost should be implemented by regulation or incorporated in the legislation?

The Hon. C. M. HILL: I do not think there is any action necessary. The number of trucks involved is not large, and it is becoming smaller all the time. The numbers being issued today are not the old ones; I think the old ones started with the letters "IS", but they became confused with numbers on trucks from other States, particularly Victoria.

The Hon. Sir NORMAN JUDE: I accept the explanation.

Amendments carried; clause as amended passed.

Clauses 6 to 9 passed.

Clause 10—"Registration fees for incapacitated persons."

The Hon. R. A. GEDDES: I move:

In new subsection (3) to strike out "fourteen days" and insert "three months".

This clause deals with reduced registration fees for incapacitated persons and it spells out what happens if the incapacitated person dies or ceases to be the owner of the vehicle. My

amendment lengthens the period after the death of the incapacitated person for which the registration of the vehicle may continue in force at a reduced fee. Apart from the problems associated with a man's death, I think a period of 14 days is insufficient for his widow to have the car reregistered.

The Hon. G. J. Gilfillan: If she is aware of the need to do so.

The Hon. R. A. GEDDES: Yes. In its last Budget the Commonwealth Government recognized the need of widows and incapacitated persons for financial help by allowing pensions to continue uninterrupted for six weeks after the death of the incapacitated person. During my second reading speech the Minister, by interjection, said that he hoped to consider the matter but, unfortunately, this has not occurred. I have suggested a period of three months, but my basic point is that the period should be longer than 14 days.

The Hon. C. M. HILL: I said earlier that it was rather strange that this point had been raised by several honourable members because, in fact, the present practice seems to be working quite well; it is that a 14-day period is granted. Incidentally, the present practice is interpreted by the Registrar in such a way that the normal fee dates back to the date of death, not to the day 14 days after the date of death. This clause was included in the Bill because it was thought that the wording in the principal Act was confusing.

The clause provides for the period of 14 days that is granted at present, but it makes it clear that the reduced fee can apply during that 14-day period. However, the normal fee must apply after the 14-day period has elapsed. If a widow or an executor has omitted to reregister a vehicle or inform the Registrar of the owner's death and the period has extended for more than 14 days, the Registrar has exercised his discretionary power and treated the whole matter with the compassion that one would expect. The amendment provides for a three-month period after the date of death—and at the reduced fee. This is going too far. If honourable members think that a 14-day period is unreasonably short, I would not object to its being extended to perhaps 28 days.

The Hon. JESSIE COOPER: I support the amendment. I feel strongly about this matter. No matter how well the present practice is working, sooner or later it will not work well. The executor of an estate does not always have time to attend to this particular matter. Although the Minister says that the Registrar treats such people with compassion, I can visualize circumstances where a widow may have what is virtually an unregistered vehicle and she may well be up for dire penalties. Anyone who has experienced long delays involving all sorts of departments after a person's death will agree that a 14-day period is laughable. A 28-day period is slightly more reasonable, but I think the Hon. Mr. Geddes is near the mark when he suggests a three-month period. This will enable a widow to get her bearings.

The Hon. S. C. BEVAN: I fully sympathize with the sentiments expressed by the Hon. Mr. Geddes, but I point out that the clause goes further than merely dealing with the death of an incapacitated person. It refers, too, to a person who, for some other reason, ceases to be the owner of a vehicle. A vehicle that has been registered for a specific purpose at a reduced registration fee could be sold or handed over to someone else to whom the same conditions would not apply. If the amendment is carried, that vehicle could be used for three months at the reduced fee. Perhaps a happy medium would be one month instead of the 14 days provided by the Bill. I do not know whether that would satisfy the Hon. Mr. Geddes, but I would be prepared to move an amendment in that direction.

The Hon. Sir NORMAN JUDE: I do not know whether we are going about this the right way by prescribing a period of time at all. Possibly, the simplest way would be merely to say that upon the death of the handicapped person the licence should revert to the full fee. Then it would not matter whether the period was one month or six months. If the account was not paid, the registration would, of course, cease to be valid.

The Hon. G. J. GILFILLAN: I think the Hon. Mr. Bevan's objection is covered in the clause as it stands by the words "or the cessation of his ownership". That is quite clear. However, I believe that the Hon. Mr. Geddes and the Hon. Mrs. Cooper make a valid point when they refer to the conditions that usually follow the death of a person, in that there is a considerable lapse of time, in most cases, before an estate is wound up. Some people may not be aware of their obligations under this Act. Although the clause provides that a registration shall become void 14 days after the death of a person, it is at the Registrar's discretion, as the Minister has said. I think it is wrong to provide for automatic deregistration. I think

that the Hon. Sir Norman Jude's suggestion was valuable, that whatever method may be arrived at a registration should not automatically become void if the full fee is not paid within 14 days. Insurance and other obligations are involved. I support the Hon. Mr. Geddes, because at least his proposal allows more time.

The Hon. A. M. WHYTE: Perhaps we are presuming that the vehicle would always pass into the possession of the widow of a handicapped person, and I am not sure whether we should not spell this out. The widow of a handicapped person could well have a real stake in the car although it was not registered in her name, because probably she had provided some money towards its purchase and she and her husband had regarded it as "our car". She might not realize immediately that it was not fully registered or that she would be responsible to pay the balance of the fee herself. For this reason, I think that 14 days is too short a time, and three months may be too long. Perhaps we should spell out to whom this three months is extended. The vehicle may be bequeathed to someone who has more money than the registered owner and who has other cars, too, so that he needs no protection. I think 14 days is insufficient time for a widow.

The Hon. Sir ARTHUR RYMILL: I agree with the Minister, I agree with the Hon. Mrs. Cooper, and I agree with the former Minister in what they have said, but I do not know that I agree with the Hon. Sir Norman Jude in what he has said. I also agree with the Hon. Mr. Whyte in what he has said.

The Hon. A. F. Kneebone: But will they agree with what you say!

The Hon. Sir ARTHUR RYMILL: I think 14 days is reasonable but three months is too long. I agree with the Hon. Mr. Geddes in his intention, but not specifically. I think 28 days would be a satisfactory compromise. I have had experience of how the Registrar works in the case of ordinary registrations; I have found him most co-operative and helpful. When my mother died a few years ago, he helped me get the vehicle reregistered immediately. I think 14 days may be a little too short a time. If the Hon. Mr. Gilfillan continues with his foreshadowed further amendment, I propose to support it.

The Hon. F. J. POTTER: I support the suggestion of the Hon. Sir Arthur Rymill. I think the ideal period here would be 28 days—or, perhaps, following the customary verbiage, one month. Honourable members must realize that, when a person dies, he or she may or may not leave a widow or widower. Many honourable members who have been supporting three months have envisaged that as being an appropriate period for a widow or widower, but when a person dies and leaves an estate in which it is necessary to take out probate of the will, the disposition of the deceased's motor vehicle will fall to the executor of the will. If there is no will, the vehicle will pass to the next of kin, and the Registrar will recognize the next of kin. There is nothing to prevent a motor vehicle being disposed of in a very short period of time after death. It happens frequently that a widow or widower says, "I do not want the motor vehicle; I cannot drive." The executor will be recognized by a secondhand dealer, who will put the motor vehicle up for sale within a matter of days, so there is no problem there. If this happens, there is no reason why a purchaser through a secondhand dealer should not pay the full registration fee.

The Hon. G. J. Gilfillan: But what about a cessation of ownership?

The Hon. F. J. POTTER: There is a distinction between a death and a cessation of ownership—although I admit he cannot take the vehicle with him! In these circumstances, the best time would be one month, and I would support an amendment in that direction.

The Hon. A. M. WHYTE: The owner of a vehicle with a concessional registration is held responsible for the destruction of that vehicle's disc and the cancellation of that registration when he transfers the ownership to someone else. I presume that in the case of a death the executor would also be held responsible for the destruction of the disc before the vehicle was passed on to anyone else. Perhaps some honourable members are under the impression that the vehicle could be transferred with the reduced registration still in force.

The Hon. R. A. GEDDES: I thank honourable members for the comments they have made. As I was not sure previously what was a fair and reasonable time, I now ask leave of the Committee to amend my amendment by striking out "three months" and inserting "one month".

Leave granted.

Amendment carried; clause as amended passed.

Clause 11—"Registration fee for certain invalids."

The Hon. R. A. GEDDES: I move:

In new section 38a (3) to strike out "fourteen days" and insert "one month".

This amendment is consequential on the one moved previously.

Amendment carried; clause as amended passed.

Clauses 12 to 22 passed.

Clause 23—"Points demerit scheme."

The Hon. Sir ARTHUR RYMILL: I move:

In new section 98b to strike out subsections (1), (2) and (3) and insert the following new subsections:

(1) Where a person is convicted of an offence specified in the third schedule to this Act the number of demerit points prescribed by the schedule in relation to that offence shall be recorded against that person.

(2) Upon the demerit points recorded against a person amounting to twelve or more in number, the driver's licence of that person shall be suspended, and he shall be disqualified from holding or obtaining a drivers licence for a prescribed period not exceeding three months.

A rumour circulated around the Council that the Hon. Mr. Kemp was not going to proceed with the amendment he had on the file and, in those circumstances, as a number of honourable members had in the second reading debate voiced the opinion that the points demerit schedule should be included in the Bill and not implemented by regulation, I took the liberty of redrafting his amendment, the result of which is on honourable members' files.

The honourable member's amendment provided for the intervention of the court. Honourable members will find that nothing the Minister has proposed is interfered with by my amendment, the purpose of which is to include a schedule in the Act rather than leave the matter at large to be prescribed by regulation. I intend to adopt the Hon. Mr. Kemp's amendment regarding the schedule.

If I move the other amendments successfully, I propose to move the adoption of all of the Third Schedule, except that the word "Maximum" in the third column on both pages thereof will be excluded, so that the heading of the third column will read, "Number of demerit points carried by offence." This will be in accord with the Minister's contention that there should be fixed demerit points for each prescribed offence and that they should not be variable, unless the court invokes proposed new subsection (11). This simply means therefore that, if my amendment is carried, these demerit points would be compulsory, and the court would have power to certify an offence as trifling, in which case it would not carry any demerit points. I submitted this amendment to the Draftsman who drafted this Bill, and I am happy to say that he did not alter a word of my draftsmanship, so I think I can go up top for once. He did draw my attention to this question of the maximum number of points.

I repeat that the intention of this amendment is to provide for the demerit points to be included in the Act instead of being prescribed by regulation. I do not know the Minister's attitude to this, but I again point out that my intention is not to alter anything else that the Minister has proposed.

The Hon. S. C. BEVAN: I support the amendment. I said during the second reading debate that unless a schedule setting out the demerit points was inserted in the Bill I would have no alternative but to vote against this whole Part. In my opinion, it would be far better if legislation on this matter was uniform throughout Australia. Many people travel between the States, and the various demerit points systems differ in certain respects from State to State. Therefore, unless this legislation was uniform or a person was conversant with the details of the various systems, he could find himself in trouble.

The Hon. C. M. Hill: We are not going to apply this scheme in South Australia to interstate drivers.

The Hon. S. C. BEVAN: The legislation does not say anything about this at all. If this matter was provided for by regulation, a motorist would have to obtain a copy of the regulations and keep them in his car so that he would always know what he stood to lose, and then the regulations might be altered. If details of the points likely to be lost were specified in the Bill, everyone would know where they were going.

The Hon. C. M. HILL: I am pleased that the amendment has been moved in this way because it will result in a vote in the Chamber on this principle. I have great respect for the opinions that have been made known during the debate, and I have great respect, too, for the views that have been expressed concerning the rights of private members on matters such as this.

However, I urge members seriously to consider this whole matter. As I said last night, the Government has been wanting to introduce some changes into the Motor Vehicles Act since 1967, and we have not until this moment

been able to get an amending Bill into this Chamber. If, as a result of representations made by the public to the Registrar and through the Registrar to the Government, or as a result of representations made by private members on either side to the Government, it was thought that a change in the points demerit schedule was needed, what would be the position?

Let us consider the rigidity that would result from the Hon. Sir Arthur Rymill's proposal to place this schedule in the Bill. It might be two years before the change could become effective. Let us compare that with the method that both the Government and I support of having the schedule prescribed by regulation. An amending regulation could be gazetted as soon as the Government thought there was a need for some minor change, and at that point it would take effect.

The Hon. D. H. L. Banfield: That's the trouble; Parliament could be out of session.

The Hon. C. M. HILL: I know that that could happen. I know, too, that such a regulation could be disallowed at a later date. I think all members must agree that changes to this schedule would not be made without a great deal of consideration. If we are to keep this schedule current and up to date (and surely that is what honourable members want), the better approach is to do it by regulation.

We hear a great deal of criticism on this question of regulations, but members on both sides know that the power to regulate is in practically every Bill that we pass. Why should members think differently about regulations in regard to this matter? A good point was made by the Hon. Mr. Hart some little time ago when dealing with the question of regulations in respect of the licensing of valuers. If ever there was a need for regulations to be queried it was in respect of that Bill, because those regulations were to lay down how valuers were to be examined and so forth, and people who are interested in the kind of examination and the subjects that a valuer (who has to value for probate and death duty and so forth) has to undertake ought to have queried the matter at that time.

But what did the Legislature do? It set out the broad machinery, and the balance of the process is to be completed, with the confidence of this Chamber, by regulation.

The Government in this matter intended to use the schedule which we have publicized and which has been announced on the floor of this Chamber as a basis for points and offences. I use the word "basis" because we want to hear what honourable members think about it. Incidentally, I hope that if members vote for Sir Arthur's proposal they will right now debate these things.

The Hon. S. C. Bevan: We should have the right to debate it.

The Hon. C. M. HILL: The honourable member has the opportunity now, because this is the time to do it. The Government's approach was that we would seriously consider the points that were made in regard to these offences and the number of points that each offence carried before we finally settled on a schedule by regulation.

If this Chamber wishes the schedule to be placed in the Bill, it will vote for Sir Arthur's amendment. On the other hand, the Government believes that the better process to follow to ensure that the implementation of the points demerit scheme is fully effective is to handle the matter by regulation.

The Hon. Sir NORMAN JUDE: I am in some difficulty in debating this amendment because it has two or three facets in what is a very long clause. For the moment I will devote myself to the first part of the Hon. Sir Arthur Rymill's amendment and deal with that facet covering the schedule at a later stage. I consider that the court should have a discriminatory power, and the Minister in his reply suggested that that was not the answer and referred me to the provisions of proposed new section 98b (11), which reads, in part:

> If the court is satisfied by evidence given on oath that an offence is trifling . . . demerit points shall not be recorded in respect of that offence.

If such a certificate is given, demerit points should not be awarded in respect of that offence. I suggest to honourable members that that is an immediate contradiction, because on the one hand the Minister says that a court should not have discretion but on the other hand he draws my attention to a clause that grants that discretion to say that an offence is trifling. In what kind of position is a magistrate placed? For example, compare a speed of 42 miles an hour on an open highway in off-peak hours at night with a speed of 42 miles an hour along Unley Road in peak hour traffic at about 5 p.m. A discretion is allowed to the court to say that the offence is trifing, or that it warrants three demerit points. We have been asked to give this legislation careful consideration; is it just and fair to place the onus on a magistrate conducting a court to say that an offence is a trifling one,

or that it warrants three demerit points? Surely there must be a happy medium where one, two, or three demerit points may be awarded?

The Hon. R. C. DeGaris: The magistrate has to cancel a licence under the present legislation in certain cases.

The Hon. Sir NORMAN JUDE: I know. My point is that if a licence is cancelled in those circumstances a further penalty should not be imposed. Under the points demerit scheme it is possible for a motorist to have demerit points awarded against him for a certain traffic offence, and yet at the hearing of his case in a court a certificate of triviality may be granted. I ask the Minister to consider that point carefully.

The Hon. F. J. Potter: There would not be a certificate of triviality issued in connection with a licence suspension.

The Hon. Sir NORMAN JUDE: That is the point I am making. I say the provision should be removed from the Road Traffic Act if demerit points are awarded for that offence. The Minister's comments are contrary to the position in New South Wales where this system operates. In a case similar to one I have mentioned demerit points are wiped off at the moment of suspension. I believe there is something wrong with either the section in the Road Traffic Act or the points demerit scheme.

The Hon. F. J. Potter: Is it not a much shorter period in New South Wales? I think the total period is 12 months in that State, as against three years proposed here.

The Hon. Sir NORMAN JUDE: That has nothing to do with the point I am making. I quote from comments made by the responsible Minister in New South Wales:

As in the case of licence disqualification imposed by a Court a driver who loses his licence under the points system has the right to appeal to a Court of Petty Sessions. The points score of a driver reverts to nil when his licence is revoked under the points system or by a court.

That has nothing to do with how many points it takes to get there; it merely states that if a licence is suspended, then the points are revoked.

The Hon. R. C. DeGaris: In other words, if a motorist is convicted of dangerous driving and has his licence cancelled, any points he may have accumulated up to that time would automatically be revoked?

The Hon. Sir NORMAN JUDE: That is so, and that is why I say it should be removed from the points demerit system altogether. I think honourable members should give this matter most careful consideration in seeing that the court should have this discretion, or the Minister should agree that in the case of a suspension of a licence the points should not enter the demerit system at all but be wiped out. In my opinion, he cannot have it both ways. I will not be satisfied on this matter until I have drafted what I consider to be a satisfactory amendment.

The Hon. C. M. HILL: The schedule was drawn up in South Australia after very deep and lengthy (and by "lengthy" I mean extending over a period of years) investigation into the points demerit scheme, both in other States and in other parts of the world. Any honourable member may take one facet only from one system and say that he especially likes it. That is what the Hon. Sir Norman Jude is doing in this instance, and endeavouring to have it placed in our system.

If the honourable member wishes to pursue that point, then it is up to him to move an amendment. In other words, as I understand his comment, the honourable member believes that if a person has his licence suspended by a court, then any points he may have acquired up to that date and which he would acquire as a result of that current offence would be wiped out automatically, or would not in any way apply.

That is contrary to the demerits principle we are trying to implement because we want it to work apart from the court. The court has a job to do; it deals with offences, fixes penalties, and yet still has a discretionary power. The proposed points demerit scheme will act, we hope, as a protective system for the public against an offending driver, and we believe that that driver should be awarded a certain number of demerit points for a particular offence. He carries any points so acquired and, in our view, he would in future drive with greater care than he would otherwise do.

As to a certificate of triviality, I agree, and I am prepared to admit, that it was introduced during the long period of public discussion that ensued in connection with this measure. Strong representations were made to the Government from different interests concerned with this matter, and all were given careful consideration. We bowed to some of the suggestions, and the appeal clause was one of these, while the certificate of triviality was another.

We thought there might well be some people who had not been before a court for perhaps 10 years who might be convicted of a minor offence. It may be the case of a widow driving a motor vehicle, and we considered she would be aggrieved if she were forced to carry demerit points for a trivial offence. Therefore, we made it possible for her to get a certificate of triviality so that she would not have demerit points recorded against her. I do not think it can be claimed that the whole points demerit scheme is interwoven into court procedure simply because of that one point dealing with a certificate of triviality.

The Hon. Sir ARTHUR RYMILL: I think it necessary, in view of the discussion, to repeat a couple of points I made during the second reading debate. The first point I made when foreshadowing this amendment was that people were entitled, in my opinion, to study an Act of Parliament in order to understand their obligations. As a practising lawyer, I know I always found it extremely difficult to get hold of regulations, and generally there was a whole string of them. It was terribly difficult to find some of them. I think if honourable members tried to find certain regulations without calling upon the assistance of the Parliamentary Librarian they would be hard pressed to do so.

The Hon. S. C. Bevan: When you do want them they are often not in print.

The Hon. Sir ARTHUR RYMILL: That is so, or they cannot be found. Secondly, anybody can move an amendment to an Act of Parliament, but I have yet to learn of machinery whereby a private member can alter a regulation. We can certainly disallow it but, as far as I know, that is all we can do.

I want to comment on two things the Minister has said because, with the utmost respect, I found them slightly confusing because I thought they were contradictory. He said, in effect, that he wanted the scheme to be incorporated in regulations because it would then be capable of speedy change; however, he said too that, if a schedule was incorporated in the Bill, it could be two years before a change could be effected. He said that no change would be made without great consideration, and that does not sound like a speedy change to me. He said, too, that this was the time to debate the point. However, unless honourable members carry my amendment they will have no opportunity of debating the point.

The Hon. C. M. HILL: I did not put that forward. The Registrar intends to circulate with each licence renewal notice the list of demerit points, so that all motorists will be made aware of it annually. Therefore, there should be no need for any person to have to undertake a search of either the legislation or the regulations.

The Hon. Sir ARTHUR RYMILL: I think that is an excellent idea, but I regard it as ancillary to, not substitutionary for, my amendment.

The Hon. Sir NORMAN JUDE: The Minister said that minor adjustments might become necessary from time to time. I point out that the reason why changes will become necessary, whether the points demerit scheme is incorporated in a schedule to the Bill or in regulations, is that the scheme is too complicated. Why should 49 items be listed, when the New South Wales scheme has only 19 and in Victoria a scheme with only 22 items is being considered? The major offences there have been left out altogether because they involve mandatory suspensions of licences. With strong reservations, I will support the amendment for the time being.

The Hon. C. M. HILL: The points allotted to offences in the scheme are not based upon their severity as traffic offences—that is not the principle involved in the points demerit scheme. The offences listed are those of an accident-causing nature, because the scheme is aimed at reducing accidents. If we took the Hon. Sir Norman Jude's approach we would have a different kind of list altogether.

Anyone can make fun of the comparative number of points allotted to various offences if he ignores the principles applied when the scheme was prepared. Much consideration was given to it by a very representative committee comprising officials of the Police Department, the Registrar of Motor Vehicles Department and the Royal Automobile Association (representing the general public).

The Committee divided on the amendment:

Ayes (14)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, Sir Norman Jude, A. F. Kneebone, F. J. Potter, C. D. Rowe, Sir Arthur Rymill (teller), A. J. Shard, V. G. Springett, and A. M. Whyte.

Noes (5)—The Hons. R. C. DeGaris, L. R. Hart, C. M. Hill (teller), H. K. Kemp, and C. R. Story.

Majority of 9 for the Ayes.

Amendment thus carried.

The Hon. Sir ARTHUR RYMILL moved:

In new subsection (5) after "section" to strike out "and the regulations".

Amendment carried.

The Hon. R. A. GEDDES: I move:

In new subsection (6) before "post" to insert "registered".

This amendment deals with a person who has accumulated more than half the number of demerit points required for the suspension of his licence and who, therefore, must be advised of the fact. The new subsection provides that he shall be advised by post. This is not a nation-rocking amendment but it worries me that a person may not get, or may claim he has not received, notification. It would be safer and wiser for the Registrar to send out the notice by registered post so that the recipient could sign for it, thus ensuring that he received it. I think this is fair and proper.

Amendment negatived.

The Hon. Sir ARTHUR RYMILL: I move:

In new subsection (12) after "when" to insert "the aggregate of the".

This, again, is consequential.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

In new subsection (12) to strike out "amount to a prescribed aggregate" and insert "amounts to twelve or more demerit points".

The amendment is consequential because the present words relate to a "prescribed aggregate", whereas this amendment contemplates an aggregate nominated by the Government.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

In new subsection (13) to strike out "and the regulations".

This, again, is consequential.

Amendment carried.

The Hon. C. M. HILL: Before the Hon. Mr. Geddes proceeds to the next amendment on the file, I notice it deals with appeals to the court. As this will need much consideration, I ask that progress be reported.

Progress reported; Committee to sit again.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

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

ADJOURNMENT

At 4.48 p.m. the Council adjourned until Tuesday, November 11, at 2.15 p.m.