

LEGISLATIVE COUNCIL.

Wednesday, October 5, 1955.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

PORT WAKEFIELD HOSPITAL (TRANSFER OF ASSETS) BILL.

The Hon. C. D. ROWE (Attorney-General), having obtained leave, introduced a Bill for an Act to enable Port Wakefield District Hospital Incorporated to transfer certain land and money to the Port Wakefield and District Progress Club Incorporated, and for other purposes incidental thereto.

Read a first time.

EVIDENCE ACT AMENDMENT BILL.

Read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (ELECTORAL BOUNDARIES).

Adjourned debate on second reading .

(Continued from October 4. Page 953.)

The Hon. C. R. STORY (Midland)—I rise to speak on this Bill for two reasons. Firstly, it is the result of a report, which has been tabled in this House, from the commission appointed to inquire into this matter. I think one must be fair and say that the commission did an extremely good job and that its report is fair judged by the way in which the districts have been divided as far as numbers are concerned. However, I am not so interested in numbers as in the effect that this Bill, if it is allowed to pass without amendment, will have upon people with community of interests in certain industries, and I would draw attention particularly to the position with regard to the Midland and Northern districts. The area which the representatives of the Northern district will be asked to look after is colossal, and unless somebody is prepared to issue each of those members with a helicopter I have no idea how they are going to get around their districts. From this point of view I think the whole thing has not been done so equitably. The district of Chaffey, which has been in Midland for many years, has been taken from Midland and put into Northern, and the district of Ridley has been taken from Southern and put into Midland. Both of these districts have common interests in as much as they are producers of dried fruits, wine and citrus and canning fruits. In common with other districts which at present comprise the Midland district, such as Angas, Barossa Valley and portions

of the outer Adelaide Hills, practically the whole of the fruitgrowing industry will be in the Midland district, with the exception of Chaffey. Also there are geographical difficulties involved as the members who represent Northern will be required to do a great amount of work in the river areas, and a glance at the map shows that they would be required to travel very long distances through arid country to get to the three major towns involved, Renmark, Berri and Barmera. It would therefore appear to be quite logical to suggest that an amendment be made to enable Chaffey to be removed from Northern and put into Midland. I took out the Assembly figures for those two districts as proposed under the Bill, and found that there are 53,000 in Midland and 59,000 in Northern. If the district of Chaffey were put into Midland it would bring the figures within a few hundreds of each other because Chaffey has 7,200 voters enrolled. I intend to move an amendment in an endeavour to bring this position about. We would then have four members in Midland representing, I should think, at least 90 per cent of the industries I mentioned earlier, with their common interests. It would give members an opportunity to specialize in those particular things they have in their districts. If the members for the Northern district are asked to look after those three towns I mentioned, they will be in an unfortunate position because in the main their interests would be pastoral and wheat, plus the industries at Whyalla, Port Augusta and Port Pirie. The position as I see it is that the people in those districts would be better represented if the four members were able to specialize and become thoroughly acquainted with the problems in their district. It would take some of the burden from those forced to represent the Northern district. I therefore support the second reading.

The Hon. A. J. MELROSE (Midland)—It is not without reluctance that I rise to support the trend of Mr. Story's comments, and I take this opportunity to register a protest against the findings of the Commission. I do not think that any sane person would suggest that the redistribution of the seats has been engineered by anyone with the object of gaining any particular advantage, because to do so would immediately suggest that the three highly honourable gentlemen who constituted the Commission were open to corruption. I do not think that anyone, even jokingly, would offer such a suggestion. I am prepared, as I hope every other honourable member of the House is, to realize that they have done their job in a most

highly conscientious way. The lines upon which I think I should protest are in the same direction as those mentioned by Mr. Story. I cannot see any particular advantage in taking Chaffey away from Midland and tacking it on to Northern, and taking Ridley from Southern and adding it to Midland.

If the Commission's recommendation is accepted Northern will represent that part of the State from Eucla to Renmark. For all practical purposes one could say that the north-south railway is the eastern boundary of the Northern electorate. The population to the east of the railway is very scant, and there would not be much call for members to travel to hold political meetings. However, if members for the Northern district wish to visit the River districts it would be necessary to travel right across Midland to the isolated area which is not in any practical way connected with the rest of their electorate. It does not seem to serve any great purpose to interchange the two districts of Ridley and Chaffey. Under the terms of reference the Commission, as far as was compatible with the provisions of section 5 of the Act, had to endeavour to create Assembly districts in each of which the electors had common interests, and to create districts which were of convenient shape and had reasonable means of access between the main centres of population therein. Although that is specified to apply to the Assembly districts, it must be reasonably considered that the same thought would be in the back of the minds of the Commission when dealing with the Council districts. Therefore, I say that the Commission has apparently lost sight of the practical difficulties of members representing a district which extends from Eucla to Renmark.

Hard cases do not make good laws. One cannot help feeling that we have procured a very admirable representative of the River districts in Mr. Story, and we have the advantage of his highly specialized knowledge. Under the proposed change, he would have to ask the leave of one of the members of the Northern district before he could advance the claims of a district of which he knows so much. That is one of the hard cases which make bad law. I do not know that I can do anything but draw the Government's attention to what I think is an unfortunate rearrangement of that part of the State by supporting the amendment foreshadowed by Mr. Story. I say that with all earnestness. The Government, in order to make it practicable for a

district to be properly represented by a member, should see to it that he has reasonable access to it. Those who represent the Northern district with all its ramifications, including the West Coast and its new industries, also have the industries at Radium Hill, Leigh Creek, Whyalla, Port Lincoln and Thevenard in their area, and it hardly seems fair to include in their district the wine and dried fruit areas of the Murray, which represent another big responsibility.

Ever since I have been in Parliament I have been an advocate of the rights of river settlements, because they have always seemed to me to be the most valuable province of our State. They have had a great past and will have a great future, and I have always expressed the opinion that we have neglected them in such matters as the provision of roads and bridges. If they are tacked on to the western part of the State it will make it more difficult for them to have the representation they want, and that will be doing them a disservice. Although I support the second reading, I reserve the right to support Mr. Story's amendment.

The Hon. R. R. WILSON secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL (RACING DAYS AND TAXES).

Adjourned debate on second reading.

(Continued from October 4. Page 952.)

The Hon. F. J. CONDON (Leader of the Opposition)—The introduction of the legislation to provide extra racing days has in the last few years always fallen to private members. On this occasion, however, the Government has introduced a Bill to grant an extra racing day at Morphettville to the South Australian Jockey Club. I can remember, when we met in the old building, there was once a hard fight when an amendment was moved to increase by six the number of racing days in the metropolitan area. That Bill was introduced in the House of Assembly and I well remember the part you, Mr. President, took on that matter when an amendment to grant extra days was moved. There was a difference of opinion between the two Houses that resulted in a conference being held, and by compromise it was agreed that three extra days would be provided. Mr. Cudmore took a very prominent part in that debate. I think it is about time that the Act was overhauled because some of the silly things it contains make this State a laughing stock. Radio listeners are told that it is illegal to take

part in a quiz or to send advertising wrappers to another State. Last Saturday I was given a Western Australian daily paper which published prices for Melbourne and Sydney races. It is an offence to sell that paper in South Australia because it contains those prices, so to comply with the law all reference to prices must be cut out. No wonder this State is a laughing stock! I can understand the Government introducing this Bill because it means so much in revenue, despite the fact that under ordinary conditions honourable members are opposed to such legislation. If I were opposed to gambling I would oppose all measures of this type; I would not support them just because they meant additional revenue. Why do not members stand up for their principles? Many members have opposed legislation that would have stopped these farces. The sporting public, irrespective of what sport it is engaged in, is entitled to every consideration, but what does this Bill do? In the first place it renders a service to those who attend sport in the metropolitan area, and in the second place it extends privileges to people who attend races in the country.

The Hon. J. L. Cowan—In parts of the country.

The Hon. F. J. CONDON—It was because of a request by people in the South-East that this legislation was introduced. Sporting bodies there asked the Government to amend the Act to provide these facilities, namely, the transference of a race meeting from one course to another. In this matter there is a weakness in our legislation, as was shown on a recent occasion when, because of adverse weather conditions it was desired to transfer a meeting from Morphettville to Victoria Park, and the Crown Law Office ruled that it was not permissible to transfer the totalizator from one course to another. However, under the law the Minister has certain powers and I am pleased to know that he exercised them in the right direction because the meeting involved was a charity meeting. Those conditions could arise again and this Bill will give extra power to the Minister in that direction.

As the law stands the bookmakers have to lodge their returns with the Betting Control Board by mid-day on Friday in one matter and mid-day on Saturday in another. This Bill alters the day in both matters to Thursday and I understand this meets the convenience of all concerned. I now ask members to examine the Bill on their files and examine clauses 4 and 5. Members, let alone people outside,

might be excused for thinking that those clauses were part of the Bill, but they are not.

The Hon. C. R. Cudmore—Nobody knows what this means better than the honourable member.

The Hon. F. J. CONDON—I am saying that quite a few members may not know what it means. Clauses 4 and 5 must be printed in erased type because they deal with taxation. Section 62 (2) of the Constitution Act authorizes the Council to send to the House of Assembly a Bill containing suggested money clauses, and to request, by message, that effect be given to this suggestion. Council Standing Order No. 281 requires that any clause dealing with taxation, etc., in any Bill introduced into the Council, "shall be printed in erased type and shall not be deemed to form any part of the Bill." The message transmitting such a Bill to the Assembly for its concurrence "shall also draw attention to the suggestion indicated by the clause or amendment printed in erased type, stating that such a clause or amendment cannot originate in the Council, but is deemed necessary to the Bill." Honourable members will remember that section 61 of the Constitution Act provides "A money Bill or a money clause shall originate only in the House of Assembly." The procedure laid down honours the provisions of the Constitution Act because "the Assembly may, if it thinks fit, make any omission or amendment or insertion so suggested, with or without modifications" as laid down in section 62 (2). How many members were aware of that?

The Hon. C. R. Cudmore—Didn't you support the idea of Ministers introducing Bills in the House in which they sit?

The Hon. F. J. CONDON—I have on many occasions, but the Constitution provides for certain things. I am not objecting to the Bill being introduced here, but I am pointing out what it really means. This is a House of review and we have to ask another House, "Please, Sir, deal with this." I will continue to advocate that Bills be introduced in this Chamber because I do not admit that this is a House of review; it is a House of initiation and has as much right as the Assembly to introduce legislation.

The Hon. C. R. Cudmore—It sounds like a couple of bob each way.

The Hon. F. J. CONDON—The honourable member knows more about that than I do because he is all over the place. We have to be alive to the situation and if my friend goes to sleep on these matters I do not intend to do

so. One of the arguments used in support of this Bill is increasing population and public demand. It is a pity we cannot be consistent and recognize those reasons in other matters.

The Hon. E. Anthoney—The honourable member is not referring to margarine?

The Hon. F. J. CONDON—I am not mentioning anything, but it shows how inconsistent people are when they use that argument to suit them. When things are different they are not the same. Everyone has the liberty of choosing his own sport; some prefer football and some cricket, but they have the right to choose where they shall go, but wherever they go they have to comply with the laws. In this Parliament a few years ago a minority held up their hands in horror and said, "We cannot increase facilities for the people to enjoy themselves on Saturday afternoons," but when things got a little bit tough they changed their opinions to some extent and then said, "Oh yes, we encourage racing, because we get something out of it, and therefore they agreed to a winnings tax. I am not objecting now, although I did at the time.

The Hon. Sir Frank Perry—You mean you were wrong?

The Hon. F. J. CONDON—I am never afraid to express my opinion, and I am not always trying to be on the popular side like some members want to be. It is a very funny thing, but on many occasions opinions I have expressed in this place have been followed in the end.

The Hon. C. D. Rowe—It is very good of the honourable member to look after our consciences for us.

The Hon. Sir Frank Perry—He assumes a big responsibility.

The Hon. F. J. CONDON—I have never had an opportunity to attend a university, but my friend the Attorney-General has a lot to learn in some directions and even a Labor member may be able to teach him something. Now I come to the question of what this legislation means to the Government. Revenue received last year from bets amounted to £1,281,979, of which the Government's share was £725,463. The bookmakers' turnover tax amounted to about £273,275 and stamp duty on betting tickets £30,000, thus the total paid by bookmakers was £303,305. Last year the Government received £648,687 from the winning bets tax, and unclaimed moneys amounted to £24,275, which went to the coffers of the State. The total tax paid by bettors was £673,062. Totalizator percentages amounted to £298,369, and racing clubs received £416,815.

The Hon. J. L. Cowan—They were mostly metropolitan racing clubs.

The Hon. F. J. CONDON—Later I will give the number of meetings held both in the metropolitan area and the country and they will indicate that the country has not been badly looked after. If they have not been sufficiently catered for, let me remind members that there are 12 country representatives in this Chamber and only eight from the metropolitan area, and if the country representatives want to make legislation better for the country, they have it in their own hands. Revenue received by trotting clubs amounted to £134,470 and coursing clubs received £231. In the metropolitan area during the last 12 months there were 58 meetings, whereas country clubs held 136 meetings, nearly three times as many. Can anyone say that the country interests in this respect have not been looked after? Metropolitan trotting clubs held 37 meetings and country clubs 78, more than twice the number. Can anyone say in this respect that the country people are not receiving consideration?

The Hon. C. R. Cudmore—Can any one say that the absentees from work in the city are not receiving consideration?

The Hon. F. J. CONDON—I do not know anything about that. I do not accept what has been said in that direction. This Bill does not in any way increase the number of mid-week meetings. If Mr. Cowan, who is the president of a very important country racing club, can show me that the number of mid-week meetings is to be increased, it is contrary to what the Chief Secretary said in introducing the Bill.

The Hon. J. L. Cowan—The number will be increased.

The Hon. F. J. CONDON—I accept what the Chief Secretary said until I hear from my honourable friend. Although this may seem just a paltry piece of legislation, it will mean much to the Government in the way of revenue, but the biggest benefit will be derived by country racing and trotting clubs. The Bill will give the right to any racing club, by arrangement with its association, to transfer a meeting from one district to another and thus probably meet the public requirements. If we accepted the Bill merely because the Government introduced it, we would not get very far. At least this House is very deliberate in its discussions, and even if a Bill is introduced in the Assembly it can be considerably altered by this Chamber. That is our right and privilege. The revenue received by the Government through betting and stamp duty, etc.,

decreased by £17,494 compared with the previous year, due to the fact there were three fewer meetings than in the previous year. The decrease does not indicate that there has been any falling off in the investments of the racing public. Every man who attends races and has an investment is paying revenue towards the State for the opportunity to enjoy this sport. We do not do that with many sports. When it is known that investments last year amounted to more than £24,000,000 it will be realized—

The Hon. Sir Frank Perry—Do you call it a sport or a business?

The Hon. F. J. CONDON—I call it a sport. Others can call it what they like. If any honourable member does not want to go to the races no-one compels him to go. The Government will receive extra revenue under the Bill because there will be no raceless Saturdays in the metropolitan area, and it will have the benefit of the turnover tax, the winning tax and the stamp duty tax from the additional meeting.

The Hon. E. Anthoney—Are you objecting to that?

The Hon. F. J. CONDON—I do not think I have said anything which would lead my honourable friend to think that. What I am suggesting is that certain honourable members object on the one hand to certain legislation on our Statute Book and yet at the same time they support legislation like this. That is piffle in my opinion. In doing that they and the Government look at the matter from the point of view of revenue. I support the second reading.

The Hon. J. L. COWAN (Southern)—This Bill deals chiefly with the allocation of race days to certain clubs in particular parts of the State. I am quite in accord with the clause that will give freedom of racing to certain South-Eastern clubs below the 36th parallel of latitude, which goes through the town of Coombe. Country clubs are allowed to race eight times a year on their own courses. Some clubs avail themselves of that privilege while others race on only two, three or perhaps four days a year. This Bill proposes to pool the racing days of six clubs in the South-East and those clubs that are now using the eight days allowed but would like more will be permitted to use some of the days that are not used by the smaller clubs. It will be of advantage to Mount Gambier and Naracoorte in particular because the smaller clubs are agreeable to allowing them to use the days they do not

want. I believe there is an understanding that if the clubs that transfer some of their days subsequently want them back they will be able to have them.

When the Minister was in the district I arranged the application that was made to him by the representatives of the clubs concerned and the South-East Racing Association, and this brought about the introduction of this Bill. However, a similar set of circumstances exists in other parts of the State and I cannot understand why these privileges should not be extended to them. Although I am fully in accord with this provision I would like to hear from the Minister why it has not been extended to the whole of the State. The extra day that has been allotted to the South Australian Jockey Club is a day that for a number of years has been used by the Murray Bridge Racing Club—usually it is the first Saturday in the year. The Murray Bridge Club will be denied the use of that day so it will have to race on a Wednesday in order to use its quota of eight racing days a year.

The Hon. F. J. Condon—What will stop the club from racing on a Saturday if it wants to do so?

The Hon. J. L. COWAN—It is not possible for any country club situated within a radius of 100 miles of the metropolitan area to race successfully on a day on which a metropolitan meeting is held.

The Hon. F. J. Condon—The law does not prevent them from holding meetings.

The Hon. J. L. COWAN—No, but the people would not attend. These nearby country towns hold big meetings, but if they held them on days on which metropolitan races were conducted they would be brought down to the level of poor picnic meetings. This Bill will have the effect of increasing mid-week racing in the country. The clubs in the South-East can race successfully on Saturdays when meetings are held in the city because of their distance from Adelaide. Renmark, Port Pirie and Port Augusta are in the same category. However, many of the race-going people in the country who wish to attend a meeting on a Saturday will in the future have to travel hundreds of miles to do so because they will be denied the privilege enjoyed by people in the metropolitan area. It is not fair to tell people they will have to travel over 100 miles to attend a race meeting. It is difficult for them to find parking space at Adelaide meetings and the roads are congested, but they must endure all these

things if they wish to enjoy the privileges extended to the city dwellers. I believe Mr. Condon is supporting this Bill half-heartedly, so I point out how he and his colleagues, when speaking on the Loan Estimates, all touched on the matter of decentralization. I think every member supports decentralization. However, it applies not only to industry but also to sport; in fact, it applies more to sport in many cases because people will find occupations in localities where their sport is conducted. The centralization of sport in the metropolitan area is bringing about a centralization of population. Last week Mr. Bardolph said that over 60 per cent of the population of this State is in the metropolitan area. That is correct, and this Bill will assist to maintain that uneven distribution. When introducing this measure the Chief Secretary said:—

With the increasing population of the State, the public demand for amusement on Saturday afternoons is rapidly growing, and the Government has been requested to take steps to provide for an additional racing day.

That is all right for the metropolitan area, but it disregards the country entirely. He also said:—

I think it could be interpreted as our unanimous desire not to inflict any restrictions on people choosing their own sport on Saturdays.

But a considerable restriction is placed on people in the country who cannot attend races on Saturdays unless they travel hundreds of miles. To give some idea of the impact of the concentration of racing in the metropolitan area on country clubs, I shall read an article from yesterday's *News* headed "No Races at Snowtown." The article set out:—

Lack of nominations and the heavy racing program listed from Saturday to Saturday week has caused the abandonment of the Snowtown meeting set down for tomorrow week.

The Hon. F. J. Condon—Would I be correct in saying that half the people at Murray Bridge meetings come from Adelaide?

The Hon. J. L. COWAN—Yes, but it does city people a world of good to travel into the country once in a while. The hours of employment are now so short that they are able to do this, and I think it is a good thing for them. The Chief Secretary said that the South Australian Jockey Club is the parent body in control of racing in South Australia. That is quite so, and it has a considerable amount of work to do apart from its own racing. The Chief Secretary also

said that because of that the club is entitled to extra consideration. However, the services they render to every country club are adequately paid for, and they derive a considerable sum from this source. The three main racing clubs—the South Australian Jockey Club, the Port Adelaide Racing Club and the Adelaide Racing Club—showed a surplus of £43,961 last year after a substantial amount had been provided for depreciation, so it cannot be said that they are so urgently in need of finance that they must be given more race days.

The Hon. E. Anthoney—Tell us how the Murray Bridge club stands?

The Hon. J. L. COWAN—It is not bankrupt by any means but it has nothing like these clubs, and the money it has could be spent very quickly on improvements for the benefit of racegoers. It has done a lot in catering for the racing public and as a result people are attending its meetings in increasing numbers. That is one of the reasons why it does not wish to lose this Saturday as a racing day. Maintenance and upkeep of the course requires employment of at least four regular men which costs a considerable sum, and this is just one of the reasons why the club desires to continue racing on Saturdays because it benefits from that meeting more than from any other meeting of the year. When the Bill reaches Committee I intend either to move for the deletion of clause 3, or to vote against it as I see fit, and I hope that those who are interested in decentralization and who support country interests in every way will pay attention to what I have said.

The Hon. C. R. CUDMORE secured the adjournment of the debate.

MARRIAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 4. Page 954.)

The Hon. C. R. CUDMORE (Central No. 2)—In looking back over the last few years it is interesting to note how often we have amended the Marriage Act. We had amending legislation in 1941, 1944 and 1950, but none of those amendments was on the very interesting point raised in this Bill. I support it and I have no doubt everyone else will do so, for it is high time that something was done to meet the situation which has been just allowed to stand under common law for so many years. At present the ludicrous position is that the age of marriage for males is 14 years and for females 12 years—almost the sort of thing

that one expects to find in India. This Bill is aimed at trying to find the proper minimum age, and my first reactions to it were that perhaps we were going just a little too far in respect of females. I felt that in a climate like this they should be allowed to marry at 15, and I still think that that is probably the correct age.

The Chief Secretary explained that a number of women's organizations had consulted him and waited on the Government, and had made this recommendation, and Mr. Robinson, who contributed very much to the debate, gave us some definite figures as to the age. While he was speaking I interjected to the effect that a big proportion of the under 16 marriages were females aged 15, and to me his figures were quite striking. I emphasize the point that in a period of 10 years those who married under 14 numbered 27. Those who married under 15 totalled 133, and those under 16 numbered 657. Many females get married at

the age of 15, and I suggest that a great many of our grandmothers and great grandmothers were married at that age without any shotguns being brought into the affair. In this climate, where many females mature at the age of 15, we should allow them to be married at that age. I feel that we are doing something quite revolutionary, after all these years, in fixing any age at all so we ought not to go too far. I am aware that a committee has recommended the ages of 18 and 16 respectively, but I doubt whether those ages are the right ones. I am quite happy, however, to support the ages of 18 and 15, and in Committee I shall move in that direction. I support the second reading.

The Hon. L. H. DENSLEY secured the adjournment of the debate.

ADJOURNMENT.

At 3.24 p.m. the Council adjourned until Tuesday, October 11, at 2 p.m.