

**LEGISLATIVE COUNCIL.**

Thursday, October 22, 1964.

The PRESIDENT (Hon. L. H. Densley) 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:

- Book Purchasers Protection Act Amendment,
- City of Whyalla Commission Act Amendment,
- Legal Practitioners Act Amendment,
- Mental Health Act Amendment,
- Mines and Works Inspection Act Amendment,
- Nurses Registration Act Amendment,
- Second-hand Dealers Act Amendment,
- South Australian Gas Company's Act Amendment,
- Workmen's Liens Act Amendment,
- Branding of Pigs,
- Bulk Handling of Grain Act Amendment,
- Libraries and Institutes Act Amendment,
- Metropolitan and Export Abattoirs Act Amendment,
- Metropolitan Area (Woodville, Henley and Grange) Drainage,
- Police Pensions Act Amendment,
- Public Service Arbitration Act Amendment,
- Road and Railway Transport Act Amendment,
- Statutes Amendment (Public Salaries).

**QUESTIONS.****RENMARK AVENUE.**

The Hon. C. R. STORY: Has the Minister of Roads a reply to my question of yesterday regarding the duplication of Renmark Avenue and the removal of trees?

The Hon. N. L. JUDE: Yes. It is as follows:

The redesign of Renmark Avenue has been carefully investigated by the Highways Department, and a comprehensive report was personally presented by senior departmental officers to a special meeting of the Corporation of Renmark. The present distance between the line of trees and the railway fence is inadequate to provide a modern highway complete with shoulders and adequate drainage, and capable of carrying the anticipated traffic. This applies whether the pavement is duplicated or not. The only way to widen the road is to move the railway line and fence, or to remove the trees. In view of the large cost involved in moving the railway—

and, I might suggest, the total impracticability of it—

it has been recommended to the Corporation of Renmark that consideration be given to the removal of the trees. Some of these in any case are fairly poor specimens, and could be replaced elsewhere on the road reserve, in order that the overall appearance of this approach to Renmark be enhanced.

I will get an additional report as time permits, and when I can get in touch with the District Engineer. Whatever is done with the avenue I know that Renmark people prefer it to be a dual highway as the traffic warrants it, but that is extremely doubtful. It would mean providing a dual carriageway far wider than the present avenue. Whether we can afford to sacrifice the present one and whether it will be possible to go behind the trees I do not know. I shall have the closest investigation made into whether the trees can be preserved or replaced.

**COST OF LIVING INCREASE.**

The Hon. S. C. BEVAN: Has the Chief Secretary a reply to the question I asked yesterday about the Government considering recontrolling the prices of foodstuffs, clothing and footwear?

The Hon. Sir LYELL McEWIN: I thought that the honourable member referred to something published in a newspaper about the increased cost of living, and of course, the recontrol of items will depend on existing conditions. I have a report, which reads:

This quarter's changes—in five parts:

1. Potatoes—seasonal.
2. Tobacco, cigarettes, motor vehicles—Commonwealth tax.
3. Bus fares—to cover increased award and basic wage costs.
4. Newspapers.
5. Other very small changes in meat (seasonal), rents and housing and butter.

All indexes are now published on the basis of 1952-53 = 100.0.

They are:

Six capitals: 128.5 (*i.e.*, 28.5 per cent increase).

Sydney has a figure of 27.3 per cent increase, Melbourne 29.6 per cent, Brisbane 31.9 per cent, Adelaide 26.9 per cent, Perth 26.6 per cent, and Hobart 31.7 per cent. So that shows that Adelaide has the next to lowest increase and is practically the same as Perth which, incidentally, had a significantly greater rise over the few years before the base period 1952-1953. Since 1948-49 Adelaide's increase (which covers the inflation period of 1950) has been 106 per cent compared with 109 per cent in Perth, 110 per cent in Sydney, 112½ per cent

in Melbourne and Brisbane, 117 per cent in Hobart, and 111 per cent is the overall average increase, which is 5 per cent higher than Adelaide.

Whilst no indices are now published that give direct comparisons of living costs between cities, the old "C" series in 1948-49 gave a reasonable comparison and the new consumer series index can be used to bring them up to date. This indicates that costs of living for Brisbane and Adelaide are each still about 5 per cent below Melbourne and Sydney, Perth about 3 per cent below Melbourne and Sydney, and Hobart about 2 per cent higher than Melbourne and Sydney. That indicates that we are still holding our position. The question of re-control of certain items is being watched by the Prices Commissioner and, if action was necessary, it would be taken.

#### WOOL TRANSPORT.

The Hon. G. J. GILFILLAN: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. G. J. GILFILLAN: The Road Traffic Act defines the maximum loading width of vehicles as 8ft., with a maximum height of 14ft., with certain exemptions such as agricultural machinery and motor car bodies. Provision also exists for permits in certain circumstances, but another product that is carried extensively on motor vehicles is wool. The height of a bale of wool with rounded ends usually exceeds 4ft., which means that to comply with the Act it is almost impossible to load across a truck two bales together, which would measure more than 8ft. Furthermore, it is the practice when loading wool, whether across or length-ways on a truck, to place it out over the loading rail to give some security to the load to prevent it from slipping. In view of the real difficulty that can be caused to road transport if this provision is strictly enforced, will the Minister of Roads investigate the matter?

The Hon. N. L. JUDE: The case made by the honourable member is not unreasonable but the Act contains certain provisions that are, I think, in the main, observed. There is always some common-sense elasticity; for instance, in the case of a load of hay being carried and catching the eye of an over-zealous inspector. The important aspect about this width of loads is the danger at night. I do not believe that in this State we can risk increasing the accident rate by any departure from observing the width of loads laid down. It is essential that at all times the side-lights on any semi-trailer or

truck should be on the extreme side of the vehicle and that certainly none of the load should stick out beyond those lights. However, I will get a more detailed report and let the honourable member have it privately in reasonable time.

#### POTATO PRICES.

The Hon. H. K. KEMP: Has the Minister representing the Minister of Agriculture a reply to my question of Tuesday last about potato prices?

The Hon. Sir LYELL McEWIN: Yes. I have a report from the Chairman of the Potato Board to the Minister of Agriculture, which reads as follows:

A question on potato prices recently asked of the Minister of Agriculture and answered from information supplied by the Secretary of the S.A. Potato Board gave rise to an inquiry from the press. The Secretary of the board is authorized to supply information in such instances and made a statement along the lines published. On October 19, following a price reduction in Victoria, the board reviewed the local price and made the necessary adjustment. The drop in price in Melbourne was due to decreased demand from Sydney which was receiving supplies of the newly dug crop in Queensland. Imports of Western Australian potatoes were made by the S.A. Potato Distribution Centre under authority from the South Australian board to endeavour to maintain adequate supplies here. The quantities imported since the beginning of October and the date of arrival at Mile End are:

50 tons on October 19.

46 tons on October 21.

44 tons on October 22.

Private firms in South Australia also imported from Western Australia but the details are not known. By arrangement with the Western Australian Board all authorized importations, that is, those through the S.A. Potato Distribution Centre, are forwarded by the Western Australian Board on consignment to be sold at market value.

#### CATTLE AND SWINE COMPENSATION.

The Hon. L. R. HART: Has the Chief Secretary, representing the Minister of Agriculture, a reply to my question of September 16 last about the disparity in compensation paid in the case of cattle and swine that had to be destroyed?

The Hon. Sir LYELL McEWIN: Yes. Parliament has held consistently to the policy that compensation under both the Swine and Cattle Compensation Acts should be slightly less than the market value of the animal being destroyed. There is no connection between the Swine and the Cattle Compensation Acts and the difference in the fraction of compensation, namely, seven-eighths and three-quarters, is purely coincidental.

## PRICES: PIES AND PASTIES.

The Hon. L. R. HART: Has the Chief Secretary a reply to my question of October 8 last about the prices of pies and pasties?

The Hon. Sir LYELL McEWIN: Yes. The Prices Commissioner, to whom the Premier referred the honourable member's question, has reported as follows:

Observations made prior to pies and pasties being brought under price control indicated that it was not a general practice for higher prices to be charged in the country than in the city; in fact, in some instances country prices were slightly lower. In addition, the department realized that, in comparing the position of the country manufacturer with the city manufacturer, a number of factors were involved, including the cost of meat. In many cases a more favourable buying price for meat in the country than in the city could more than offset any freight charges to the country which might be incurred on some of the other ingredients.

Having regard to all the circumstances, it was decided that a general differential between prices of pies and pasties in the country and city was not warranted and, when control was introduced, uniform maximum prices for the State were accordingly fixed. The department is still satisfied that a general price differential is not warranted. If any individual case exists where hardship might result consideration would be given the matter upon receipt of such information. However, no such cases have come to notice up to the present.

## VERDUN. ROAD.

The Hon. H. H. KEMP: Has the Minister of Roads a reply to my question of September 30 about the Verdun road?

The Hon. N. L. JUDE: Yes. I have obtained the following report:

It is not proposed to reconstruct this section of the Main South-East Road in the near future, but the department is currently investigating the possibility of widening isolated culverts. Accident investigations into the road in question are also being made, and advisory speed signs will probably be introduced.

## PHYSIOTHERAPISTS ACT AMENDMENT BILL.

Returned from the House of Assembly with the following amendment:

Page 2, line 7 (clause 4)—Leave out "other".

Consideration in Committee.

The Hon. Sir LYELL McEWIN (Minister of Health): Under proposed new section 41a a registered physiotherapist is prohibited from administering to any of his patients any treatment otherwise than by physiotherapy unless he is qualified and entitled to do so by or under any other Act. The word "other" excludes

the Physiotherapists Act itself, but under section 8a of the Physiotherapists Act an osteopath is entitled to practice osteopathy without being registered under the Act, and it might be argued that new section 41a would preclude an osteopath, if registered as a physiotherapist, from practising osteopathy. The omission of the word "other" would make it clear that an osteopath, even if registered as a physiotherapist, would be entitled to practice osteopathy. Under the Chiropractic Act of 1949 chiropractors are also entitled to practise chiropractic without being registered under the Physiotherapists Act. The Bill is not intended to affect chiropractors and osteopaths, and the amendment, if agreed to, will put the matter beyond doubt. This amendment has been referred to and approved by the Registrar of the Physiotherapists Board. I ask that the Committee accept the amendment.

Amendment agreed to.

## BUILDING ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

## PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

## STATUTES AMENDMENT (ORIENTAL FRUIT MOTH CONTROL, RED SCALE CONTROL AND SAN JOSÉ SCALE CONTROL) BILL.

Adjourned debate on second reading.

(Continued from October 21. Page 1548.)

The Hon. C. R. STORY (Midland): I support the second reading of this composite Bill. I find it a little difficult to follow the three amendments in one Bill, and I cannot understand why it is necessary in any circumstances to lump together three different types of disease in the one Bill. Before long people will be trying to get copies of the amendments to the three Acts mentioned in the Bill, and probably when they go to the Government Printer, unless an experienced officer is in attendance at the front desk, they will miss out completely on this fairly important set of amendments, because they are lumped together in the one Bill. The three matters are identical, but I think it would have been better to present them to Parliament in three separate Bills, each with a home, and each being in the Statutes clearly under its correct name, and not under a cross index as will be the case.

I cannot see the object in introducing a measure that will be confusing to the public. When one picks up the Bill one believes he is looking at a measure to amend the Oriental Fruit Moth Act. Then one sees that it deals with two other Acts.

The Hon. A. J. Shard: Most of the Bills this session have followed that pattern.

The Hon. C. R. STORY: I would not say most, but this is a fairly new procedure in the drafting of Bills.

The Hon. A. J. Shard: You agree it is not a good one?

The Hon. C. R. STORY: I would prefer to go back to the old method of having a separate Bill to deal with each matter. Until these Acts are consolidated at some time in the remote future, these amendments will not be in their right places in the Acts to which they refer. They will always be in a measure consisting of three or four pages, with a cross index. We should register a protest, because I do not see what is to be gained by this method, and it confuses the general issue. I know that other members complained earlier in the year about another Bill of this type. However, this is the first opportunity I have had to register some protest and I do not think we are really gaining anything in amending three Acts by one Bill.

On the general matters of the Bill, or Bills, because they are really three in number and consolidated into one, it has been necessary to give more power to these committees which are operating in various parts of the State. I think the San José Scale Control Committee is operating in only two districts, while the committee dealing with red scale is operating in about six districts and, fortunately, the Oriental Fruit Moth Control Committee is operating in only the one district where that moth has been located.

There is always someone who finds a way around legislation and this is the position we face with each one of these particular measures. It has been found very difficult to deal with people in court for non-conformity with the provisions of the legislation. Many people would say that this is very stringent legislation, but a very dangerous complaint needs to be cured and, therefore, drastic action must be taken. Therefore, it is of no use having a committee which is not able to function properly.

I should like the Minister in charge of the Bill to obtain an explanation of an important difference between the existing Act and the amendment set out in the Bill. Honourable

members will notice that at the back of the Bill there is a schedule which sets out the three items to be dealt with. In the second column it says:

Section 6, proviso to subsection (3) strike out "occupiers" and insert "keepers".

I know there is mention of "beekeepers" in other legislation, but the use of the word "keepers" is quite unusual. The words generally used in this connection are "owner", "occupier" or "lessee". This Bill cuts out the word "occupier" and uses the word "keeper". Try as I will, I cannot find any definition of that word, and I have looked at the interpretation section of the original Act. Indeed, I have also looked at the Acts Interpretation Act.

The Hon. Sir Lyell McEwin: You might find it in the Bible.

The Hon. C. R. STORY: Yes, I think the Chief Secretary is probably right, but that is a very august book and some of us believe in it. However, I do not know that we could use the Bible to clear up this matter. I am querying whether this word "keepers" has any standing at law, because that would be necessary if successful prosecutions are to be launched. The word has been used in some clauses and it is rather difficult to find out exactly what is meant by it.

A desirable amendment to clause 9 of the Bill was made in another place, defining quite clearly the times when certain reports shall be in the hands of the committee. The purpose of this is to prevent a person from being able to say, "I intended to send in the return but just had not got around to it." The returns must be supplied by February 28 each year and must stipulate the age of trees at January 1 in each year.

I do not think anybody could take exception to what this Bill sets out to do—to give added powers to the committees. The red scale committee worked on a voluntary basis prior to the passing of the legislation in 1962. It had great difficulty in prosecuting people who would not conform to the requirements of the Department of Agriculture designed to eradicate red scale. The position now is that the committees will be empowered to serve notice upon people telling them what type of spray, bait or other form of eradication they are to use. Advice is given to the people concerned with the approval of the Minister of Agriculture. If the requirements are not carried out the committee is obliged to inform the Minister accordingly and the Minister may authorize the committee to then take the necessary steps to secure compliance with the requirements.

I do not think I need labour the matter further. I welcome the amendments, which have been asked for by the committees themselves. However, I do desire some explanation of the word "keeper" and I protest against the inclusion of these three subjects in one Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Amendment of principal Act, section 10."

The Hon. Sir LYELL McEWIN (Chief Secretary): Regarding the inquiry by the Hon. Mr. Story in connection with the use of the word "keeper", the Parliamentary Draftsman is not available at the moment and the only information I have been able to obtain is that the word is used in the principal Act and that the word "occupier" is a word that has crept in, although I know that the latter word is in the previous clause. I cannot give a clear answer to the honourable member. I know that the word "keeper" is in the original Act: it is not a new word that has been inserted in this Bill. The other matter which the honourable member raised dealt with the inclusion of three subjects in one Bill. The Minister of Agriculture may have an answer to that, but I have not.

The Hon. C. R. STORY: I would like to have an expert opinion upon the use of the word "keeper", because it does not seem to be consistent. I agree that the word was used for the first time, to my knowledge, in the Oriental Fruit Moth Control Act, and that the Act also mentioned "owners and occupiers". Whether "keeper" is to be a composite word to cover owners, occupiers and lessees I do not know. I want to be sure on this matter as there have been difficulties with prosecutions under the Act, which is not set up satisfactorily at present. The solicitor representing this committee has pointed out the frailties of some of the sections, and I want to be sure that the word "keeper" is properly defined, so that prosecutions will be successful.

The Hon. Sir ARTHUR RYMILL: If Mr. Story wants a good definition of the word "keeper" I suggest that he consults the member for Unley in another place.

The Hon. Sir LYELL McEWIN: The honourable member has sought information on this matter and I would like to satisfy myself about it. I do not want anything to be passed when there is some doubt about it. I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

In Committee.

The Hon. Sir LYELL McEWIN: When I sought leave to report progress we were considering clause 4 and the discussion centred on the interpretation of the word "keeper". During the adjournment the Parliamentary Draftsman looked into this matter and I have certain amendments that it will be necessary to move, but the first of them does not occur until a later clause. I think that clause 4 is in order as it stands.

Clause passed.

Clauses 5 to 7 passed.

New clause 7a.

The Hon. Sir LYELL McEWIN: I move to insert the following new clause:

7a. Section 3 of the principal Act is amended by inserting after the definition of "host tree" therein the following definition:—

"keeper", in relation to an orchard, means a person who carries on the business of an orchardist thereon.

That defines the word "keeper" and I think it deals with the query raised by the Hon. Mr. Story.

New clause inserted.

Clauses 8 to 12 passed.

New clause 12a.

The Hon. Sir LYELL McEWIN moved to insert the following new clause:

12a. Section 3 of the principal Act is amended by inserting after the definition of "host tree" therein the following definition:—

"keeper", in relation to an orchard, means a person who carries on the business of an orchardist thereon.

New clause inserted.

Clauses 13 to 16, schedule and title passed.

Bill recommitted.

New clause 2a "Amendment of principal Act, section 3—Interpretation."

The Hon. Sir LYELL McEWIN: I move to insert the following new clause:

2a. Section 3 of the principal Act is amended by inserting after the definition of "host tree" therein the following definition: "keeper", in relation to an orchard, means a person who carries on the business of an orchardist thereon.

This amendment is similar to those previously moved. The Bill really affects three different Acts and the amendment in this case deals with oriental fruit moth control.

New clause inserted.

Bill read a third time and passed.

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

BURNSIDE BY-LAW: ZONING.

The Hon. F. J. POTTER (Central No. 2):  
I move:

That By-law No. 1 of the Corporation of the City of Burnside in respect of zoning, made on June 23, 1964, and laid on the table of this Council on October 13, 1964, be disallowed.

This by-law has only just been laid on the table in the Council and in another place; consequently, the requisite number of sitting days that the by-law must lie on the table cannot possibly expire during the present session. Therefore, if no action is taken on the by-law today it will have to remain there until next session, with the result that there will be a delay of anything up to eight months before the matter can be again considered by the Subordinate Legislation Committee. In view of the fact that this by-law is a broad one and is the first re-zoning by-law in the City of Burnside since 1927, the committee thought that it should deal with the matter promptly, and that, if anything in the by-law required further examination and consideration by the City of Burnside, the Town Planner or any other interested person, some move should be made now for disallowance of the by-law.

Accordingly, the committee met yesterday to consider the by-law and took evidence from Mr. S. Hart, the Town Planner. As honourable members know, this has been the committee's practice when a re-zoning by-law has come before it. It has occurred on numerous occasions this year. A number of council by-laws on rezoning have been disallowed to enable further consideration to be given to them by the councils concerned. After hearing evidence from the Town Planner the committee has seen no objection to some by-laws and no moves for disallowance have been made. On this occasion evidence was taken from the Town Planner and it immediately became apparent to the committee that the extensive change in the zoning proposed raised matters likely to cause controversy. Indeed, the Town Planner made it clear that he did not favour some of them. He had, however, made a close examination of the several paragraphs in the by-law and considered some to be unobjectionable. Indeed, he said that the City of Burnside was to be congratulated in tackling this important task, because a need does exist for a comprehensive review of the existing by-law. Mr. Hart said that, in many respects, the new by-law was an improvement on the old one.

Three major matters dealt with in the by-law legitimately caused some concern to the Town

Planner. In the past Parliament has supported certain aspects of overall town planning, and the three items are important. They involve the Town Planning Committee, the Highways Department, and Subordinate Legislation Committee, and it was considered that a move for disallowance should be made now to give the council, the Minister of Local Government and other interested persons an opportunity between now and the next session to review the by-law. It is quite clear from the evidence given by Mr. Hart that the Town Planning Committee was not consulted in either a proper or a formal way on this proposed by-law. There were some informal indications from time to time that something was being done by the council but no formal consultation has taken place. The general feeling of members of the committee is that such consultation is highly desirable.

I can summarize briefly for honourable members the three main items, which were mentioned in the press this morning. The first concerns the Victoria Avenue frontage, well-known to honourable members, opposite the Victoria Park racecourse. It is proposed to change this from a residential to a commercial and administrative zone. The Town Planner's comment is that this is a drastic revision. He says it is an area that is already heavily trafficked and that commercial usage would attract further large volumes of traffic. The land at present is almost exclusively residential with pleasing appearance and of good quality. The commercial zoning proposed would permit offices, warehouses, showrooms, emporiums, department stores, theatres and amusement buildings, and the administrative zoning would permit Government offices and consular offices to be erected. That was the first major matter that caused the committee and the Town Planner some concern.

The Hon. C. D. Rowe: It is not all residential; there is a hospital there.

The Hon. F. J. POTTER: That is so. Secondly, the by-law proposes that a hills face zone, which is shown in the Town Planning Committee's Development Plan, is to become an industrial zone. This is an area at present occupied by two wineries east of Penfold Road. This land adjoins good-class residential areas and the proposed zoning, while recognizing the existing terms, could, in the opinion of the Town Planner, lead to a most undesirable intrusion of industrial premises.

The third matter that causes some concern is that along the Mount Barker Road and the Waterfall Gully Road the new by-law would

enable the council to permit shops, restaurants and service stations to be established. The Town Planner felt that such a wide discretionary power could result in some unsatisfactory developments occurring on these two principal scenic routes. The Mount Barker Road has been proclaimed a controlled access road under the Highways Act and, therefore, the Commissioner of Highways is involved in this matter.

It seemed to the committee that in the circumstances it ought to recommend to this Council (and it has done so) that this by-law be disallowed. This will, in effect, enable the council, the Commissioner of Highways, the Town Planner and any other interested persons to get busy conferring on the matter immediately and not wait for perhaps eight months and then find that the new Subordinate Legislation Committee disallows the by-law, so that all that time will have been lost. I think I have put the matter clearly before honourable members.

The Hon. A. F. KNEEBONE (Central No. 1): I second the motion. The Hon. Mr. Potter has fully covered the matter before us but I rise to say that the only course available to the Subordinate Legislation Committee is to move for the disallowance of a by-law. We cannot recommend that it be amended: we can recommend only that it be disallowed. The decision of the committee was unanimous. We felt that, in view of the circumstances and of the length of time that would elapse before Parliament sat again, this would be the best procedure.

The Hon. N. L. JUDE (Minister of Local Government): As Minister of Local Government, I usually counsel prudence in these matters and suggest an adjournment for consultation with my officers, but on this occasion I am fully aware that it is desirable to settle this matter expeditiously. It is preferable to determine the matter now, today being the last day of the present Parliament. Generally speaking, I like to do my best to support local government. It is a pity when we have to straighten it up or point out some of its shortcomings. However, I am quite convinced, not only from personal complaints that I have received but also following the evidence given by the Town Planner, that it is advisable to disallow this by-law and give the Burnside council an immediate opportunity to seek further information and possibly introduce a more modified system of zoning that will fit in with the ideas of the Town Planner's Department,

the Highways Department and any other departments concerned. In those circumstances, I advise the Council that I have no alternative but to support the disallowance of this by-law.

Motion carried.

#### ABORIGINAL AND HISTORICAL RELICS PRESERVATION BILL.

Adjourned debate on second reading.

(Continued from October 21. Page 1534.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): First, I should like to congratulate our new member, the Hon. Mr. Kemp, on both his industry and his exercise in preparing and presenting his Bill. He has obviously put in much time on it. He is well qualified to advise us on these matters and, all in all, I welcome what he has done. All I ask for is reasonable time in which to consider the effects of the Bill. It may have appeared to the honourable member and to other honourable members yesterday that I had some objections to the Bill. I had not. I had no objection to the Bill being explained immediately on its second reading, but I felt, particularly as it was a private member's Bill, that it was late in the session to ask us to endeavour to consider it and rush it through. We had only a day and a bit left. I gathered from the motion he moved—that Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay—that his intention was to try to pass the Bill this session. Therefore, mine was the solitary voice against the suspension of Standing Orders although, as I explained in a personal explanation, I should certainly have agreed to a motion being moved in the terms of Contingent Notice of Motion No. 1 on the Notice Paper. Subsequently, it appeared that what I had expected was the honourable member's intention was not his intention at all. If I had known that, I suppose I would probably have supported the motion, although I think it was not the appropriate one. I think I was correct in voting against the motion, but I do not want to reflect on the vote of other honourable members, especially as I was totally a minority.

I have had a chance to look at this Bill, and I repeat that Mr. Kemp has obviously given the matter a tremendous amount of thought, has put in much work on it, and has, I think, covered up some flaws that were in the other legislation before us. I do not intend to discuss the other legislation in case you, Sir,

rule me out of order. As I said, Mr. Kemp is qualified in and has a great deal of knowledge of the subject. The first thing that strikes me (and Mr. Kemp has referred to this) is that there is a definition of "relic" which excludes the term "including any handiwork made by a living Aboriginal for the purposes of sale". The previous definition was far too all-embracing, in my opinion. We know that much of this type of work is made by living Aborigines for purposes of sustenance of themselves and their families, and thus, of course, it should have no relation to a Bill of this nature. "Traces or remains of exploration and early settlement" is another definition of "relic" that is also much more limiting. The honourable member's definition of "Crown lands" shows much erudition in the law; as a former lawyer, I congratulate him on the verbiage he has used. His idea is to appoint a board to administer the matter, and I should like to give that further consideration. I think the people he suggests should be appointed constitute a good choice, but I am not sure of the totality of it.

The Hon. Sir Lyell McEwin: How many are there?

The Hon. Sir ARTHUR RYMILL: I think five. I assume the person from the university would be an anthropological expert, and it is suggested that there be representatives from the Museum, the Aboriginal Affairs Department, and the Lands Department, and a Chairman to be nominated by the Minister. The Chairman apparently need not have any particular qualifications, and the Director of the Museum would be the Protector of Relics. This is a power in the Director that I am concerned about. I do not know whether it is necessary or altogether desirable, but I should like to give the matter more thought.

There is much in this Bill which obviously none of us has had much time to consider. However, as I said earlier, it is not intended that the Bill will be taken further at this stage; it is intended that it should seep into the minds of members and that they should consider it during the recess. Therefore, I do not intend to speak at any length, except to say that my present intention is to support the second reading of a Bill of this nature. I give general support to the aims of the measure.

The Hon. A. J. SHARD secured the adjournment of the debate.

[Sitting suspended from 3.21 p.m. to 5.14 p.m.]

#### FAUNA CONSERVATION BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 18 and 20 to 33 and had agreed to amendment No. 19 with an amendment.

Consideration in Committee.

The Hon. Sir LYELL McEWIN (Chief Secretary): The amendment made in another place is to strike out clause 43a (4) (a). Clause 43a (4) will then read:

In proceedings for an offence against this section proof that a person on any land had in his possession a dog, gun or device capable of being used for the purpose of taking an animal or bird, shall be *prima facie* evidence that that person was on the land for the purpose of taking an animal or bird.

It places the onus on the owner, not on the defendant. I think that the clause, as amended, should meet the requirements of this Committee.

The Hon. C. R. STORY: I am happy to compromise on this matter. The main purpose of this clause was to give some protection to the landowners. I believe that that has been done and I think that, taking the clause as a whole, we have achieved almost all we set out to do and I recommend that we agree to the amendment.

Amendment agreed to.

#### POULTRY INDUSTRY (COMMONWEALTH LEVIES) BILL.

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

[Sitting suspended from 5.45 p.m. to 11.5 p.m.]

#### LOTTERY AND GAMING ACT AMENDMENT BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary): I move:

*That this Bill be now read a second time.*

The amendments proposed in this Bill, except clause 5, are designed to increase the commission levied on bets made with bookmakers on racecourses from the present rate of 1 per cent to a new rate of 1½ per cent, and to distribute one half of the increase in revenue thereby derived to the clubs concerned and the other half to the general revenue of the State. The racing and trotting clubs have made representations to the Government stressing the necessity for increased revenues to support racing in this State, in particular by the provision of increased stake money, more in line with the



stake money provided in other States. The amendments are fairly simple and, on the basis of bookmakers' turnover on a fair comparison with recent years' figures, may be expected to increase commissions by about £136,000 in a full year. Of the £68,000 or thereabouts which it is proposed shall be distributed to the clubs about £45,000 will go to metropolitan racing clubs, about £9,500 to country racing clubs, about £8,500 to metropolitan trotting clubs, and about £5,000 to country trotting clubs. Coursing clubs are also affected, but the extra commission on bets on coursing events is expected to be only about £100 a year, of which about £50 will go to the clubs.

Clause 3 provides for the increase in the rate of commission from 1 per cent to  $1\frac{1}{2}$  per cent, but retains the commission at the rate of 1 per cent in respect of bets made before the Bill becomes law. Clause 4 (a) removes the existing provision that all of the commission on bets on races held outside the State shall be paid to general revenue. Clauses 4 (b), 4 (d) and 4 (f) amend paragraphs (d), (e) and (f) respectively of subsection (2) of section 41 of the principal Act so as to preserve the existing formulas of distribution of the commission on bets on local races received at the rate of 1 per cent prior to the Bill becoming law.

Clauses 4 (c) and 4 (e) insert into section 41(2) of the principal Act two new paragraphs (d1) and (e1) respectively, which in effect provide that of the new commission of  $1\frac{1}{2}$  per cent on bets on local races the racing clubs and trotting clubs will receive the whole of the existing 1 per cent commission and half of the additional  $\frac{1}{2}$  per cent proposed to be levied under this Bill. This means that their new share will be five-sixths of the proposed commission on bets on local races. The same paragraphs also provide, in effect, that the racing clubs and trotting clubs will receive half of the additional  $\frac{1}{2}$  per cent commission received on bets on interstate races. Under the existing legislation the present 1 per cent commission on bets on interstate races is paid wholly into general revenue. This means that the clubs' new share of the  $1\frac{1}{2}$  per cent commission on bets on interstate races will be one-sixth.

Clause 4 (g) inserts into section 41 (2) of the principal Act a new paragraph (f1) which amends the distribution of commission on bets on local coursing events to coursing clubs in the same fashion as the amendments to the distribution of the commission on bets on local races to racing clubs and trotting clubs. Clause 4 (h) provides that the balance of any such commission is to be paid into the general

revenue. I would add that it is an understanding with the clubs that the additional revenues available to them as a result of these amendments is to be used wholly for the increase of stake money, and will be applied particularly to the main feature races.

Clause 5 repeals section 63 of the principal Act, which makes it an offence for a person standing in any street to refuse or neglect to move on when so requested by a police constable. The section also makes it an offence for such a person to loiter in any street or public place after being requested by a police constable not to so loiter. This clause was inserted in another place, although it was opposed by the Government.

The Hon. A. J. SHARD (Leader of the Opposition) moved:

That this debate be now adjourned.

The Council divided on the motion:

Ayes (3).—The Hons. S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Noes (15).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, N. L. Judé, H. K. Kemp, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 12 for the Noes.

Motion thus negatived.

The Hon. A. J. SHARD: This Bill involves a social question, and members of my Party are not bound to vote in any particular way on social matters. In asking that the debate be adjourned and in dividing the Council, I want to protest about the measure, as I take strong exception to a Bill being introduced in this Chamber at 11.10 p.m. on the last day of the session. This is an important measure, and nobody knew until last weekend that it would be introduced. The first intimation we had was a statement made by the Premier in the daily press last Friday or Saturday that he would like an answer from the racing clubs by Monday so that a Bill could be introduced by Tuesday. During the Budget debate I said that taxation was levied on sectional interests, and, if this is not a taxation on sectional interests, I do not know what is.

According to the Minister's second reading speech, the Bill is expected to return £136,000 in a full year. This will come from about 200 bookmakers and from the maximum number of people attending races on Saturdays, which is about 20,000. I do not want honourable members to think that bookmakers will pay this sum. I have no brief for bookmakers, who

are in this business to make a living, but I do not see how they will pay this sum; they will shorten the odds so as to be able to raise the additional money. The amount may be less than expected and racing clubs may be worse off than they expect to be.

Bookmakers in this State have been paying only 1 per cent turnover tax while bookmakers in other States have been paying 2 per cent. Since the war, turnover tax has had a rather rough passage. When racing started immediately after the war, bookmakers paid a 2 per cent turnover tax. This was reduced to 1 per cent, and after a while the Government decided to raise it to 1½ per cent. It was decided that that was too much, and it was reduced to 1 per cent, but it has been increased by this Bill to 1½ per cent. I do not think this will assist racing clubs in the way it is thought that it will. I think the result of this legislation will be that odds will be affected in such a way that they will not be good enough to retain attendances at the races. When a squeeze occurs, some people will retire from licensed betting and revert to the old unlicensed betting. The only people who stand to benefit at all from this are the starting price bookmakers. The bookmakers on the metropolitan racecourses will shorten their odds, people will not go to the races so often and the S.P. bookmakers' expenses will not be increased and their risks will not be so great because of the shortening of the odds.

The last paragraph of the Minister's second reading explanation deals with the whole of the increased stake money being devoted to feature races. It was explained in another place that 80 per cent of the money received would be added to two main feature races of the racing calendar, which will bring those races up to the standard of the Doomben Ten Thousand and the Stradbroke Handicap. At Oakbank the Onkaparinga Racing Club has the Great Eastern Steeplechase; the South Australian Jockey Club has the Goodwood Handicap and the Adelaide Cup; and the Christmas Handicap and the Port Adelaide Cup are held by the Port Adelaide Racing Club. We may see better horses for a short period in racing in this State. One or two clubs have improved the amenities of their racecourses a little but, by and large, the amenities have not been greatly improved over recent years.

The Hon. N. L. Jude: Are you serious about that? Have you seen any other racecourses in the world?

The A. J. SHARD: The general amenities have not been improved over the years. The

amenities of the Derby and Flat enclosures have not been increased. The Adelaide Racing Club has made few improvements. I do not say that the standard is low but the improvements have not been great over the years.

The Hon. S. C. Bevan: We are referring to racecourses in South Australia, not in London.

The Hon. A. J. SHARD: Yes. I know there have been improvements in some directions, but they have not been great. I think no one can contradict that, yet £136,000 is coming from the punters and not one penny piece will be spent on improving the amenities of the clubs.

The Hon. N. L. Jude: Do you think a small charge for admission to the flat at Victoria Park would be reasonable? You cannot get amenities unless you get some income.

The Hon. A. J. SHARD: I shan't fall for that, even at this late hour. Even if we were here till 4 o'clock I shouldn't fall for that. I do not like this Bill or the 14-point plan. I shall vote against it. I favour T.A.B. on the Victorian style. If we want revenue, that is the way to get it. I cannot fault T.A.B. in Melbourne.

The Hon. N. L. Jude: Is it all right in New Zealand?

The Hon. A. J. SHARD: I would not know but I believe that New Zealand is somewhat akin to Melbourne in that respect. I have had experience of Melbourne, which I have visited. I would not support T.A.B. on the Western Australian style because it is like our old betting shops. If the Bill had been introduced on the lines of the Melbourne T.A.B., I should have supported it. This is my personal, not my Party, point of view. Another point is that I should not like to see the number of race meetings increased in South Australia each year, as has happened in Victoria.

The Hon. Sir Lyell McEwin: That is the No. 1 qualification?

The Hon. A. J. SHARD: I do not think we need races every day of the week.

The Hon. Sir Lyell McEwin: You have committed yourself wholeheartedly to Victorian T.A.B.

The Hon. A. J. SHARD: Yes, but I should not like to see that increase. I think the meetings in Victoria have increased from 400 to 500 a year. Nobody in South Australia wants that. On Wednesday and Saturday if someone wants to bet, he is entitled to.

Another objection that I have to this Bill is that no House should be asked to deal with a Bill the last clause of which is missing. It

is not good for Parliament, irrespective of the merits of the clause. We are asked to deal with the Bill tonight with clause 4 in it, and attached to the second reading explanation of the Minister is clause 5. But clause 5 does not appear in the Bill itself.

The Hon. N. L. Jude: Who put it in?

The Hon. A. J. SHARD: I thought it might boomerang! That is my reason for moving the adjournment of the second reading. I am not worried about it. I am here to speak on behalf of the people I represent. Nobody at 10 past 11 at night should give the second reading explanation of a Bill that will take £136,000 from the people, when the Bill is not complete.

The Hon. Sir Arthur Rymill: What do you suggest should be done?

The Hon. A. J. SHARD: That the matter should be adjourned.

The Hon. Sir Arthur Rymill: Until tomorrow?

The Hon. A. J. SHARD: The Government can bring the matter back when it likes. I want to enter an emphatic protest at our being asked to consider a Bill of this importance at 11.10 p.m., when the Bill is not in accordance with the Minister's second reading speech.

The Hon. Sir Arthur Rymill: We would have had it much earlier if your Party had not delayed it for so long.

The Hon. A. J. SHARD: The Government is in control of the business of the Council. I have entered my protest and if what has been done is democracy, I do not know where we are going. I oppose the Bill. I deeply regret having to do it. I know the fate of the measure, but while I have the responsibility to speak on behalf of the people whom I represent I shall always take strong exception to the first appearance in this Chamber of a Bill at 11.10 p.m. They are my personal views.

The Hon. C. R. Story: Are you going to talk about the clause relating to section 63? That will be struck out.

The Hon. A. J. SHARD: I heard a discussion on that clause by two learned members of the legal fraternity in another place, one on each side of the House, and it was quite a change for me to hear lawyers on different sides of the House agreeing. I agree with the content of this clause. The Hon. Mr. Story today referred to several Acts being amended by only one Bill, and said that that is wrong. I think it is totally wrong to have a clause in the Lottery and Gaming Act which gives the police the right to move people on, because

moving people on has nothing to do with the lottery and gaming legislation.

The Hon. Sir Lyell McEwin: I thought you did not know what the clause dealt with.

The Hon. A. J. SHARD: I know what it is about. My complaint is that a certain clause is not contained in the Bill.

The Hon. Sir Lyell McEwin: It repeals something.

The Hon. A. J. SHARD: Yes.

The Hon. Sir Lyell McEwin: I am glad you know that.

The Hon. A. J. SHARD: I know all about it. Section 63 provides that regardless of what a person is doing he must move on when he is asked to do so by the police. I heard in another place that there have been prosecutions resulting from incidents of this nature, but they have nothing to do with the Lottery and Gaming Act.

The Hon. Sir Arthur Rymill: They have not very much to do with this Bill, either, have they?

The Hon. A. J. SHARD: Yes. I have always held the view—and I think you will agree with me, Mr. President—that when any Bill is introduced in this place it is quite within the rights of any member to move any amendment in connection with that Bill. I think that is a basic principle of the rules of debate. Once a Bill is thrown "into the bull ring", any member has the right to move an amendment. Whether that coincides with the Standing Orders I do not know, but I make that statement from a common-sense point of view. I think it is necessary and right that it should be so.

Coming back to the effect of this clause, I think that sections 7 and either 12 or 14 of the Police Offences Act empower the police to do just what section 63 of the Lottery and Gaming Act allows them to do. It is not necessary to have three provisions on this one aspect. I agree that at times the police may find it necessary to request somebody to move on because of what that person is doing and we want to see that power vested in the police but, when two provisions to that effect are already contained in the Police Offences Act, I do not think the power should be given to them in this Act.

I oppose the Bill so far as the racing clubs and the money are concerned. We shall possibly have a little more to say on the clauses as they go through Committee. I am afraid that I must vote for the second reading of the Bill so that we can retain clause 5, but the rest can be thrown to the wolves.

The Hon. C. R. STORY (Midland): I rise to support the second reading of the Bill. I am not on nearly as firm ground in this matter as my honourable friend, because I know that he does have more experience than I have. I have listened with a great deal of interest to the various representations that have been made over a period of some 12 months in this regard, when the racing clubs, the public and the Government have been trying to obtain unanimity, let me say, on the matter of T.A.B. I understand that this is a measure which has been agreed upon by the racing clubs and the Government and that an undertaking has been given that if this legislation is passed, the racing clubs will measure up to certain obligations to give a better service to those people who like to have a legitimate wager. I think that it is fairly important that people are able to do what they want to do without being involved in any snide practices.

It seems to me that this measure was designed by people who are not flippant in what they do. It has been thought out by a responsible Government representing all shades of interests and the Government has conferred at great length with racing clubs. I understand, too, that the racing clubs have given certain undertakings, and I am always pleased when agreement can be reached, because round-table conferences are a good thing.

I am a little worried by clause 5, because the Hon. Mr. Shard has said that he does not see why it is necessary to have such a clause in the Lottery and Gaming Act. I cannot think of any Act where it is so necessary to provide those powers because, after all, we are well aware that the Police Force needs to be armed with fairly stringent powers in this matter of gaming. All sorts of people are associated with it, and I cannot see why my honourable friend is so worried about its being in the Act. I would regard it as an essential part. The Bill is a step forward. The whole matter has been considered by the Government and agreed to by the interested parties. Because it is up to the Council to support the Government in this matter, I support the Bill.

The Hon. S. C. BEVAN (Central No. 1): I oppose the Bill. The Hon. Mr. Shard said that for our members this is not a Party measure, and that they are at liberty to vote in accordance with their conscience. It cannot be said that we are acting on Party lines.

I object to the Bill on various grounds. It makes little difference to me whether or not we have races or bookmakers; I am not

interested in them. My income is used in decent living, and there is no trying to augment it by having a bet, but that does not mean that I deny a bet to people who want to bet. If they want to go to a race meeting they are at liberty to do so, and they can have 2s. on a horse. I do not oppose the Bill merely because I am not a betting man and think that nobody else should bet. The Bill is the result of discussions and conferences held over a long period with racing clubs, but they began on another matter. I refer to the introduction of a Totalizator Agency Board in this State. Mr. Shard said that he favoured it if it was introduced along the lines of the Victorian Scheme.

The Hon. Sir Lyell McEwin: He qualified that.

The Hon. S. C. BEVAN: I do not dispute that; he said that he would not like to see racing in this State every day of the week, if that is what the Chief Secretary is referring to. He stated he would support T.A.B. on those lines, and so would racing and trotting clubs, and everybody else in this State, including the punter. These people have tried to persuade the Premier to introduce legislation for the setting up of T.A.B. on Victorian lines. The 14 points laid down by the Premier were not acceptable to the racing people. We know what has eventuated. It could be that certain allegations have been made. I join with Mr. Shard in protesting against legislation of this nature. It is important legislation, not just a flea bite, and it should not have been introduced into this Chamber so late on prorogation night. We are given little opportunity to discuss the Bill or to study the clauses to see their effect, although most members know the intent of the Bill, which is to increase the turnover tax on bookmakers from 1 per cent to 1½ per cent. Because of pressure on the Government to introduce T.A.B. this legislation is merely a sop to the racing clubs. This was pointed out in a letter forwarded to the Premier by the Secretary of the South Australian Country Racing Clubs. Portion of the letter voiced the support of the racing clubs for the introduction of T.A.B. in this State, and said:

Some country members are threatening to withdraw their support, financial and otherwise, from the L.C.L. until T.A.B. is introduced.

Because of such pressure on the Government this Bill is before us tonight. It has been said that the Bill will benefit racing clubs and the State Government. If the Government is desirous of obtaining extra revenue, why didn't

the Government accept an amendment moved in another place that would have meant that all the money raised from this tax went to the State, and not merely 50 per cent of it? We are told from time to time that the Government is attempting to suppress anything illegal, including illegal betting and bookmakers. This was part of the argument used for the establishment of T.A.B. in this State. This legislation could be a gold mine for the State.

Bookmakers say that this legislation will have the same effect on them as did two previous Bills, but on both occasions the Government was forced to return to the original arrangement because the bookmakers could not afford to carry the additional tax. I believe that it will have to be done again. The Bookmakers' League has said in a public statement that the bookmakers will not be able to carry this extra tax and will have to pass it on to the punters. They will have to bear the burden, but many licensed bookmakers will have to join the ranks of the illegal bookmakers, because they will not be able to carry on legally. The State should stamp out illegal bookmaking, which we have been told is its aim. The letter to the Premier said:

A survey conducted by members has revealed growing resentment that country people must break the law which they do not think is morally wrong and which is legal in other States and in Port Pirie.

This refers to S.P. bookmaking. The letter continues:

S.P. betting is rife in country districts and is increasing. A State-wide survey has not disclosed one area where it is not possible to get a bet by telephone or by contacting an S.P. bookmaker. In some cases, S.P. betting is ignored by police who themselves do not consider it immoral and believe that betting on horses is something that people will do, and no amount of opposition will stop it. Country racing club officials often have the humiliating task of asking the S.P. bookmaker or his agent not to operate on race days. Most comply, knowing that they could be "dobbed in", but most bet up until 12 o'clock on race days.

The same applies in the metropolitan area. How much more will illegal betting increase after this legislation is passed? People will ask why illegal betting is not stamped out. When we get down to tintsacks, the clubs are and have been for some time breaking the law, as there should be a 2s. 6d. tote; however, 5s. must be invested on the quinella. Apparently it is all right for the clubs to break the law.

Regarding the allocation of the additional moneys to be raised by this tax, the Premier

asked the racing clubs for a decision immediately so that a Bill could be introduced during this session. The Premier said that it would be for the specific purpose of increasing stake money. There is nothing in this Bill to indicate that the clubs shall use this money to induce better horses to race, which is supposedly the reason for the legislation.

The Chief Secretary said there was an understanding between the racing clubs and the Premier about the use of this money. I do not say there is no understanding, but what will happen if the racing clubs drift away from the understanding? They could use the money for buildings, executive quarters or club premises; there is nothing to say it must be used for stake money. If the clubs had been sincere they would have agreed to the Premier's suggestion that it should be used for this specific purpose. We have been told that the money will be used for stake money for principal races—the Adelaide Cup, the Port Adelaide Cup, and the Great Eastern Steeple—but why could not that be set out in the Bill?

[Midnight.]

The Hon. Sir Lyell McEwin: You do not respect their undertakings; you do not trust them?

The Hon. S. C. BEVAN: I have no love for racing clubs, which I think are out for all they can get. If we compare the position in this State with that in other States, I think we get an indication of why racing is at such a low ebb here. If the clubs had been sincere, they would not have objected to the Premier's proposal that this money be earmarked for this purpose.

The Hon. N. L. Jude: Do you think the Government controls the clubs' allocation of prize money?

The Hon. S. C. BEVAN: The Government has said that it will help the clubs to improve stake money by levying this tax, so why should they object to it? Why did they object to the Premier's suggestion that it be used for a specific purpose? Has not the Government the right to say, "We shall increase sectional taxation on a small section of the community to help you people increase your stake money"? Cannot it say that the money shall be used for that purpose? The present legislation is not in the best interests of the State. The first intimation of the Bill that we had was in the *Mail* of last weekend. Surely we are here to legislate in the best interests of the State as a whole? I oppose the Bill.

The Hon. N. L. JUDE (Minister of Local Government): I shall speak briefly on this Bill. I want to correct two points made by the Hon. Mr. Bevan. First of all, I do not think that an arrangement was entered into with the racing clubs.

The Hon. A. J. Shard: They gave an undertaking in writing.

The Hon. N. L. JUDE: The second point concerns an unusual statement that the honourable member made when he said that nothing was taken out of the T.A.B. pool. The T.A.B. money goes into a totalizator and is subject to the usual 12½ per cent deduction. Of course the tax is taken out.

The Hon. S. C. Bevan: I did not say that nothing was taken out.

The Hon. N. L. JUDE: I do not intend to speak on T.A.B. or on the demand or right of many of my constituents to have a legal bet; I do not wish to speak on the desirability of removing the tax on the stake money, apart from the winning bets tax. I do not speak on those things because this Bill deals with only two matters. Let me refer, first, to the increase in the turnover tax on the licensed bookmaker and, secondly, to the action of another place in trying to delay the progress of this Bill at such a late hour. That action has nothing whatever to do with betting facilities, and the way in which the other place dealt with this measure was most objectionable. I feel that honourable members here will not accept that and that they would not have been guilty of introducing this matter as a side issue.

Why do bookmakers exist? Many people in the community seem to think that they are the biggest parasites on earth. The bookmaker does not exist just because the clubs want him to exist: he exists because the Australian public that is interested in betting and goes to the races wants him to exist. The public likes the glamour associated with obtaining the best odds. There is nothing wrong with that. A most objectionable feature of some thinking in some sections of the community is that a bookmaker is a sort of parasite. I claim many friends among bookmakers, small and large, legal and illegal. I find that they are just as respected as members of the community as other people are.

The Hon. S. C. Bevan: Why tax them out of business?

The Hon. N. L. JUDE: The honourable member has drawn attention to the specific purport of the Bill. There have been occasions on

which the tax has been raised and on which it has been reduced.

The Hon. A. J. Shard: About four times.

The Hon. N. L. JUDE: If this tax proved unbearable, the Government of the day would probably consider reducing it again; but other factors have to be considered. Do we have too many bookmakers? Is it possible that the split of the total profit is among too many bookmakers? They exist because of the demand for them. What do they do? They get a licence and go into open competition, not only with each other but with the totalizator.

The Hon. A. J. Shard: You believe in free enterprise, don't you?

The Hon. N. L. JUDE: Exactly. They have to go into competition and now the proposition is to increase their turnover tax because it is felt that they can stand it. After all, 12½ per cent goes out of the totalizator pool. Bookmakers go into a competitive and free business but let it be remembered that all bookmakers' licences are subject to the permission of the club for them to act. The bookmaker can choose whether or not he goes into the business. He is charged a tax, which is being increased. The punter's tax was increased some time ago—the winning bets tax. That is all right. Some of it went back to racing and some went to the Government.

Here I sound a word of warning. If we do not have too many bookmakers and if they are taking out this large amount of money from the racing game year by year, what happens if they do not take it out? It goes into the totalizator and the clubs get the additional profit. It may become a case of protesting too strongly. I asked a moment ago about bookmakers in New Zealand. I did that deliberately because I know there are no bookmakers in New Zealand, or in the United States. And there are no bookmakers in the greatest racing country in the world today—France.

The Hon. S. C. Bevan: You mean there are no legal bookmakers.

The Hon. N. L. JUDE: We are discussing legal bookmakers. I hope the honourable member will not bring the debate down so low as to discuss anything that is not legal. Nobody wants to see people lose their livelihood but on the figures available, which have been printed in *Hansard* in another place, it is clear that the tax paid in this State is far less than that paid in any other State, overall.

The Hon. S. C. Bevan: They have not the population.

The Hon. N. L. JUDE: I am talking about the rate of tax. If there are too many bookmakers, that is a matter for competition among themselves, and I understand that there is a feeling in the Bookmakers' League that there are too many bookmakers.

The Hon. A. J. Shard: That will correct itself in the near future.

The Hon. N. L. JUDE: It may correct itself as the honourable member suggests, but it could correct itself by their being barred altogether by the clubs. However, I do not want to see them barred. As far as I am concerned, racing is a sport, but to many people it is a business. I like my sport and I like to bet with the bookmakers. These are all matters for the private individual and he may spend his money as he wishes, after he has paid his income tax. I hope that honourable members will support the measure. The Hon. Mr. Shard referred to the late arrival of clause 5. It is not even printed in the Bill yet, and I trust that it will not be printed.

The Hon. Sir LYELL McEWIN: I have been interested in the discussion on this measure. We have heard a lot about independence of thought and about this being a non-Party House. I have been trying to reconcile what has happened and see whether this complete independence about which I have heard from honourable members does really exist.

The Hon. S. C. Bevan: Was that shown in another place tonight?

The Hon. Sir LYELL McEWIN: The honourable member seems to take his pattern from another place but I do not have to take my pattern from what happens somewhere else. I have no respect for the cowardly attitude adopted by the Opposition to T.A.B. The Opposition is trying to hide behind the Premier and make the matter a Party issue. The honourable member can laugh that off if he likes, but it was within the power of his Party to bring it in at any time. The Opposition had sufficient power in a certain direction to challenge the Government if it favoured T.A.B., but that was not done.

The Hon. A. J. Shard: That is not according to facts.

The Hon. Sir LYELL McEWIN: I do not want to hide behind anybody on this. I can speak on the position as it affects the country as well as the honourable member. We were on this side of the Council in 1945, after the war, when it was necessary to consider whether betting facilities should be provided in the country. We found that everybody ran for cover; no-one was in a position to put up

anything practical. Honourable members, whether of the Opposition or otherwise, were frightened to go into any district, because they knew that the people in the country were opposed to making an open slather for betting. Any honourable member who was here at the time would know what happened in another place. The matter was referred to this place in a facetious manner, as if to say, "It is up to you." I took the matter seriously and, as a result, section 42 was inserted in the Lottery and Gaming Act, providing for people to have betting facilities if they wanted them. How many wanted them? The Betting Control Board was created a commission for the purpose of hearing applications and the local government authorities had the opportunity to decide what facilities they required. Where were all the brave men then? There are no brave men about today, even though honourable members talk about their freedom and say that they vote independently. We see a display of this independence when those honourable members try to defeat a Bill by inserting a provision which would prevent the police from controlling disorderly behaviour.

Let me refer to the relevant remarks made on this Bill. The Hon. Mr. Bevan talked as if there was no exception to the 14 points of the T.A.B. scheme. Perhaps I had better enlighten the honourable member, seeing that he does not know the position. A letter signed by the Chairman of the Off-course Totalizator Committee reads as follows:

As Chairman of the committee which has been appointed to negotiate with the Government on off-course betting facilities I would advise that the committee has further examined the plan put forward by you on behalf of the Government. The committee are prepared to accept the fourteen point plan with the undermentioned four amendments:

1. To distribute any profits upon a stake money basis rather than attendance.
  2. That the Government will give consideration to extending the hours of operation of country agencies so as not to place interstate betting or trotting at a disadvantage.
- We give a positive assurance that we are not interested in providing for reinvestment at these agencies.
3. We would like and understand that you will agree to make provision for no country trotting club to be adversely affected as a result of the removal of the winnings bet tax upon the punter's stake.
  4. We agree to the installation of a telephone centre for the metropolitan area. It is appreciated that upon further consideration you would be prepared to provide for more than one office for the servicing of telephone betting in the metropolitan area.

I reiterate that the committee agree to accept the plan with the provisos and will support in Parliament a Bill to give effect to off-course facilities as outlined.

They have agreed to accept the plan, but look at what we find tonight. There has been a suggestion that the Government takes everything but does not do anything for racing. Let us look at the position in the other States. The bookmakers in New South Wales have not gone bankrupt, and we are not setting out to do that here. The honourable member is worried that we are going to put people out of business. However, we seem to be treating them more generously than is the case in other States. I will refer to the conditions under which bookmakers operate. In New South Wales there is a rate of tax of 1 per cent, plus 1 per cent which is levied by two large clubs and  $\frac{1}{2}$  per cent by others. There is, therefore, a minimum of  $1\frac{1}{2}$  per cent tax in New South Wales, with 2 per cent charged by two large clubs. What becomes of the money afterwards? All of the taxation goes to the State, plus 50 per cent of metropolitan club levies and 20 per cent of others. Victoria has a 2 per cent metropolitan tax.

The Hon. S. C. Bevan: I heard all of this yesterday.

The Hon. Sir LYELL McEWIN: It will do the honourable member good to hear it again. Apparently he will not recognize the facts. I must repeat them in order that members will not be misled. In Victoria there is also a tax of  $1\frac{1}{2}$  per cent. Of the metropolitan revenue  $87\frac{1}{2}$  per cent goes to the State and  $12\frac{1}{2}$  per cent to the clubs. Of the other tax  $83\frac{3}{4}$  per cent goes to the State and  $16\frac{3}{4}$  per cent to the clubs. In Queensland the rate is  $1\frac{1}{2}$  per cent on-course, with 80 per cent of revenue going to the State and 20 per cent to the clubs. There is a tax of  $2\frac{1}{2}$  per cent off-course, with 80 per cent going to the State and 20 per cent to the clubs. In South Australia the rate is only 1 per cent on-course, yet there is all this fuss about an extra  $\frac{1}{2}$  per cent putting bookmakers out of business. I do not know how that can be said. South Australia has never been so mean as to take all the money, for with bookmakers and racing clubs we think there is such a thing as live and let live. We have been generous to bookmakers and racing clubs. The honourable member seems to distrust racing clubs. I have seen plenty happen, and Mr. Shard referred to it. I have seen the improvements at Port Adelaide, and I think the honourable member is doing an injustice to that club when he says that nothing has been done.

The Hon. A. J. Shard: I said for racegoers generally.

The Hon. Sir LYELL McEWIN: The honourable member can qualify it as he likes. It could be thought that they are a gang of crooks instead of a body of respectable citizens who have been providing these facilities.

The Hon. A. J. Shard: I didn't say anything of the sort.

The Hon. Sir LYELL McEWIN: I do not go there often, but as Minister of Health I have seen the improvements made there. I have seen the buildings that have been placed on the flat at Morphettville, and the other improvements that have caused considerable expense. Amenities have been provided for the public, and I think it is unbecoming for an honourable member to refer to the committees of our leading racing clubs as though they were a gang of thugs who did nothing and have little regard for anyone else.

The Hon. A. J. Shard: You are doing a good job. Keep going.

The Hon. Sir LYELL McEWIN: I am quite happy; I would hate to think I was hopelessly off the beam as the honourable member appears to be. I will give honourable members a chance if they want to say more on this matter. We can discuss clause 5 in Committee. If members opposite want the Bill to interfere with the police in the carrying out of their duties in the manner that has caused this State to be regarded with envy elsewhere, it is their responsibility. I do not know if they are acting independently on that matter.

The Hon. A. J. Shard: It is Party policy. Don't let us have any misunderstanding about that.

The Hon. Sir LYELL McEWIN: Then you are opposed to law and order?

The Hon. A. J. Shard: That is an unfair statement.

The Hon. Sir LYELL McEWIN: The honourable member's Party must take the responsibility for it. I do not stand for it, and I hope this Council will not stand for it. Section 63 is different from anything else. I ask the honourable member and his Party whether they are prepared to put the powers in the Police Offences Act. If they are, there would be a ring of sincerity. If they are prepared to do it I will be happy to listen to them, and the necessary steps could be taken. I am sure that the Government would be prepared to consider the matter. I will not subscribe to anything that will in any way interfere with the powers of the police to look



after general behaviour in our streets. I will make no further references to the matter at present as it will be dealt with in Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Payment of commission on bets and returns"

The Hon. A. J. SHARD: I would like to test the feeling of members on this clause, which I oppose. I want to reply to the Chief Secretary, who does not often say things as he did tonight that are so far off the beam. Despite what he said, on the Lottery and Gaming Act, we are entitled to express our views. It is incidental that the views of the Hon. Mr. Bevan and myself are similar on this occasion. Three of our members in another place voted for the Bill.

The Hon. Sir Arthur Rymill: Your views generally seem to coincide, sometimes by arrangement and sometimes by order.

The Hon. A. J. SHARD: Don't drag a hornet's nest into this; the honourable member will not get away with it.

The Hon. C. D. Rowe: Doesn't clause 5 deal with a social question?

The Hon. A. J. SHARD: Three of our members in another place supported the Bill, and clause 5 does not refer to a social question. Those members had a right to do that, and we do not object. I believe another member went outside because he would not vote against the provision and he would not cross the House.

The Hon. Sir Lyell McEwin: If he is independent, why did he worry about that? Didn't you leave him free?

The Hon. A. J. SHARD: It was his own desire, and he is entitled to his opinion. If my colleagues want to vote against me on this it is their business; they have a right to do it.

The Hon. Sir Arthur Rymill: This is an unusual action.

The Hon. A. J. SHARD: No. We have more freedom than most of your people. When the whip is cracked your Party always gets the numbers. Surely the honourable member can see that. Don't tell me that your members vote as they like because they don't. I have had the experience of being told by members opposite that they are able to vote as they wish, but when the whips are cracked they are not.

I do not like this Bill, which I do not think will benefit the people of this State. Except for Victoria Park, there has been some improvement to the flat enclosures of racing clubs in Adelaide. Some improvements have been made at Cheltenham, but very few improvements have

been made to the flat. I think the committees of racing clubs have been doing a good job, but some members of those committees do not like this measure. One prominent committee member said that this State should have T.A.B. and that nothing short of it should be accepted. I oppose the clause, and I hope the Committee will not accept it.

The Hon. S. C. BEVAN: I oppose this clause. We have been told that South Australian bookmakers pay the lowest turnover tax in Australia, but that is irrelevant. If the turnover of bookmakers in this State were comparable with the turnover in other States, the bookmakers would be able to pay a 2 per cent tax, but it is not. Our population is less, and fewer people attend races, so I do not think the position in other States is a fair comparison. I do not think South Australian bookmakers will be able to carry the additional tax; I think they will have to go out of business or the Government will have to reduce the tax. I oppose the clause.

The Committee divided on the clause:

Ayes (15).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, N. L. Jude, H. K. Kemp, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Noes (3).—The Hons. S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 12 for the Ayes.

Clause thus passed.

Clause 4 passed.

Clause 5—"Repeal of section 63 of principal Act."

The Hon. Sir LYELL McEWIN (Chief Secretary): I indicated in my second reading explanation that I would propose the deletion of this clause. Although it is suggested that these powers are in the Police Offences Act, I have looked at them and have observed that they are not comparable. It would be undesirable to delete this section from the Act. I ask the Committee to vote against the clause.

The Hon. A. J. SHARD: I ask the Committee to approve clause 5. Two members of another place with legal knowledge, and on opposite sides of the fence, have agreed that clauses 7 and 18 of the Police Offences Act give the police everything that section 63 of the Lottery and Gaming Act does. Our objection is that the police use this section in general terms when the offence committed has nothing to do with the Lottery and Gaming Act. I do

not wish to take away any powers from the police to prevent them from doing their job properly.

The Hon. Sir Lyell McEwin: Would you insert this provision in another Act?

The Hon. A. J. SHARD: At the moment I would be inclined to, although I do not want to commit myself. Section 18 of the Police Offences Act is very wide. The penalty there is higher than that imposed under the Lottery and Gaming Act: it is £25 or imprisonment for three months under the Police Offences Act and £20 or imprisonment for two months under the Lottery and Gaming Act. Section 18 of the Police Offences Act states:

Any person who lies or loiters in any public place and who, upon request by a member of the Police Force, does not give a satisfactory reason for so lying or loitering shall be guilty of an offence.

If that is not wide enough to break up gangs of youths or people misbehaving in the streets, I do not know what is.

The Hon. Sir Lyell McEwin: What if somebody was waiting to meet somebody?

The Hon. A. J. SHARD: If they are waiting for somebody they may be waiting for five or 10 minutes but they are not waiting all day. If that is your reason for opposing this clause, it is weak. Section 63 of the Lottery and Gaming Act states:

No person standing in any street shall refuse or neglect to move on when requested by a police constable so to do, or shall loiter (whether such loitering shall cause or tend to cause any obstruction to traffic or not) in any street or public place after a request having been made to him by any police constable not to so loiter.

The Hon. Sir Lyell McEwin: That has been in the Act for nearly 50 years.

The Hon. A. J. SHARD: That is because of the old days when the nit-keepers were about; it may have been necessary to enable the police to do their job. But the police are now using this Act and not the Police Offences Act, because there is no defence in that case. If someone is asked to move on and he does not move on, he commits an offence under the Police Offences Act, which states, "Any person who lies or loiters . . ." The Attorney-General knows that there have been magistrates who have expressed the view that that is not the correct way to deal with such cases. People have been found guilty merely because the police were a little over-zealous. In a force of 1,500 men there are always one or two who will use the Lottery and Gaming Act to move people on in Rundle Street on a Sunday after-

noon when there is no suggestion that they are committing an offence against that Act. It is not right. If section 18 of the Police Offences Act is amended, I do not know that we shall have much objection.

The Hon. N. L. Jude: You support that section of the Police Offences Act?

The Hon. A. J. SHARD: I do not know. I said just now that I was inclined to but that I did not want to commit myself. I do not think it is necessary. For offences that have no connection with the Lottery and Gaming Act, the Police Offences Act should be invoked. I ask the Committee not to delete clause 5.

The Hon. Sir ARTHUR RYMILL: While the Hon. Mr. Shard was debating the second reading of this Bill, I jotted down what he said because I was not certain that he really wanted to go as far as he did. As he has just repeated what he said earlier I had no need to note it; but he said that the police had the same powers under the Police Offences Act as they had under the Lottery and Gaming Act. He said that during the second reading debate and he has repeated it. If the police have the same powers under the Police Offences Act as under the Lottery and Gaming Act, why should we be wasting all this time in taking out identical powers? If they exist under both Acts, what does it matter if they exist under this Act, because either power can be used? They are not identical, because the power under the Lottery and Gaming Act is much wider than that under the Police Offences Act. I should like to compare them. Section 63 of the Lottery and Gaming Act is almost absolute. It says:

No person standing in any street shall refuse or neglect to move on when requested by a police constable so to do, or shall loiter (whether such loitering shall cause or tend to cause any obstruction to traffic or not) in any street or public place after a request having been made to him by any police constable not to so loiter.

It does not relate itself to any suspicion under this particular Act at all. It just says that if the police think a man ought to be moved on, then there is the power for them to make him do so. On the other hand, the sections of the Police Offences Act are all qualified. The first one is section 18, which says:

Any person who lies—

that means lies down, I take it; it is not a question of words of mouth—

—or loiters in any public place and who, upon request by a member of the Police Force, does not give a satisfactory reason for so lying or loitering shall be guilty of an offence.

I suppose a satisfactory reason for lying would be that he was tired. That is the most obvious reason. A satisfactory reason for loitering would be that he was waiting for a few friends to come along. If he says that, how can the police deny these things, unless they can disprove them in some way? That is heavily qualified. Section 19 says:

Any person, who being a suspected person or reputed thief, is in a public place or in a place adjacent to a public place with intent to commit any offence triable on information in the Supreme Court shall be guilty of an offence. That is very narrow. The other section mentioned was section 7 of the Police Offences Act. It says:

Any person who in a public place or a police station—

(a) behaves in a disorderly or offensive manner; or

(b) fights with any other person; or

(c) uses offensive language,  
shall be guilty of an offence.

Let us relate the section to bodgies, widgies, rockers and all these people who get together and are likely to cause trouble. The section which the Labor Party wishes to take out of the Lottery and Gaming Act has, as the Chief Secretary says, worked well for nearly 50 years, and under it a policeman can just say to these people, "Go," and they have to go, or they are in trouble, and then the police can do what they want to do. Let us see what they can do under section 18 of the Police Offences Act. Because they are loitering, the police request them to move on. The persons can give any satisfactory reason, such as, "We are waiting for friends," or "We are here to look in the shop window." They can say, "I am not going," and the police are then deprived of their power. What happens under section 7? The danger with these young people is that they lead each other astray, urge each other on, and such words as "chicken" are used. By the time any of them are seen behaving in a disorderly manner, the mischief has been done.

We must be practical as well as theoretical. In theory, what has been said about section 63 might well be the case. It may be that that section ought to be in the Police Offences Act instead of in the Lottery and Gaming Act. Some purists might say that it should not be in either but I believe that the section that the Labor Party seeks to delete from the Lottery and Gaming Act was never more necessary than it is at present. That is why I shall support the Chief Secretary's request. If the transfer of this section from the Lottery and Gaming Act to the Police Offences Act

took place, as the Hon. Mr. Shard suggested, then it should take place before the section is taken out of the Lottery and Gaming Act.

The Committee divided on the clause:

Ayes (3).—The Hons. S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Noes (15).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, N. L. Jude, H. K. Kemp, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 12 for the Noes.

Clause thus negatived.

Title passed.

Bill reported with an amendment. Committee's report adopted.

The Hon. Sir LYELL McEWIN (Chief Secretary) moved:

*That this Bill be now read a third time.*

The Hon. A. J. SHARD (Leader of the Opposition): I oppose the third reading. The only decent clause in the Bill has been taken out.

The Hon. M. B. Dawkins: What about clause 4, did you oppose that?

The Hon. A. J. SHARD: No. We agreed to it because it was incidental to clause 3. We wanted clause 5 in the Bill, but it has been deleted. We were opposed to other parts of the Bill because we considered it was not in the best interests of the racing clubs or the punters. Despite the lateness of the hour I take this step to make our position clear.

The Hon. Sir Arthur Rymill: You have had plenty of time. You started on this Bill at 10.50 p.m. It is now 1.10 a.m.

The Hon. A. J. SHARD: I do not care if it is 7.20 a.m. We want the public to know that we do not approve of such an important Bill coming in at this late stage of the session.

The Council divided on the third reading:

Ayes (15).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, N. L. Jude, H. K. Kemp, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Noes (3).—The Hons. S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 12 for the Ayes.

Third reading thus carried.

Bill passed.

Later the House of Assembly intimated that it had agreed to the Legislative Council's amendment.

## PRICES ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 1 with an amendment, but had disagreed to amendments Nos. 2 and 3.

Consideration in Committee.

*Amendment No. 1:*

The Hon. Sir LYELL McEWIN (Chief Secretary): The Hon. Mr. Potter moved an amendment in this Committee to leave out the words "upon demand and tender of that cash price", and the House of Assembly accepted the amendment with a further amendment to add a proviso that no prosecution for not displaying a ticket or label could be lodged without the consent of the Minister. This will ensure that no proceedings will take place unless the Minister is satisfied that the case is a genuine charge; that is, the defendant has no genuine defence. This will mean that an honest offence will not be prosecuted. Amendments Nos. 2 and 3 will be unnecessary; the safeguard is that nobody will be proceeded against until approval is given by the Minister for a prosecution.

The Hon. F. J. POTTER: I think all honourable members will be pleased that another place has seen fit to agree to the important amendment that I moved to new section 33e (1). The other place has disagreed to my amendment to new section 33e (2), which was to add the words, "with his knowledge" and "to his knowledge". By removing those words, the other place has restored new subsection (2) to its original form. To guard against any injustice that may accrue to any person as a result of the wording going back to its original form, the other House has seen fit to include a proviso that there shall not be any prosecution unless the Minister consents. Similar provisions exist in one or two other Acts; the Early Closing Act is one. From a drafting point of view, the amendment of the House of Assembly has been inserted in another part of the new section, and it makes the provision look rather clumsy. However, it does not in any way alter or change new subsection (1), and I understand it was put where it is because of the Standing Orders of the other place, which enable that place to accept an amendment with an amendment but not to reject an amendment with an amendment. I accept the amendment to the Legislative Council's amendment No. 1.

The Hon. C. R. STORY: We are indebted to the Hon. Mr. Potter for pointing out these things to the Committee and to the other place for accepting the main part of the

amendment, because it seemed to me that we had not drafted this provision to give effect to what the Government intended. The Government did not intend to do all the things that this set out to do in the first place. By our tightening up this matter, legitimate traders will be able to carry on their normal business and those people who revert to practices which we do not think are ethical will be subject to some curb. The Committee should accept the amendments made in another place. I welcome the assistance that we have had from both the Government and the Hon. Mr. Potter in getting this matter straightened out.

Amendment agreed to.

*Amendments Nos. 2 and 3:*

The Hon. Sir LYELL McEWIN moved:

That the Legislative Council do not insist on its amendments Nos. 2 and 3.

Motion carried.

## FESTIVAL HALL (CITY OF ADELAIDE) BILL.

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

LOCAL GOVERNMENT ACT  
AMENDMENT BILL.

Returned from the House of Assembly with the following amendments:

No. 1. Page 2, line 14 (clause 7)—Leave out "striking out the word 'or'" and in lieu thereof insert "inserting after the word 'government'".

No. 2. Page 2, lines 14 and 15 (clause 7)—Leave out "and inserting in lieu thereof".

No. 3. Page 2, line 15 (clause 7)—Leave out "and".

No. 4. Insert new clause 7a. as follows:

7a. Enactment of section 287a of principal Act—Power to contribute to purchase of land by Housing Trust for residential development. The following section is inserted in the principal Act after section 287 thereof:—

287a. (1) In addition to the powers conferred by section 287, but subject to any provision of this Act relating to any particular revenue, a metropolitan council may expend its revenue in paying to the South Australian Housing Trust such portion (not exceeding £35,000 in any financial year) as the Minister shall approve of the purchase price of any land within the area of the council purchased or to be purchased by the said Trust for the purpose of development or re-development as a residential area in accordance with conditions approved by the Minister: Provided that no payment shall be made under this section unless the Minister is of the opinion that the land purchased or to be purchased is underdeveloped or insufficiently developed and that the development or re-development thereof by the said Trust will substantially increase the assessed value of the land and the revenue from rates in respect thereof.

(2) Any such council may in addition to its other borrowing powers and without further or other authority or consent than this section borrow money for the purpose of making any payment pursuant to subsection (1) of this section.

No. 5. Insert new clause 10 as follows:

10. Amendment of principal Act, section 300a.—Grant to Council of City of Adelaide. Subsection (1) of section 300a of the principal Act is amended by striking out the word "fifteen" therein and inserting in lieu thereof the word "twenty".

Consideration in Committee.

*Amendments Nos. 1, 2 and 3:*

The Hon. N. L. JUDE (Minister of Local Government): Honourable members should have a schedule of these amendments made by the House of Assembly. The first relates to clause 7, which deals with payments made by councils up to an amount of £250 for purposes associated with local government. Honourable members will recall that the only difficulty expressed about this was whether it would preclude councils from contributing to the Murray Valley Development League. However, I am satisfied, with the Parliamentary Draftsman, that it meant what the Government intended. Honourable members were good enough to let it go through this Council to another place, where again certain doubt was expressed (particularly outside by the Municipal Association and the Local Government Association of South Australia) that the wording was not clear. So it was altered slightly by putting in the word "Government" and striking out the word "or". I am informed that the other place is perfectly satisfied that this will make provision for making payments to the Murray Valley Development League and will prevent their being made to interstate organizations such as the Portland Hinterland Development Council. I ask the Committee to accept the amendments.

The Hon. C. R. STORY: I should like time to study this first amendment. I am vitally interested in this because the Murray Valley Development League concerns me greatly.

The Hon. F. J. POTTER: As the Minister was talking I was writing down the amendments. I see that it is not just the first amendment; all these amendments are really one amendment. If honourable members look at line 14 in clause 7 of the Bill and take all the three amendments together, they amount to this: strike out the whole thing and reword it. Although the Minister has really dealt with the first amendment, one has to look at the three amendments in order to get the sense.

The Hon. R. C. DeGARIS: What the Hon. Mr. Potter has said is quite correct.

The Hon. C. R. STORY: In all good faith, I am prepared to accept the amendment in the hope that it will allow the Murray Valley Development League to continue its present operations. The league's position is fairly well secured and I do not want to be a party to doing anything that may jeopardize it. I assure the Minister that this amendment does not alter the position of the league.

Amendments agreed to.

*Amendment No. 4:*

The Hon. N. L. JUDE: The fourth amendment is to insert new clause 7 (a). Honourable members will recall that a somewhat similar clause was inserted in the original Bill when I introduced it in this Council, except that it did not have the limitation imposed by the £35,000. The Hon. Mr. Bevan's complaints were that it was too wide and that ratepayers were not sufficiently protected. Mr. Bevan was followed in the debate by Sir Arthur Rymill. In the circumstances, I decided that I should have a further look at the matter. I was approached by the Municipal Association, some members of which were very interested in one scheme that had already been formulated.

The Hon. A. J. SHARD: You are committed to it, if this clause becomes law.

The Hon. N. L. JUDE: I told them that if they could persuade the Opposition to support this measure the Government would consider reintroducing it with certain safeguards. That is what happened, except that I was not aware of the view taken by the Opposition, but apparently the numbers were sufficient in the House tonight to include this provision and the clause was reinserted in a modified form, providing safeguards. I propose to read a report by the Chairman of the Housing Trust, Mr. Cartledge, because whether members agree with the clause or not I think they will see that the report sets out the position clearly. Mr. Cartledge said:

The purpose of the new clause is to enable a metropolitan council to contribute towards the price of land purchased by the Housing Trust within its area. The amount which the council can expend for this purpose in any financial year is limited to £35,000 and the contribution can only be made subject to the conditions set out in the clause. In the first place the council's contribution must be approved by the Minister. The purpose of the purchase must be for the development or redevelopment of the land as a residential area in accordance with conditions approved by the Minister. And the Minister must be satisfied that the land to be purchased is under-developed or insufficiently developed and that its development by the trust will substantially increase the assessed value of the land and the resultant rate revenue from the land.

This is rather similar to the position under section 435 of the Local Government Act, where a scheme may be submitted without there being recourse to a poll of ratepayers, provided the Minister considered the scheme was revenue-producing and so on. Paragraphs (a), (b) and (c) of the section indicate the position. Already under the Local Government Act the Minister can investigate whether a scheme is sound. The statement continues:

The effect of the clause is that the council's contribution may come either from its revenue or from a borrowing by the council. There are many areas in the metropolitan area suitable for redevelopment where the land is now under-developed, usually occupied by old and inferior or substandard houses. Invariably, the rate revenue from these areas is low. Often the allotment areas are too small to permit a redevelopment by retaining the existing small allotment and the only way in which the area can be improved is for an authority, such as the Housing Trust, to purchase all the allotments and to redevelop the area as a site for flats or other forms of high density housing. The localities in which the trust is interested for flat development are the inner suburbs where the existing buildings are old and often run down. The areas are eminently suitable for high density housing and have the most important effect of preventing what is, sometimes unfairly, described as the suburban sprawl.

The merits of providing high density housing on the fringe of the City or in its inner suburbs are well known. It reduces transport problems, eases the burden on the Engineering and Water Supply Department, renders new road works unnecessary and brings people close to the heart of things in the City. The trust can site up to 24 to 28 flats on an acre and still have ample room for gardens, open spaces, and garages. In order to keep its rents at a reasonable figure, the trust can only afford to pay up to £10,000 an acre for a flat site. In many cases the trust can obtain land at this figure when there will be no question of a council subsidy. Where a council desires the trust to develop an area with a greater purchase price it is in such a case that the trust will need the council's assistance. The minimum area needed by the trust for good flat development is about three acres. Often up to five or more acres is used. Thus, the limit of £35,000 as the council contribution is a realistic figure in view of the type of development carried out by the trust.

The financial benefit to the council from trust development can be readily seen. The land acquired will usually be occupied by from four up to ten or so houses per acre; if the latter figure is the case the houses will inevitably be small and sub-standard and of very low rating value. If these are replaced with up to 30 flats it is obvious that the council's revenue will increase very substantially. Obviously, whether a council will benefit financially in a particular case will be determined by the circumstances of that case and after taking into account the council's

payment to the trust. If no financial benefit will accrue, then obviously the Minister will not consent to the transaction. Apart from the financial benefit from the increased rate revenue it will happen, in some cases, that the council will be able to secure land for road widening as a result of the trust purchase.

The new clause provides that if a council borrows under the provisions of the clause, it will not be necessary to give notice of the intention to borrow or to have a ratepayers' poll. I regard this of great importance. When the trust buys land it finds it necessary to act quickly and frequently it must pay straight away to do a deal. Many owners of small properties are not willing to give options. Then again, the publicity, if public notice had to be given by the council, would inevitably send up prices and perhaps make the proposition uneconomic. I am of opinion that without this power to borrow as provided by the clause, the clause would be of little value to the Trust. The council can only contribute if the Minister is satisfied that the proposal will be financially profitable to the council and this should be sufficient safeguard for the ratepayers.

In most parts of the world it has been found that an authority redeveloping run down areas needs a subsidy. This new clause will enable the trust to receive such a subsidy which could make all the difference to the trust proceeding with a particular project. However, I would point out that, whereas the council's contribution is limited to a maximum of £35,000, the cost to the trust of a relatively small block of flats would be in the order of £250,000 and that if the full subsidy of £35,000 were paid the trusts's commitment would probably exceed £500,000.

I think that report is an admirable one and it sets out the matter far more clearly than I could have done. I ask members to accept the clause.

The Hon. S. C. BEVAN: When this clause was originally before the Council I opposed it for certain reasons, which I will not repeat now. It was inserted again in another place, but the Labor Party did not support it. It was included on the casting vote of the Chairman of Committees. We do not agree with the clause, despite the Minister's assurance. There is little difference in phraseology between the new clause and the original one. There is a limitation of the amount a council may borrow in any one financial year for the purpose of subsidizing the purchase of land. The council may borrow £35,000 in one financial year, and another £35,000 in the next, without consulting the ratepayers. Under this clause I suggest that the council could continue year after year to borrow money, without consulting the ratepayers.

The Hon. N. L. Jude: They might not be interested.

The Hon. S. C. BEVAN: Development is proceeding in the metropolitan area and in some council districts, and it would be possible to do what I suggested. The approval of the Minister would be needed but I have grave doubts, irrespective of the limit of £35,000. I said earlier that I could not see how the Minister could approve the price of land purchased by the trust some time previously; it could be years previously. At that time he would not have been approached about the matter. I repeat that this clause cuts across the Housing Improvement Act. It seems that that Act will be pushed into the background, and that where re-development is desired by a metropolitan council the trust will do the work conditionally on the council finding £35,000. Under the Housing Improvement Act, the trust has power to do this. The annual report of the trust indicates that there are circumstances where it has used these powers in areas where houses should be condemned, and that it has given orders for repairs to be carried out. If these orders are not carried out, the trust can acquire the properties, so I cannot see why this clause is necessary.

A position could arise where an agreement was entered into between a metropolitan council and the trust for the erection of flats on a site, which could be purchased by the trust. The trust under this clause could go to the £35,000 limit, as the clause gives an outright authority to borrow money. Without this authority the council would not be able to pay this money out of its revenue. The Housing Trust may not be able to proceed with building the flats in accordance with the agreement. I know members may say that it may be possible if it proceeds within two years, but in the meantime, principal and interest payments have to be made on the council's borrowing. Who pays this? We all know perfectly well that the ratepayers will.

The Hon. N. L. Jude: How long do you think these flats will take to build?

The Hon. S. C. BEVAN: They may not take long to build, but I am suggesting that there could be considerable delay before building were commenced, during which time the ratepayers would be called on to finance the borrowing. Indeed, they would be contributing until the property became ratable, at which time the council would receive a return. The Minister has to be satisfied that the structure will return sufficient rate revenue to the council to redeem the loan, and this should be written into the Bill if we are so concerned about safeguards. There is no provision for the ratepayers to be consulted on the matter.

The council could borrow £35,000 one year and repeat that borrowing the next, without consulting the ratepayers at all. This is not at all reasonable, and I oppose the amendment.

The Hon. Sir ARTHUR RYMILL: I should like briefly to go back to the debate on the second reading of the Bill. I take it, Mr. Chairman, that we are considering amendment No. 4 only?

The CHAIRMAN: Yes.

The Hon. Sir ARTHUR RYMILL: In *Hansard* at page 1277, when I was talking on the clause, as it then appeared in the Bill, I mentioned the fact that this borrowing was permitted. The Hon. Mr. Bevan is reported in *Hansard* as having used the word "Unlimited!" I then said:

That is a query I was about to raise.

I went on to query whether a poll of ratepayers was required in respect of this matter. The Minister then said:

It appears that there is some doubt about whether a poll is necessary. I have consulted the Parliamentary Draftsman, who says that new subsection (2) means that a poll would not be necessary.

That elucidates the matter. Later, the Hon. Mr. Shard said, "I suggest the Minister withdraw this clause." I then said, "I do not go as far as that because I think this clause could give a desirable power in many cases." I instanced what had been done in this regard by the Adelaide City Council. However, the Minister succumbed to Mr. Shard's views, and not to mine, and withdrew the clause.

The other place has reinstated it in what appears to be a satisfactory manner. There was no limitation at that stage on the borrowing power, as the Minister himself said; there was no availability of any poll to the ratepayers. It meant that the council could borrow any money for this purpose that it might wish to. I was worried about that—not that the power was given to the council but that it could be used extensively without any possibility of intervention by the ratepayers. However, instead of making the power subject to the possibility of the ratepayers demanding a poll, the other place has inserted a different limitation, namely, that the amount borrowed shall not exceed £35,000 in any one financial year; and that applies to expenditure as well as to revenue.

There is a bracket missing in the amendment after the word "year" in the fourth line of this clause. I take it that that will be put right. The first part of the clause reinserted refers to the expenditure and revenue, which is limited to £35,000 in any one year. That is

satisfactory. I was asking only for someone to agree to a limitation; I was not trying to specify it. I am satisfied with it now. Sub-clause (2) states that any such council may, in addition to its other borrowing powers, borrow this money, and again a limitation has been inserted. It is satisfactory and I propose to support the inclusion of this amendment.

The Hon. R. C. DeGARIS: This is rather confusing. This amendment occurs in Part XV of the Local Government Act, which is headed "Revenue and expenditure". Section 284 defines exactly what "revenue" is as far as the council or corporation is concerned. This amendment inserts new section 287a. Under Part XV of the Act no mention is made of borrowings or loans. New section 287a reads:

(1) In addition to the powers conferred by section 287 a metropolitan municipal or district council may expend its revenue . . .

The whole of that subsection, which I shall not read in full, deals with "revenue". Then subsection (2) states:

Any such council may, in addition to its other borrowing powers, borrow money for the purpose of making any payment under subsection (1) of this section.

This is the only mention right through Part XV of borrowing powers. I suggest that this amendment is in the wrong place and that it will lead to some confusion. I point out to the Minister that local government bodies outside the metropolitan area may also wish to use this particular power. Section 871t, inserted in the Act in 1957, states:

The Governor may by proclamation declare that the provisions of this Division shall apply with respect to any other municipal council named in the proclamation.

I suggest that in the future a corporation outside the metropolitan area may be able to avail itself of the provisions of this amendment.

The Hon. N. L. JUDE: In reply to the Hon. Mr. DeGaris's last point, this provision was deliberately confined to metropolitan councils to see how it worked. The Housing Trust visualizes that it might get many demands of this nature.

The Hon. Sir ARTHUR RYMILL: I think the Hon. Mr. DeGaris raised quite an important point, although it might appear trifling on the face of it, when he said that the borrowing power in this section is in the wrong Part of the Act. This borrowing power is included in the revenue sections, and I think it could easily be lost to the casual observer. I think that when the Local Government Act is next amended—

The Hon. A. J. Shard: In the dying hours of the session.

The Hon. Sir ARTHUR RYMILL: I will allow the honourable member to die by himself, and I will carry on with the argument. I think that when the Act is amended next year, as it probably will be, the Minister might consider putting the borrowing power contained in subsection (2) into the borrowing Part of the Act so that it will be more clearly ascertainable.

Amendment agreed to.

*Amendment No. 5:*

The Hon. N. L. JUDE: Honourable members saw that this provision was already in the Bill in erased type when it was introduced here and it was necessary to insert it in the Bill in another place. This has now been done.

The Hon. Sir ARTHUR RYMILL: As a former member of the Adelaide City Council, I should like to thank the Government for its nominal recognition of the council. I think the institution of the grant in the first place was a very generous act. Of course, the grant was introduced following a decision many years ago by the then council that it would not come under the Highways Act. The amount has remained static for many years. I think that if the amount under this provision was adjusted to the increase in the cost of living and other relevant scales, it would be seen that the £5,000 should be much nearer £15,000 or £20,000. However, I am sure the council will be glad that it has received this recognition.

Amendment agreed to.

#### NURSES REGISTRATION ACT AMENDMENT BILL (AGES).

Returned from the House of Assembly without amendment.

#### STATUTES AMENDMENT (LOCAL COURTS AND WORKMEN'S LIENS) ACT.

Returned from the House of Assembly without amendment.

#### ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

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

#### PROROGATION SPEECHES.

The Hon. Sir LYELL McEWIN (Chief Secretary): I move:

That the Council at its rising do adjourn until Tuesday, November 24, at 2.15 p.m.

The moving of this motion, of course, indicates that we have come to the end of the final session of this Parliament. It has been a busy session.



I do not remember when we have previously had a session where the Council has sat consistently through every week. The number of messages exchanged between the Houses indicates the amount of business transacted, all of which has a bearing on the lives of the citizens of this State.

This session ends in an atmosphere of sadness for me. The Hon. K. E. J. Bardolph is absent. He has been a member of the Council since 1941 and is the next-oldest member of the Chamber. I am sure all members are sorry that he is in ill health which has meant that he has been unable to be here during the last few weeks. Now, because of his impending retirement, he will not be contesting the next election and, therefore, we shall not see him again in the Chamber. Those of us who have been associated with him for so long will miss him. I am sure all members will join me in expressing regret at his ill health and in wishing him a speedy recovery.

After 18 years I shall lose two very valuable colleagues who are retiring at the conclusion of this Parliament. I refer first to the Hon. W. W. Robinson, who was elected to this Chamber in 1947 at the general election. He will have concluded 18 years' service at the end of this Parliament. I refer secondly to the Hon. R. R. Wilson, who was elected at a by-election in 1949. He will have completed about 15 years' service at the end of the Parliament. I wish to place on record my appreciation of their service to Parliament and to South Australia. I have been particularly fortunate to have them as my colleagues representing the Northern District over that period. The late Hon. Harry Edmonds served in Parliament for a long period as a representative of the Northern District and retired at the end of the last Parliament. Now the Hon. W. W. Robinson and the Hon. R. R. Wilson are retiring and this means that my long political association with those members has been completely severed. I want to say to these gentlemen how much I have appreciated their loyalty and co-operation. The Northern District is a large area and because of the distances involved the responsibility for representing the district must be shared. In this regard the honourable members have been particularly helpful and this has enabled contact to be maintained in all parts of that huge area.

Earlier this session one of our members resigned in order to enter Federal politics, and he was replaced by the Honourable Harry Kemp, who has been here only a few months

but during that period has established himself among members. His natural friendship and sincerity will help him considerably in his career here, and we wish him a happy and congenial term as one of the representatives of the Southern District.

Mr. President, we have enjoyed your presiding over us during the period of this Parliament. It is pleasing to observe that you are looking so much better than you did this time last year, when you were in rather indifferent health. However, you have been on top this session and have been able to assist us and capably preside over our gatherings in this Chamber. We express appreciation of your being with us in such good fettle and hope that you will continue to do that for many years to come. We have appreciated your tolerance on the occasions that we have not always acted as we should, but I assure you that on those occasions there was no lack of respect to you as President.

The Clerk of the Parliaments and the Black Rod have provided excellent service for many years, and I am sure no member appreciates that service more than you do, Mr. President. I have much pleasure in thanking them on behalf of all members. We must consider ourselves fortunate in having such a Clerk of Parliaments and Black Rod.

Our Parliamentary Draftsmen have given us the conscientious assistance we have come to expect as normal. We express to them our appreciation. Our thanks also go to the *Hansard* staff, members of the press, and our messengers. I suppose there are times when we think that perhaps the Council could do with a little more recognition in the press, but we are fortunate in having such a press in South Australia and we thank the press men for their consideration and attention, as we do the members of the *Hansard* staff.

I now come to that essential department, the Library. It is an institution of Parliament that is always available to members and the staff of this excellent library render assistance which is much appreciated. Our thanks also go to the catering staff, which rises to all occasions, official and otherwise. We are particularly fortunate in having such a staff.

I express appreciation for the assistance and co-operation of all honourable members, which has enabled us to maintain a proper atmosphere in this Chamber while deliberating for the efficient management of the State, and it has been done under the most congenial conditions. I wish each and every member of this Council health and prosperity during the period of the adjournment.

The Hon. A. J. SHARD (Leader of the Opposition): I support the motion with a tinge of regret, because it is the end of the last session of this Parliament and some members are retiring. I agree with the Chief Secretary that one of the saddest happenings is the retirement this year of the Hon. K. E. J. Bardolph, in circumstances in which he has been forced to retire. We knew him as an able debater and a strong personality, but during the last few months he has been ill. I am sure that one of the disappointments of his life will be that he has not been in this Chamber during the concluding stages of his career. He has served 24 years in Parliament and has taken an active part in debates. Whether one agreed with him or not, one must admit that he was fearless in debate and honest in his contentions. My colleagues and I hope that he will make a good recovery from his illness and enjoy many years of happiness in his retirement. He will miss this place greatly. Perhaps the only thing that played a bigger part in his life was his family. I have known him for many years and have never known another man who looked after his family so well. He lived for his family; perhaps, at times, he overdid it.

My friend, the Hon. Mr. Robinson, has had a splendid record in Parliament. By the time he retires he will have served 18 years. He has given splendid service to this State. The Hon. Mr. Wilson will have been a member for 15 or 16 years when he retires. I had the pleasure of serving with him on the Joint Committee on Subordinate Legislation, which was my education in Parliament. Both the Hons. Mr. Robinson and Mr. Wilson have travelled in other States with me in the Parliamentary bowling team, and on these trips we have forgotten politics and have become firm friends. I shall miss them on future trips. These trips do much good for members of Parliament, for they have welded us together. I know that Mr. Robinson and Mr. Wilson will miss those trips. I wish both of them good health for the future. I am particularly pleased to see that Mr. Wilson has made a good recovery from his illness some time ago. I hope that both gentlemen enjoy a long retirement, and I know that they will put in much time on the greens. I pay a tribute to my colleagues, Mr. Bevan and Mr. Kneebone, for their help and support. We are only three in number in a rather big Chamber and the odds are against us somewhat. We have much work to do at times and we have always worked as a team. If we have not taken many tricks, at least we have made our presence known. After

all, we are here to express our point of view. I place on record my sincere appreciation of all the help they have given me.

To you, Mr. President, I say that, although we may try you severely at times, you keep us in check, even more so since your recent statement concerning Standing Orders which, of course, we all readily accepted. I join with the Chief Secretary in saying how much better you have seemed in health this year than last year, and may your health improve even more next year. We are fortunate in having men of the calibre of the Clerk (Mr. Ball) and Black Rod (Mr. Drummond), who, despite the difficult problems that confront them at times, always have the right answers. It is gratifying to know that we have somebody to whom we can turn for enlightenment. I sincerely thank the *Hansard* staff, headed by Mr. Hill, for their efforts. Sometimes when I read my speeches I ask myself whether they are really mine, for *Hansard* makes them clear and intelligible to the reader. I fear what would happen if I ever became angry with *Hansard* and they retaliated by reporting *verbatim* what I had said.

I think I have worried the Parliamentary Draftsman more this session than usually but, as always, he has been helpful. I have had more association with the messengers, too, this year than previously. We are fortunate in having Mr. Fletcher, Mr. Dawes and Mr. Young, who are always ready to help us in our work. The library, under Mr. Lanyon's direction, has always served us well, and on behalf of my colleagues, and I am sure all honourable members, I thank Mr. Lanyon and his staff for their services. I always wonder just how the catering staff copes with its task. We have had almost a complete change of staff in the last year but the catering continues to function like clockwork. Sometimes it is criticized and sometimes things do not seem to be just as they should be, but I have travelled fairly extensively in my lifetime, and I have visited other Parliaments in Australia, and I can say without fear of contradiction that our catering staff is second to none in the Commonwealth. I thank Mrs. Catton and her staff for their co-operation.

I hope all honourable members will enjoy good health and have a good time at Christmas and that most of us will return after the elections. I may be pardoned for saying that I could do with one or two more helpers. I wish all honourable members prosperity and I trust that they will enjoy the break I hope they will get between now and when we next meet.

The Hon. C. R. STORY (Midland): Mr. President, I rise to support this motion because it is an important occasion when we lose three respected members of this Chamber at the same time. As the Chief Secretary said, we have had an intake of new members this year into this Parliament. It is a good thing that we have some young members in this Chamber, but we need a leavening of mature members and I am sorry that the time has come for these three honourable gentlemen to retire from this Parliament that they have served so well.

I can say for all honourable members how sorry we are that the Hon. Mr. Bardolph is not here to go out with the handshake that we should like to give him today. We hope he will soon be restored to health and be able to come here to see us again. We all wish him the very best for improved health in the near future. Our two colleagues, the Hons. Mr. Robinson and Mr. Wilson, we have grown to know very well. I am privileged to have been here for 10 years with these gentlemen and to have received much help from them. They have rendered to the Northern District valiant service and to the State valuable service in other spheres. Mr. Robinson has assisted commerce and local government, while Mr. Wilson is a stalwart of the Returned Servicemen's League, by which organization he has been honoured with life membership. He is still an active member of the league. So, appreciatively, we can say "farewell" to these two honourable members in the hope that they, too, will be available for various duties and for giving advice where necessary.

I thank the Chief Secretary for the ever competent manner in which he leads this Council. His experience is most valuable to Parliament and to the whole State. I heartily join with other members, Mr. President, in saying how pleased we are to see that you are so well even at this very late hour. We feel that you have hit your straps and are now getting honourable members well under control! I thank the Leader of the Opposition for his expression of goodwill. The members of his Party and my Party work together—not always perhaps in complete unanimity but we work together and, after all, one of the main objects of this Council is the expression of opinion.

I thank my own colleagues for their help and assistance. Mr. Ball, serving not only as Clerk of Parliaments but also as the Secretary of the Commonwealth Parliamentary Association, does a magnificent job. Mr. Drummond is always available to help us, serving on com-

mittees as well as performing his duties as a clerk at the table. Mr. Merton in the outside office also plays his part. I think every honourable member agrees that our messengers (Mr. Fletcher, Mr. Dawes, and Mr. Young) are courteous and helpful in every possible way. We owe a great debt of gratitude to the catering staff, and perhaps the best way in which I can show it is to stop speaking fairly soon so that they can go home. The *Hansard* staff makes a presentable report of my remarks even when I am not quite on the beam.

I also pay tribute to the library staff and the telephonistes. I hope it will not be long before more suitable arrangements are made to enable the telephonistes to function more efficiently. The present facilities are inadequate for the job, and I think the telephonistes are taxed more than many members realize. I am sure some members have different feelings from others regarding the press. With the press, I have always asked not for justice but for mercy. The Parliamentary typistes look after honourable members very well indeed. They always seem to be available, even at short notice, and they give very efficient service.

I sincerely hope that everybody enjoys good health and happiness during the coming recess. I am sure that those who will be returning are happy that the three honourable members who are leaving this Parliament are doing so because they are retiring in the normal way and not in the way that so often occurs with people who perhaps stay a little too long. I have very much pleasure in supporting the motion.

THE PRESIDENT: In rising to express my thanks to honourable members for their kindness, help and co-operation throughout the year, I should like to say that it has been particularly noticeable this year that nearly all members have paid close attention to the details of the Bills. I think that is a very good thing indeed, and I hope it continues in the years to come. Although the session has been short, the last few weeks have been very strenuous and the volume of work has necessitated the work being allocated to various members. I am sure all will agree that those members have carried out their tasks expeditiously and to the satisfaction of all.

I join with other honourable members in paying tributes to the officers and staff. The Hon. Mr. Story has expressed our feelings in this respect, and I think it is unnecessary for me to mention those people again by name. I sometimes wonder how our Clerk manages to cope with all the work in the way

that he does. He is certainly an outstanding Clerk and he must have a particularly orderly mind, for he always seems to be able to turn to the right page and tell members what they want to know. I am indeed sorry that the Hon. Mr. Bardolph is not here. I hope that he will soon be restored to health and that he will visit us frequently. It is sad that he should have to leave this Chamber under such circumstances.

I am losing some good friends in the persons of the Hon. Mr. Bardolph, the Hon. Mr. Robinson and the Hon. Mr. Wilson. In fact, I wonder who will be bothered playing billiards with me in future. I shall have to find someone else with enough patience to do so. I should also like to express my thanks to Mr. Giles, M.H.R., who was always a bright spark in the Parliament. We have missed him very much. I am sure that all honourable members would want

me to express to these gentlemen our best wishes for their good health and a very happy future.

With those few remarks, I wish honourable members a happy Christmas and a prosperous, pleasant and profitable new year. I hope that we shall all be in the best of health when we are due to re-assemble. I shall now put the motion moved by the Chief Secretary, who has been so good to us throughout this year.

Motion carried.

#### PROROGATION.

At 2.55 a.m. on Friday, October 23, the Council adjourned until Tuesday, November 24, at 2.15 p.m.

Honourable members rose in their places and sang the first verse of the National Anthem.