LEGISLATIVE COUNCIL

Thursday, September 15, 1966.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS.

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

Bank of Adelaide's Registration under the Companies Act 1892 Act Amendment (Private),

Public Purposes Loan.

DISTINGUISHED VISITOR.

The PRESIDENT: I notice in the gallery the Hon. Harry Chan, President of the Legislative Council of the Northern Territory and Mayor of Darwin. I invite the honourable gentleman to take a seat on the floor of the Council and ask the Chief Secretary and the Leader of the Opposition to escort the honourable gentleman to a seat.

The Hon. Mr. Chan was escorted by the Hon. A. J. Shard and the Hon. Sir Lyell McEwin to a seat on the floor of the Council.

QUESTIONS

BLINMAN WATER SUPPLY.

The Hon. Sir LYELL McEWIN: I ask leave to make a statement prior to asking a question of the Minister of Labour and Industry representing the Minister of Works.

Leave granted.

The Hon. Sir LYELL McEWIN: My question relates to the water supply for Blinman, which is a small town in the north of the State and which is important from the tourist angle. Water has been supplied to the hotel from two wells that are now dry. I am informed that a bore within a mile of the town has a 500-gallons an hour supply and that if this supply could be taken by pipeline to Blinman the water supply problem would be removed and a permanent supply provided for the town. An adequate water supply is important for the development of tourism. I know that the matter of arranging a water supply is difficult, because investigations were made by me, as Minister of Mines, without much result. I am told that a supply from the bore is available at present. Will the Minister take up the matter with the Minister of Works to ascertain whether the Government can ensure a water supply for Blinman?

The Hon. A. F. KNEEBONE: I shall convey the question to my colleague to see what can be done and report back to the honourable member as soon as possible.

GAWLER BY-PASS.

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question of the Minister of Roads.

Leave granted.

The Hon. M. B. DAWKINS: All honourable members well know that there has been a number of accidents on the Redbanks Road-Gawler by-pass intersection and also on what is known as the Gawler Belt intersection with the by-pass, and that plans have been prepared to try to overcome the problems in this area. I have recently had the privilege of looking at the latest plans regarding the Redbanks Road-Gawler by-pass intersection and although they may effect some improvement they will be quite costly and will deal only with one part of the problem. I have had it suggested to me on more than one occasion and from more than one source that if the Redbanks Road were continued in an easterly direction from the general direction from which it comes from Roseworthy College, instead of deviating to the right and crossing the by-pass where it does, it would continue along an existing road and would form a T junction with the Main North Road No. 32 north of the present Gawler Belt intersection. If this were done, it might then be possible to erect an over-pass over the Gawler by-pass at Gawler Belt, which would not just make some improvement to one of these bad intersections but should overcome the problems concerning both of them. Will the Minister arrange for the Highways Department to look at this suggestion, which could overcome the two serious problems that exist there?

The Hon. S. C. BEVAN: I shall refer the matter to the department, have it investigated and report to the honourable member later.

VICTORIA SQUARE INCIDENT.

The Hon. C. M. HILL: I ask leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. C. M. HILL: I refer to the incident on Friday, September 9, that occurred outside the M.L.C. Building in Victoria Square, in which young people, reported to be university students, set alight a United States flag, with the smouldering flag being rescued from the demonstrators by an American person. On September 13 the President of the Students' Representative Council wrote to the press making it clear that his council had had no connection

with the incident. First, will the Chief Secretary obtain the names of the people directly involved in the incident and give this information to the Council? Secondly, will he seek an assurance from the university authorities that the students directly associated with the actual desecration of the U.S. flag will be disciplined? Thirdly, will the Government investigate the whole matter further, with a view to the State tendering an apology to the U.S.A. for the action of some of its citizens?

The Hon. A. J. SHARD: As honourable members know, the Council has not functioned as usual this week. I understand that, through the Premier's Department, a docket is on its way directing that a full inquiry be made into this very unsavoury incident. I think it would be foolish at this stage for me to say what will or will not be done. The Premier and I would not want to get our wires crossed.

COPPER ORE.

The Hon. R. A. GEDDES: Has the Minister of Mines a reply to my question regarding the possible processing of copper ore from Paratoo at the uranium treatment plant at Port Pirie?

The Hon. S. C. BEVAN: The reply is as follows:

An approach has been recently made to the Mines Department by Electro Winnings Pty. Ltd. with a proposal to utilize the uranium treatment plant at Port Pirie for recovery of copper. The proposal will need full investigation before a report can be submitted, and it is estimated that some months may be required to complete these investigations.

PARKING BAYS.

The Hon. L. R. HART: Has the Minister of Roads a reply to a question I asked on August 30 about the provision of parking bays on some main arteries leading into Adelaide?

The Hon. S. C. BEVAN: The reply is as follows:

Although parking bays are progressively being constructed on rural roads, no great activity is proposed in this matter on roads as close as 30 miles to Adelaide. It is thought that most drivers would proceed direct to their destination if this close to Adelaide, and the use of any parking bays would be haphazard, as such would probably not be constructed at the places where drivers required them. It is suggested that any prudent driver wishing to park close to Adelaide would find a suitable place to pull off the road without hazard.

LOCAL GOVERNMENT TRANSACTIONS.

The Hon. M. B. DAWKINS: Has the Chief Secretary, representing the Treasurer, a reply to a question I asked on August 30 with reference to the possible exemption of local government authorities from paying stamp duty on cheques?

The Hon. A. J. SHARD: The Treasurer has obliged me with the following reply:

Cheques drawn by local government authorities on accounts kept with any savings bank are exempt from stamp duty, as also are receipts issued. Further, by a decision taken by the present Government, applications to register motor vehicles made by local government authorities are exempt from stamp duty. I do not consider the decision of the Government to exempt subsidized hospitals from stamp duty on cheques constitutes any reason for extending the exemption to local government authorities. The exemption to subsidized hospitals is reflected, to a minor extent, in the amount of subsidy payable to those hospitals by the Government. In any case the present Budgetary position does not permit any further concessions.

CARAVANS.

The Hon. Sir NORMAN JUDE: Has the Minister of Roads a reply to my recent question about the drawing of caravans behind mini-cars?

The Hon. S. C. BEVAN: The answer to the honourable member's question is as follows:

Under the Road Traffic Act every motor vehicle is required to be equipped with a mirror or mirrors so designed and fitted as to be capable of reflecting to the driver a view of the approach of any vehicle about to overtake his vehicle. The mirror or mirrors are required to be fitted to the outside of such vehicles if for any reason the driver cannot obtain a view of the overtaking vehicle by means of a mirror inside his vehicle. In the case cited, the motorist towing the caravan should have an external mirror mounted on an extended bracket.

Furthermore, the Act requires a motorist to keep as near as practicable to the left-hand side of the carriageway whilst travelling on a road. No restrictions are imposed on the size of towing vehicles in relation to the towed vehicle. However, the Australian Motor Vehicle Standards Committee Regulations specify that the laden weight of any caravan or trailer or other vehicle towed by any passenger car or utility type vehicle shall not exceed the unladen weight of the motor vehicle by which it is being hauled. At the earliest opportunity the board intends to recommend the inclusion in our legislation of this and other draft regulations prepared by the Australian Motor Vehicle Standards Committee.

EDUCATION ALLOWANCES.

The Hon. Sir LYELL McEWIN: I ask leave to make a statement prior to asking a question of the Minister representing the Minister of Education.

Leave granted.

The Hon. Sir LYELL McEWIN: My question relates to a complaint made by a parent in a far northern town about the education of two of his children. One child attends a Government school in the metropolitan area for which an education allowance is being made while the other attends a private primary school for which no allowance is made. No local facilities exist for accommodating the children. Will the Minister inquire whether consideration can be given to granting equal treatment for both scholars?

The Hon. A. F. KNEEBONE: I will convey the question to my colleague and bring back a report as soon as possible.

FALL-OUT.

The Hon. R. A. GEDDES: Following the recent explosions of atomic devices in the Pacific Ocean, can the Chief Secretary say whether there has been any increase in radioactive fall-out in the form of air pollution in South Australia?

The Hon. A. J. SHARD: Not to my knowledge, but I will refer the question to the Health Department. I do not think there would be a record of this, but I will have inquiries made.

FISHING BOATS.

The Hon. R. C. DeGARIS: I ask leave to make a statement prior to asking a question of the Minister representing the Minister of Marine.

Leave granted.

The Hon. R. C. DeGARIS: On August 30 the Minister representing the Minister of Marine replied to a question I asked relating to the survey of fishing boats. When I first asked the question I stated by way of explanation that I had been informed some undertaking had been given by departmental officers that when the first survey of boats over 25ft. long was completed boats under 25ft. in length would be surveyed. In reply, the Minister said:

> The honourable member has been misinformed, as no such undertaking was given.

However, I have checked on this matter and found that at a meeting held at Port MacDonnell in 1964, attended by officers of the Harbors Board and the Department of Agriculture, many questions were asked concerning the survey of fishing boats. At that meeting, in answer to those questions, some undertaking was given that boats under 25ft. in length would be surveyed when the survey of those over 25ft. had been completed. In view of this (and I notice the Minister mentioned in his reply that further evidence had been submitted by the South-East Fishermen's Association and was then being considered by Cabinet) will the Minister convey to Cabinet the fact that this meeting was held at Port MacDonnell and that certain information was given? Also, in view of this, will Cabinet reconsider the matter?

The Hon. A. F. KNEEBONE: I will report the matter to my colleague and ask him to convey the information to Cabinet.

SEWAGE EFFLUENT.

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

Leave granted.

The Hon. L. R. HART: During my speech on the recent Appropriation Bill I suggested that the Government should make an announcement in relation to the disposal of sewage effluent as a report had been submitted on this matter. However, the Chief Secretary in winding up the debate made no comment on it. Prior to his recent visit overseas, the Minister of Mines stated, in reply to a deputation, that while overseas he would investigate the question of the use of sewage effluent disposal, particularly in relation to re-charging the underground basin. No doubt the Minister did make some investigations while overseas in relation to this matter and I ask whether he has any information to give to this Council from any knowledge he has gleaned on this very important question?

The Hon. S. C. BEVAN: I am afraid I will have to disappoint honourable members as to submitting a lengthy report on the subject. As members are aware, when we went overseas it was for the specific purpose of examining sources of natural gas and the construction of pipelines for that gas. It was a strenuous tour, and all of the time at our disposal was taken up on those investigations. However, in various centres that we visited I made inquiries in relation to the question asked and the only place I could find where any extensive use was being made of effluent was the city of Chicago. Outside of that area I could not find any other city where extensive use was made of effluent other than the city of Frankfurt. However, it was considered the water passed through the human body at least six times in that city. That is the only information I am able to give.

RACING BOYCOTT.

The Hon. C. R. STORY: On Tuesday last I asked a question of the Chief Secretary regarding the amount of turnover tax at the race

meeting at Pt. Adelaide last Saturday in conjunction with several other matters regarding attendances. I received a reply to portion of my question; has the Chief Secretary any further information to impart?

The Hon. A. J. SHARD: As I intimated in my reply on Tuesday, the turnover at race meetings is under the control of the Betting Control Board but the information is not yet available from the board. Figures were ascertained from the Secretary of the Port Adelaide Racing Club who, I believe, said they were correct. At a later date, if the honourable member wants further information, I will obtain figures from the Betting Control Board. On September 13 the Premier received information that at the July meeting of the Port Adelaide Racing Club bookmakers held $560,211 whilst at last Saturday's meeting they held $585,378; the totalizator held $45,480 in July compared with $46,290 last Saturday.

HOUSING FINANCE.

The Hon. C. M. HILL: Has the Chief Secretary a reply to the question I asked during the debate on the Appropriation Bill about housing finance?

The Hon. A. J. SHARD: Yes, and I thank the honourable member for that question. During the debate on the Appropriation Bill the honourable member mentioned certain figures and I think the answer is self-explanatory. It is as follows:

The Hon. C. M. Hill has questioned the accuracy of the estimate of $1,000,000 of recoveries in 1966-67 to supplement new borrowings for housing purposes. The honourable member quoted from the report of the Auditor-General a figure of $845,580. This does not represent the amount of recoveries which became available within the Home Builders' Fund currently during 1964-65 and was thus available for re-investment. It was the cumulative total to June 30, 1965, of the interest margin which the State had not withdrawn to cover its administrative costs although entitled to do so under the Agreement.

The actual net recoveries of cash during the year 1964-65 which became available for re-investment arose out of the fact that the State Bank and the building societies out of recoveries from borrowers were called upon to pay to the Treasury, in interest and repayments, amounts in excess of those payable by the Treasury currently to the Commonwealth. This is explained in the Auditor-General's Report. The net recoveries which accumulated in that year amounted to $704,258 derived from the following items in the table "Transactions for the Year"—

	$
Receipts from State Bank and Building Societies	2,823,016
Less repayments to the Commonwealth, $2,061,306; Treasury administration, $57,452	2,118,758
	$704,258

The comparable net recoveries arising in 1965-66 from interest and repayment transactions on account of previous advances were $908,210. The estimate for the comparable net recoveries which will be available for re-investment in 1966-67 is $1,100,000 as previously stated.

BANK HOLIDAY.

The Hon. L. R. HART: Will the Chief Secretary, as Leader of the Government, inform the Council of the Government's reasons for refusing to grant a bank holiday for bank officials on December 27 this year, in view of the fact that this holiday has been granted on previous occasions?

The Hon. A. J. SHARD: The honourable member, as usual, has not got his facts quite correct. On the last occasion when the holidays fell in a similar way (and I am speaking from memory and should like to check the matter) was in 1964, when the previous Government was in office, and a similar request was refused. If the honourable member asks the question next Tuesday, when I shall have the relevant docket with me, I shall give the dates and history of the matter. If this matter is taken to its logical conclusion, the granting of the request would have meant a complete shut-down in business for one week, and this Government has done exactly as the previous Government did on former occasions in similar circumstances.

LEVEL CROSSINGS.

The Hon. Sir NORMAN JUDE: I ask leave to make a statement prior to asking a question of the Minister of Roads.

Leave granted.

The Hon. Sir NORMAN JUDE: In either 1963 or 1964 a Cabinet decision was made whereby payment for level crossing installations was to be the sole responsibility of the Highways Department. Although the Railways Department had offered to contribute, we realized that the railways were in a more precarious position financially. Following that, many requests were made to both the previous Government and this Government to have the construction of level crossing installations speeded up and a programme of priorities was decided upon. As the Highways Department now seems to be in a better position financially

(according to reports, it has had a carry-over of about $2,000,000), can the Minister of Roads say how many level crossing installations were installed during (*a*) 1964-65 and their cost, (*b*) 1965-66 and their cost, and (*c*) what are the proposals for the present financial year and the anticipated cost?

The Hon. S. C. BEVAN: I shall obtain the information sought by the Hon. Sir Norman Jude and give him a reply later.

SALINE WATER.

The Hon. H. K. KEMP: Has the Minister of Transport an answer to my recent question regarding the disposal of saline effluent along the Murray River?

The Hon. A. F. KNEEBONE: The question was asked of me, following a series of questions on salinity asked by the Hon. Mr. Story, and those questions were referred to my colleague, the Minister of Works. Normally, the Minister representing the Minister of Irrigation would be my colleague, the Minister of Roads. However, as the previous questions regarding salinity were asked of me, the following reply has been supplied to me:

In reply to a question by the Hon. C. R. Story on August 30, I indicated that a proposal has been put forward for a joint undertaking by four departments to investigate the possibility of sub-surface disposal of seepage effluent. As indicated in that reply, special requirements for sub-surface disposal of saline water involve the search for a bed or stratum of considerable extent, continuity and high permeability, but not containing fresh water, nor having access to the river. My colleague, the Minister of Irrigation, states that the practicability of establishing evaporation basins further from the river in locations from which seepage effluent could not find its way back to the river, could be determined from information obtained in the investigation into sub-surface disposal.

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL.

The Hon. S. C. BEVAN (Minister of Local Government) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and ordered to be printed.

The Hon. S. C. BEVAN moved:

That the Bill be recommitted to a Committee of the whole Council on the next day of sitting.

Motion carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

The Hon. S. C. BEVAN (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1966. Read a first time.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Second reading.

The Hon. S. C. BEVAN (Minister of Mines): I move:

That this Bill be now read a second time.

This is a short Bill and its object is to remove from the jurisdiction of the Mines Department certain wharves of the Broken Hill Associated Smelters Pty. Ltd. situated at Port Pirie. In 1962, the Mines and Works Inspection Act was amended to extend the operation of the Act and regulations to all wharves adjoining the smelting works in order to give the Inspector of Mines jurisdiction over the wharf cranes belonging to the company and erected by it on the wharf area contiguous to the mining lease under agreement with the Harbors Board. The Government has been advised that the expression "all wharves" in the extended definition of "works" includes not only wharves numbers 8, 9 and 10, which are contiguous to the area of the lease, but also wharves numbers 5, 6 and 7, which are close to the area but on which the company conducts loading and unloading operations as agent for other companies. These wharves are already under the jurisdiction of the Harbors Board and it is anomalous that they should also be under the jurisdiction of the Department of Mines. Accordingly, the Bill provides that only wharves numbers 8, 9 and 10 should be subject to the Mines and Works Inspection Act and regulations. I commend the Bill for the consideration of honourable members.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL (T.A.B.).

Adjourned debate on second reading.

(Continued from September 13. Page 1506.)

The Hon R. C. DeGARIS (Southern): This Bill provides for off-course betting in South Australia, which matter has a long history. Over a lengthy period agitation for such a measure has taken place and it culminated in a 14-point plan being put forward by the previous Government. I have taken little interest in this matter. I am not a follower of racing and I am unable at this stage to comment upon the merits or demerits of that plan.

In this debate the Hon. Sir Norman Jude said that the plan was drafted and handed around to those interested in the subject, but

he considered that the plan was unworkable. Knowing his ability as an administrator and being aware of his long association with racing, I would accept his opinion as being reasonable. If T.A.B. is to be introduced in South Australia, it should be introduced on an entirely businesslike basis, and the board should be completely free from any political influence. It should work within the guide lines set down clearly in the legislation, and be unhampered in as many ways as possible, except for certain limitations clearly stated in the legislation.

I intend to deal further with this matter when referring to the various clauses. Following the election in 1965 the 14-point plan was shelved. Later, a motion was carried in another place agreeing that off-course betting facilities, in the form of T.A.B., should be introduced in South Australia. Now we have the Bill before us. As far as I know, no mention was made in the policy speech of the present Government (but I may be corrected on this) about the introduction of T.A.B. in South Australia. Therefore, it could be argued that the Government has no mandate to introduce the measure. However, the introduction of T.A.B. was discussed before the election, a 14-point plan was brought forward, and a motion was carried in another place saying that it was desirable to introduce T.A.B. in South Australia.

Since this legislation was introduced here I have not been approached by any organization or group of people opposing it. Although it is a revenue-producing measure, it is legislation of a social nature, and whatever Party was in power, or could be in power, in another place, I am certain that we would have had a Bill along these lines before us this year. At the same time, this Council has a duty to dissect and probe all sections of the Bill and, if possible, to improve it. It has a duty to see that those who support racing are not over-exploited. We have a clear mandate to do this—just as clear as the Government's mandate to introduce the Bill.

Before I deal with the Bill itself, I should like to make one thing perfectly clear: if this Government or any Government thinks that the introduction of a measure like this will in any way assist the Treasury, or the economy of the State, it is making a mistake. This is the mistake that so many people make when advocating all sorts of gambling devices to assist Treasury finances—lotteries, T.A.B., poker machines, football pools, etc. There are many of them. They can result only in an increase in the level of taxation; they do not alleviate the incidence of taxation. This is so difficult for many people to grasp, including many academics, who seem to think that the introduction of devices such as these is an easy way for the Government to gain revenue; yet they fail to realize the fundamental economic principle that these things in no way assist the economy, and in the long run in no way assist the finances of a Treasurer. The only way to maintain a low-tax State is to have a higher individual productivity. As soon as we have a low individual productivity, we must have a higher incidence of taxation.

Also, to maintain a low-tax State, we must have a dynamic development and we need a hard-working and conscientious people. If honourable members in this Council cannot accept this view, that this measure will in no way assist the Treasury, I ask that they cast their eyes around the world and see for themselves whether these things can assist the State's finances. Of course, there is no need for us to cast our eyes any farther than Australia. Let us look at the economy of the States that have for many years relied upon such devices as a means of gaining revenue for the Treasury. Anyone who studies this question will see that the more income the Treasurer receives from gambling devices the higher is the level of individual taxation. I could quote figures on this but I do not propose to. I will make the bald statement that this is true—that the higher the amount of income a State receives from gambling devices such as lotteries, T.A.B., poker machines, etc., the higher the incidence of individual taxation; also, the higher the amount of social services to which the Government is committed. In other words, we assist in creating a social problem and then have to find more money to alleviate that problem. When we rely upon such things to assist hospital revenues, immediately we remove from the individual an acceptance of responsibility towards that type of organization.

How often have I heard in my own town and district these words, "Once we get a lottery, there will be no need for us to worry about the hospitals any more. The lottery will take care of that. Why should I worry myself about it? When it comes in, T.A.B. will take care of that". Nothing is farther from the truth. I have taken a slightly different line from the argument put forward by Sir Norman Jude, although, if we read his speech, we see that he was coming along the same line that I have developed. If I remember correctly,

he said that putting the revenue from T.A.B. into a fund for the assistance of hospitals was a gimmick of which any self-respecting legislator should be ashamed. I heartily concur in that view. Looking at the legislation, one is torn between certain ideals—the ideal that I have just put before the Council, pointing out that this type of legislation does nothing to assist the economy of the State, and the ideal that we must admit that these social measures (I shall call them) are demanded today by most of the electors in South Australia. It is a matter of some sorrow for the economy of this State that the demands are so insistent for an extension of these devices for the specific purpose of solving a problem in regard to hospital finances.

Having said that, I now turn to the Bill itself. Clause 6 repeals and re-enacts section 28 of the principal Act. It deals with the mode of dealing with moneys paid into the totalizator used by the club. The present position is that on on-course totalizators the deduction made is 12¾ per cent. This deduction is disbursed as follows: 5¼ per cent to the Government and 7½ per cent to the clubs. New section 28 (1) (*a*) maintains this present position, that 12¾ per cent is deducted from on-course totalizators, 5¼ per cent going to the Government and 7½ per cent going to the clubs; but with the beginning of T.A.B., as regards on-course totalizators, the clubs must deduct the full 14 per cent. This is disbursed as follows: 5¼ per cent to the Government and 8¾ per cent to the clubs. This means that, as soon as off-course totalizator betting comes into operation in South Australia, the clubs will receive an extra 1¼ per cent.

This 1¼ per cent that the clubs will get extra from the totalizator will disappear from the revenue of the clubs after a period of three years. This is dealt with in new section 28 (9) and (10). For three years the clubs will retain this 1¼ per cent, subject to certain conditions in subsection (10). After three years from the beginning of T.A.B. this 1¼ per cent extra from the off-course totalizator will revert to the Treasurer. This appears to me to be somewhat unusual. In my opinion, this 1¼ per cent should remain with the clubs. This matter was dealt with fully by Sir Norman Jude, and I seek an explanation from the Chief Secretary why it should be so. Why should the Government, after the clubs have been enjoying this extra 1¼ per cent for three years, suddenly take it away by making it revert to the Treasurer? Also, this seems to me to be committing a future Government, or the Government three years hence, to do this particular thing. In other words, the money will be already committed and it will be difficult for a future Government to reverse the procedure.

The Hon. S. C. Bevan: Why?

The Hon. C. R. Story: I think Your Excellency has had a very good day and can be quite happy!

The Hon. R. C. DeGARIS: I think we have heard enough from the Ministers in this Council about money being committed by previous Governments, but here we have exactly the same thing. Subsection (10) appears to me to be somewhat unrealistic. It says:

> Out of the moneys retained by a club for its use and benefit as provided by subsection (9) of this section from moneys invested on a totalizator used by the club during the period commencing on the appointed day and ending on the expiration of three years thereafter, the club shall expend such part thereof as the Treasurer approves on making such improvements to its totalizator installations and the totalizator facilities and information services made available by the club to the public as the Treasurer approves.

The introduction of an off-course totalizator in South Australia will mean considerable expenditure for the clubs. Not only will it be an expenditure on improving facilities but also on new totalizators, because it will be necessary to run totalizators on races in other States. Many other things will have to be placed on racecourses to cope with off-course betting facilities.

Subsection (10) also provides for the Treasurer to approve of such part as may be necessary for the improvements. I refer to the report of the Chairman of T.A.B. in Victoria. He dealt specifically with that question and also with the capital required to bring totalizator facilities up to date in this modern day. It represents a large amount of money.

The Hon. A. J. Shard: I take it you are now speaking of the latest one?

The Hon. R. C. DeGARIS: Yes. This matter needs consideration. After reading this subsection one would think that the 1¼ per cent would be far in excess of what the clubs would need to modernize themselves by bringing in computer services and so on, but I think more than 1¼ per cent will be needed to do these things.

The Hon. A. J. Shard: I may be able to help you; do you realize that the computer can be taken from course to course?

The Hon. R. C. DeGARIS: I realize that. If members look at the statement by Mr. Davis they will find it most enlightening. It refers

to what is necessary to bring things up to date for off-course betting.

The Hon. A. J. Shard: I have seen some of it, and I would imagine that South Australian costs would not be as great as those in Victoria.

The Hon. R. C. DeGARIS: I cannot answer that. I raise the point because I do not think the clubs will get enough out of the 1¼ per cent to provide the necessary facilities. Nor do I think that after three years the 1¼ per cent should revert to the Treasury. I think the Government is being over-grasping in this matter.

The Hon. A. J. Shard: I hope to satisfy you on that one when I reply.

The Hon. Sir Norman Jude: Satisfy yourself?

The Hon. A. J. Shard: No, the honourable member.

The Hon. R. C. DeGARIS: Thank you. In any case, I cannot see any reason at present why part of the subsection should not be deleted, because the earliest it could apply (that is, the 1¼ per cent reverting to the Government) would be 1970. This could be reviewed by another Government—whether the 1¼ per cent should stay with the clubs or revert to the Treasury.

The Hon A. J. Shard: Or whether it is necessary at all.

The Hon. R. C. DeGARIS: Yes. I have referred to subsection (11) which deals with moneys paid into the fund. As Sir Norman Jude said, it is fund spelt with a capital "F". The subsection states:

The moneys paid into the Fund in accordance with this section shall be used for the provision, maintenance, development and improvement of public hospitals as defined in section 31s of this Act . . .

I agree entirely with Sir Norman's view that it is a gimmick not suited to good legislation.

The Hon. C. R. Story: Are you going to gild the lily too?

The Hon. R. C. DeGARIS: I do not intend to do that; nor do I intend to do other things mentioned by Sir Norman. Clause 8 enacts Part IIIa and deals with the establishment of off-course betting on totalizators. It is a long clause, covering 17 pages of the Bill. I first wish to comment on section 31h. Earlier I said that if T.A.B. was to be established in South Australia the board should be as free and unhampered as possible. That is, it should be free of political influences and as businesslike as possible. All sorts of influences could enter into the question of the establishment of agency offices. Under section 31h (2) the Minister has control of location. To me, this means that the Minister can say "yea" or "nay" to any agency office opening in any town. To me, "location" means a town.

The Hon. A. J. Shard: No; it means the position of the location in the town.

The Hon. R. C. DeGARIS: This is interesting when one refers to the second reading explanation by the Chief Secretary. He said:

It will also enable the Government to exercise adequate control over the establishment of any agency at Port Pirie and in exercising such control the Government will have regard to the wishes of the people of that town as well as social and economic factors.

The Hon. F. J. Potter: That town or any other town.

The Hon. R. C. DeGARIS: Yes. That is how I interpret both the subsection and the second reading statement by the Chief Secretary. I wonder whether those supporting the establishment of T.A.B. realize the amount of control that the Minister will have over the activities of the board. I agree that some control is necessary over the actual site of the agency office in any town. However, to control the towns in which T.A.B. agencies may be opened is over-restrictive of the board's activities. The Government has decided to introduce the T.A.B. system in South Australia and, having made that decision, it should not hamper or direct the board in its activities.

Port Pirie has been mentioned specifically in the second reading explanation and the Chief Secretary said that, in exercising such control, the Government will refer to the wishes of the people of that town, as well as to social and economic factors. I claim that the board will be the best judge of where offices ought to be opened. Political factors can enter into this matter. The Minister may say, "We do not want an office opened here, because it may affect us politically". I have been informed that that has happened in other States. I do not mind whether the Government ascertains the wishes of the people in all cities and towns in South Australia before agencies are opened, or whether the board itself decides. However, one town, Port Pirie, has been mentioned in the second reading explanation and it appears that that town has been selected as a special case in this regard.

The Hon. A. J. Shard: Only because there is a special reason.

The Hon. R. C. DeGARIS: That may be so, but this applies to all towns in South Australia.

The Hon. A. J. Shard: The honourable member may say that, but it is not intended.

The Hon. R. C. DeGARIS: That does not matter. It could apply.

The Hon. A. J. Shard: It could apply if a Minister was foolish enough.

The Hon. R. C. DeGARIS: It might not be a matter of being foolish enough. It might be a matter of being politically wise.

The Hon. A. J. Shard: A Minister would be unwise to do what you have said he may do.

The Hon. R. C. DeGARIS: If subsection (2) is paraphrased, it reads:

The board shall not establish any office, branch or agency unless the location has been approved in writing by the Minister.

The Hon. A. J. Shard: You are making "location" and "site within the town" two different things.

The Hon. R. C. DeGARIS: That is right. I do not agree that the board should be hampered in this way. All towns or cities in South Australia should be on the same basis. If the wishes of the people in one town are to be assessed regarding the opening of an agency, the wishes of the people in every town and city ought to be assessed. Regarding new section 31k, I congratulate the Government on its wisdom in making it an offence for a person under the age of 21 to place a bet on an off-course totalizator. One might well have thought that a much lower age than 21 would be applied, because we have heard certain discussions on this matter since I have been a member of the Council. However, I am very pleased about the attitude taken by the Government in this matter.

New section 31n deals with fractions, about which I did not know much until I did some reading in the last few days. Before the introduction of decimal currency, the dividend was paid to the nearest 3d. below the actual dividend. However, since the introduction of decimal currency, this has been increased to 5c.

The Hon. A. J. Shard: Which is 6d. in the old currency.

The Hon. R. C. DeGARIS: Yes. Under section 31n, if a dividend is 69c, 65c will be paid. Before the introduction of decimal currency, the drop was only 3d. So, since the introduction of decimal currency, we have seen an increase regarding the fractions that are applied to the fund. I have checked the position in other States and the revenue from fractions amounts to between 20 and 25 per cent of the total Government revenue, and I would say that that would apply in regard to this Bill. While the Government will be receiving 5¼ per cent from the totalizator, it will receive an extra 1¼ per cent from fractions.

The Hon. A. J. Shard: The Government has already been receiving something from fractions.

The Hon. R. C. DeGARIS: I am saying that the Government will receive practically all of the money that comes from fractions.

The Hon. A. J. Shard: The additional money it receives will be the difference between what it has been receiving and what it will receive under the Bill.

The Hon. R. C. DeGARIS: Yes, and that will be a little less than ¾ per cent.

The Hon. A. J. Shard: That is right. You said 1¼ per cent.

The Hon. R. C. DeGARIS: The total will be about 1¼ per cent as the Government's share of fractions.

The Hon. A. J. Shard: We are not getting the whole 1¼ per cent.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: I think the Chief Secretary is somewhat astray. The Government will receive about 1¼ per cent of the total turnover on totalizators as its share of fractions.

The Hon. A. J. Shard: Yes, but I am saying that we are not going to receive 1¼ per cent over-all, because we have been receiving some of the fractions.

The Hon. R. C. DeGARIS: Yes. The Government will receive about ¾ per cent extra but will still receive 1¼ per cent of the turnover.

The Hon. Sir Norman Jude. The bigger the turnover, the bigger the fractions.

The Hon. F. J. Potter: How much would that be?

The Hon. A. J. Shard: There is a big difference between ¾ per cent and 1¼ per cent.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: If the Government's 5¼ per cent from T.A.B. returns $1,000,000 about $200,000 extra will be received from fractions.

The Hon. Sir Norman Jude: That is quite right.

The Hon. R. C. DeGARIS: I think that puts it clearly. This appears to me to be totally wrong. The Government is already receiving 5¼ per cent from all the turnover of the totalizator. The punter contributes 20 to 25 per cent of the total Government revenue.

The Hon. Sir Norman Jude: Every penny of it!

The Hon. R. C. DeGARIS: He is being stung an extra 20 to 25 per cent by fractions.

Before the introduction of decimal currency, payment was made to the lower 3d, and I cannot see why payments should not be made likewise under decimal currency.

The Hon. F. J. Potter: You would have to work on amounts of 3c, wouldn't you?

The Hon. R. C. DeGARIS: It would work this way: instead of working down as at present, you work 3c down to nothing, and then 3c up to the next 5c piece. To give an indication, if a dividend is 66c the totalizator would pay 65; if 67c it would pay 65; if 68c it would pay 65; if over 68c it would pay 70. This still gives almost the same margin that fractions offered previously and it would at least return to the punter money that rightfully belongs to him. I suggest that the Government give due consideration to this matter. As I pointed out, this question of fractions amounts to 20 per cent to 25 per cent of what the Government gets, and this money belongs to the punter.

The Hon. A. J. Shard: I hope you never run away from that opinion.

The Hon. R. C. DeGARIS: I will not run away from it. Previously on the totalizator it was paid to the nearest threepence below; it only altered because of decimal currency, and I do not see that because of that change the question of fractions should have been altered.

The Hon. Sir Norman Jude: Put it into a Christmas bonus for the punter!

The Hon. R. C. DeGARIS: I do not mind what is done with it, but I believe we should give some consideration to the question of fractions, on which the punter is really being hit. New section 31r (2) states:

> Subject to subsection (3) of this section, the duty payable by the board under the Stamp Duties Act, 1923-1966, shall be subject to a rebate of four twenty-firsts of the amount thereof.

If anyone wants an exercise in mathematics, I advise him to have a look at that. New section 31r concerns the establishment and capital expenses for the board to establish and procure and train officers, for which four twenty-firsts of the Government revenue from totalizators can be used and which is not subject to the Stamp Duties Act. When I read this, I wondered why the Government had decided on this rather odd figure of four twenty-firsts. After a long debate with myself, I have worked it out and found why such a figure has been arrived at. If anyone wants an exercise in mathematics, I refer him to that section and he, too, could have some fun working out why this odd figure has been arrived at.

The Hon. A. J. Shard: Could we go back to the fractions?

The Hon. R. C. DeGARIS: Yes, certainly.

The Hon. A. J. Shard: The idea behind the fractions is to create a pool that will guarantee the investor at all times a return at least of his stake.

The Hon. R. C. DeGARIS: I realize that, but this also applies in Victoria, where 21 per cent of the total revenue the Government receives is from fractions. I still maintain that this is far too high a percentage and that it comes directly from the punter. Reverting to new section 31r, I should like to make the same comment on that as I made in relation to section 31h. Once again, one sees that the Minister decides that, when the board has sufficient capital funds for establishment, he no longer need approve of any more finance for it. This is directly related to the same problem I have dealt with in new subsection 31 (a).

Throughout the whole of this Bill it appears that the Minister has not the big end of the stick, but the whole of it. How are these agencies to be run? Will they be run by people on a salary or on a retainer, or are people going to be paid a commission on the turnover of the particular agency? I do not know whether this is dealt with anywhere in the Bill or whether it should be covered in regulations, but I should like some information on it. I am completely opposed to having a T.A.B. agency in the charge of a person running it on a commission basis and I should like the Chief Secretary to supply some information on this.

The Hon. A. J. Shard: I shall get that information. At the moment I cannot give it.

The Hon. R. C. DeGARIS: I have read the Bill, but admit that I have not had time to do my homework on this question.

The Hon. A. J. Shard: I do not think it is in the Bill.

The Hon. R. C. DeGARIS: I should like some information on exactly what is proposed in this regard. Finally, I deal with the question of the winning bets tax—clauses 9, 10 and 11 of the Bill. Reading the Bill, I have come to wonder why these particular clauses have been introduced. I wonder why we could not have dealt with the establishment of a T.A.B. system without the red herring of the winning bets tax being introduced. These two matters are, to me, completely unconnected. You could tear off the back page of the Bill and

it would not make any difference to the establishment of T.A.B. Many statements have been made on the question of the winning bets tax, and I need not reiterate all the statements by certain people and which have been read by the Hon. Sir Norman Jude, but I should like the Chief Secretary to say why this question has been introduced into the Bill. These provisions should be deleted.

As has been said, their elimination would make no difference to the establishment of T.A.B. in South Australia. It would allow this question of the winning bets tax to be decided in its rightful place—by the Treasurer or a future Treasurer of this State. We do not wish to remove any revenue from the Government or to affect the position of the punter. He has nothing to gain from these clauses until, I should say, February or March of 1968. The Government can remove the winning bets tax on the stake at any time after the relevant date or 13 months afterwards.

The Hon. A. J. Shard: Not later than 13 months afterwards.

The Hon. R. C. DeGARIS: Yes; and I guess that this winning bets tax on the stake would be removed probably in February, 1968.

The Hon. Sir Norman Jude: Just before the next election.

The Hon. R. C. DeGARIS: Yes, before the next election. Therefore, I feel that this has been introduced into this Bill as a red herring. If the Government wishes to review the winning bets tax, let it do so at the time it feels it can be done, and not include it in this Bill dealing with T.A.B. It should have it done at some time in the future when it wants to do it. Let us look at this question when the Government thinks it can or is willing to make some contribution to the removal of the winning bets tax. These things should be decided completely separately from any consideration of the establishment of off-course betting in South Australia. Apart from the few queries I shall raise in the Committee stage of the Bill, I support the second reading.

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

MOTOR VEHICLES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 13. Page 1515.)

The Hon. Sir NORMAN JUDE (Southern): Having regard to the need to keep up with the times, I feel it is always desirable to keep the Motor Vehicles Act as up to date as possible. I remind the Minister of Roads that I said "Act", not "tax".

The Hon. S. C. Bevan: I heard you.

The Hon. Sir NORMAN JUDE: In the main, the Bill is essentially a Committee Bill. It deals with a variety of subjects, almost entirely independent of one another. Clause 4 (*a*) deals with the registration without fee for diplomatic people associated with the establishment of foreign embassies or consulates within the State. This is, of course, a proper reciprocal measure that could reasonably be expected of any Government, but I do not think it should apply to the local personnel of any foreign consulate or embassy. I gather that the details of this will be worked out later, but I think it should apply only to oversea persons who are accredited here.

Clause 4 (*b*) means a little more clerical work, possibly, for the man on the land, but at least we can suggest that he is gradually becoming educated in these things and I suppose it is in the interests of efficiency. It is better to know the owners of vehicles or machines working on a public highway than have nebulous accounts of somebody operating a tractor after dusk and nobody being able to recognize who he was because there was no registration plate on the tractor. I can find little objection to the clause.

Clause 6 deals with registration fees not being voided altogether if they are not cancelled or transferred within a short period. I thought that the penalty was stringent, having it voided if somebody fails to register a vehicle that may have the registration cancelled and perhaps the vehicle is not sold for a month and a form of registration is not available to the person who fails to cancel it or to the person who purchases it. I think this is a reasonable compromise and it will receive my support.

Concerning the registration of vehicles in business names (dealt with by clause 7) I listened with interest to the Hon. Mr. Hills' remarks on this point. I think the Minister may well consider it and reply to it at the end of the second reading debate. I can see that it might cause anomalies and certain problems to arise. For example, recently we have observed the rather unsavoury problem of commercial motor vehicles being registered in the names of wives, even though they may not be fully financial partners but are only minor financial partners. This is done so that the men may avoid being prosecuted under the provisions of the Road Maintenance Act. The

Hon. Mr. Hill raised this matter and I suggest it be investigated so that the Minister can report back to the Council upon it later.

Clause 9 deals with the duty to produce a driving licence on the request of a certified inspector. This is a reasonable amendment. I wondered why it did not appear in last year's legislation. It may have been overlooked. When the Road Maintenance Act was introduced, we realized that, in order to collect as many of the just dues as possible, it was necessary to give some further powers to the inspectors, apart from the police, who were certified under the Road Maintenance Act. I gather that this is what is intended by this clause. The Auditor-General's Report refers to the regrettable inablity (I do not blame the department concerned; I have had something to do with it) to collect a large proportion of this tax from the various fly-by-nights and people who creep along the roads. When we apply this tax, it is only reasonable that a reputable carrier who pays his dues should not be penalized when he is competing with the non-payer. This clause will help to impose a further check upon the individual who is evading the payment of proper tax.

The Hon. S. C. Bevan: There is a fair number of them, too.

The Hon. Sir NORMAN JUDE: Yes, I could not agree more with the Minister. Clause 10 deals with the instructor's licence. I make it clear that I have no complaint about the way this provision is being administered. The clause provides for employees of a public authority to be included in section 98a, and I should like the Minister to explain what is a "public authority". Having regard to the publicity in the last few days about the training of our schoolchildren, I think the Minister will be the first to appreciate that this blanket provision may mean that every teacher in the Education Department may have this authority. I have no objection to those who are to be licensed, but I wonder whether the use of the words "public authority" may not give a blanket authority to hundreds of people who are not properly qualified.

The Hon. S. C. Bevan: The intention is that it shall relate to authorities like the Municipal Tramways Trust, which has instructors.

The Hon. Sir NORMAN JUDE: I agree, but as the matter relating to schoolteachers has arisen in the last few days I hope they are not included.

The Hon. S. C. Bevan: That will be in the Police Department.

The Hon. Sir NORMAN JUDE: I see. Clause 11 (*a*) relates to drawing uninsured trailers, and I think this provision is reasonable and just. All honourable members are aware that in the last year or two there have been many cases in which magistrates have had to penalize to the extent of cancelling a person's driving licence for a period just because he has picked up a new 5cwt. trailer from a country station or from a sale and driven it to a farm without its being registered. That is unjust. On the other hand, clause 11 (*b*), to which the Hon. Mr. Potter gave careful attention, appears to me as a layman to have been incorrectly drafted, although it may have been an oversight. However, the honourable member has drawn attention to it, and I understand that the Minister is looking at the clause in that regard.

Another clause deals with claims by a spouse against an insured person. The original Bill extended the right of action retrospectively to cases where the marriage upon which any such right of action occurred took place during the previous 12 months. That was in the Bill as introduced in another place, but it was amended, and the Bill as it arrived here referred to three years before the legislation became operative. Rather peculiarly, the explanation given is that one such case has been brought to the attention of the Government and there may be others. That seems to me to be a very bad basis for an amendment by Parliament, particularly if such an action is already under way or contemplated. I will not say that I intend to move an amendment, but I ask the Minister to give it serious consideration. I think on the whole the Bill is introduced in good form and that it will tend to improve the Act. I support the second reading.

The Hon. C. R. STORY (Midland): I support the second reading of this Bill. My first comment is about the amendment to section 13 of the principal Act, which by clause 3 is repealed and re-enacted as follows:

> A vehicle constructed or adapted for making firebreaks or for the destruction of dangerous or noxious weeds or the destruction of vermin on roads may without registration be—
> (*a*) used on a road in the work of making a firebreak or of destroying dangerous or noxious weeds or vermin; or
> (*b*) driven on a road in the course of a journey to or from a place where such work is being or is to be done.

It seems to me that the legislation is getting conglomerated with permits and exemptions.

This is merely another category of vehicle that the person is almost entitled under the existing law to take on the road and use. The vehicle mentioned in this clause could be any type of vehicle. One of the things that has always stuck in my craw is that trailers used in the fruit industry have to be registered simply to cross the road.

The Hon. S. C. Bevan: These are already excluded.

The Hon. C. R. STORY: A vehicle used in the harvesting of fruit has to be registered and insured to enable it to cross the road between two properties yet we go on and on giving permits and allowing new categories to be exempted. If it is fair for one it is fair for all. I have tried hard enough since I have been a member of this Council to get these vehicles exempted, but it has never come to pass. The vehicle in this case could be a trailer, because a trailer could be constructed or adapted for this purpose. It could be an old truck or a ripper, self-propelled or otherwise.

The Hon. R. A. Geddes: Does it need brakes?

The Hon. C. R. STORY: As far as I can see, it does not need anything, and does not have to be insured. If action is not taken by the owner and a person is injured by the vehicle, the person injured may be in difficulty if the owner is not in a financial position to meet the cost. I wonder whether we are giving too many exemptions. Would it not be better to provide that there should be third party insurance on all of them? All the vehicles are engaged on the same type of work. Why should we pick out noxious weeds and vermin but not pick out other categories? I am not one to look a gift horse in the mouth, but I point out to the Minister that matters in clauses 10 to 15 are mixed up. Section 13 of the principal Act mentions many vehicles and reads:

> A tractor, bulldozer, scarifier, grader, roller, tar sprayer, tar kettle, or other like vehicle constructed or adapted for doing work in constructing, improving or repairing roads or making fire breaks or for the destruction of dangerous or noxious weeds or the destruction of vermin on roads may without registration, be . . .

I take it that the main purpose of the amendment is to allow these vehicles to be driven on the road. I think we should try again rather than keep on patching up. However, I have to go along with this, because it is something for nothing, and we do not get much of that lately. Regarding the amendment to section 60, which deals with the crediting of the rebate of registrations, I have always thought it hard on a person who loses the whole of his rebate because the owner's agent or someone else has failed to comply. This amendment improves the measure.

I was interested in the point raised by the Hon. Mr. Hill regarding business names. I think all honourable members remember the difficulty we have had in this Parliament and outside about companies operating under business names and purporting to be companies of substance when they were actually facades for the carrying on of business practices that were not good. The Minister has not given us a clear explanation of what he is endeavouring to do regarding registration and business names and I should like more information, because this matter can be open to certain abuses.

The Hon. C. M. Hill: I think it would be better if it were cut out altogether.

The Hon. C. R. STORY: The Minister will probably give an explanation. I would not mind striking out the whole clause.

The Hon. S. C. Bevan: You are always helpful, aren't you?

The Hon. C. R. STORY: I am always trying to help the Minister. I agree with Sir Norman Jude that this is a Committee Bill and, doubtless, the Minister will give us explanations. I ask him to look particularly at the amendment to clause 13 with a view to improving it. I support the second reading.

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

MEDICAL PRACTITIONERS ACT AMENDMENT BILL.

The Hon. A. J. SHARD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Medical Practitioners Act, 1919-1955. Read a first time.

The Hon. A. J. SHARD: I move:

That this Bill be now read a second time.

Its purpose is to amend the Medical Practitioners Act, 1919-1955. The principal amendments proposed in this Bill are as follows:

(*a*) to make it clear that a person shall be eligible to annual registration under the Act only if, in addition to having degrees, diplomas or qualifications mentioned in section 19 of the Act, such person has served as a resident medical officer at an approved hospital for a period of twelve months;

(*b*) to alter the existing system of registration of medical practitioners under the Act to annual, provisional and limited registration;
(*c*) to increase the powers of the board with regard to registration and discipline of medical practitioners;
(*d*) to provide for suspension from practice of a medical practitioner suffering from mental or physical disability;
(*e*) to confer power upon the board to review accounts of medical practitioners for professional services rendered;
(*f*) to provide for the registration of specialists; and
(*g*) to provide for the registration of foreign medical practitioners qualified in certain countries outside Australia and the Commonwealth and to establish a Foreign Medical Practitioners' Assessment Committee to examine foreign medical practitioners to make recommendations to the board in connection with applications for registration of foreign medical practitioners.

I now propose to deal with the individual clauses in the Bill. Clause 3 amends section 2 of the principal Act which deals with the arrangement of the Act and inserts a new Part IIIa—registration of specialists therein. Clause 4 amends section 3 of the principal Act by inserting a new definition of "approved institution". This definition is important in connection with the requirement of compulsory post-graduate hospital service. Under the existing section 30a of the Act, which is repealed in clause 19 of the Bill, the board has to proclaim every hospital as an "approved institution". There are many hundreds of such hospitals throughout the British Commonwealth. It is considered, therefore, that the board should have power to accept 12 months' compulsory post-graduate hospital service in any hospital that the board approves. The new definition of "approved institution" would enable this to be done.

Clause 5 amends section 5 of the principal Act which deals with the constitution of the Medical Board. Subsection (2) of section 5 provides that one member of the board shall be nominated by the persons registered under this Act and for the time being resident in the State. This member has always been the nominee of the Australian Medical Association (S.A. Branch). Practically all medical practitioners resident in this State and in active practice are members of the Australian Medical Association, and any nominee of that body to the board would be a true representative of the profession in this State. There was only one election held under this section (in 1964), when a practitioner, also a member of the A.M.A., stood against the official nominee of the A.M.A. No campaign was conducted by the latter, but he was successful and received approximately 70 per cent of the effective votes. As both candidates were members of the A.M.A., this election, which entailed much organization and expense, could have been avoided by the matter being settled within the A.M.A. I should mention in this regard that South Australia is the only place in the British Commonwealth where an election for a Medical Board position is provided for in this particular manner.

In the United Kingdom the British Medical Association nominates members of the General Medical Council of Great Britain. In New South Wales the A.M.A. (New South Wales Branch) also nominates members to the New South Wales Medical Board. It is, therefore, considered that one member of the Medical Board of South Australia to represent all practitioners of the State should be nominated by the A.M.A. (S.A. Branch). This clause provides accordingly. A consequential amendment in clause 8 amends section 10 of the principal Act, and clause 27, which amends section 39.

Clause 6 amends section 8 of the principal Act and extends the tenure of office of each member of the board from two to four years. The terms of board members in other parts of the British Commonwealth vary from three years to an indefinite term. This is considered desirable, so that the experience gained by members of the board may be more effectively utilized.

Clause 9 amends section 18 of the principal Act and states, in effect, that the provisions of this Bill will not affect the registration of any medical practitioner who is registered before the passing of this proposed legislation.

Clause 10 amends section 19 of the principal Act. This section deals with the qualifications of medical practitioners for future registrations. The effect of the amendment is that, as from the passing of the Bill, a person shall not be entitled to be registered under this Act unless, in addition to the qualifications specified under this section, such person has served for a period of 12 months as a resident medical officer in one or more approved institutions and produces evidence to the board that such service was performed

and completed to the satisfaction of the competent authority controlling such approved institution. Provision is made in the clause for the Registrar to exempt any person from this requirement of service as a resident medical officer if he possesses any of the qualifications mentioned in section 19 of the Act and satisfies the board that he has, for such period in excess of 12 months as the board may determine, had experience in medicine or surgery which the board considers to be equivalent to the period of service of 12 months as a resident medical officer. This clause, however, makes it clear that unless a person has been so exempted he will not be entitled to full registration unless he complies with all the requirements of section 19, as amended, of this proposed legislation.

This requirement of service as a resident medical officer in an approved institution is by no means a new requirement. A similar requirement is at present written into the Act in section 30a, which is being repealed under this Bill. Most of the other provisions of section 30a have been incorporated in substantially the same form in clause 14.

Clause 11 inserts a new section 19a in the principal Act and provides for the registration of certain foreign medical practitioners. There is little need for me to go into the reasons for inserting this provision in the Bill. Honourable members are well aware of the serious shortage of medical practitioners in the State, particularly in rural areas. The Government, therefore, as a matter of urgency, thought that something must be done to relieve the position, and it is thought that this present proposal will do much in that direction.

Before a foreign medical practitioner will succeed in his application for registration, he will have to satisfy the board that he has a qualification granted in any country that does not give reciprocity on medical registration with South Australia. Such qualification must be regarded by the board as not being lower in standard than a South Australian qualification. Further, the board will satisfy itself that the foreign applicant for registration possesses medical or surgical knoweldge, experience and skill which, in the opinion of the board, is of international standing or of special value to the State, and that he has an adequate knowledge of English and is of good character. Once the board is satisfied as to these matters, it may register the applicant without reference to the Foreign Medical Practitioners' Assessment Committee. If, however, the applicant has not the high standing, etc., referred to in paragraph (*b*) of this section, the board will refer the application to the Assessment Committee. Subsection (2) of the new section refers to the Second Schedule and it is this schedule that deals with the establishment and constitution of this committee, the appointment of members thereon and the procedure and functions of this committee. I consider it appropriate, therefore, to deal with the Second Schedule at this time.

The Assessment Committee will consist of eight members appointed by the Governor, of whom four shall be the heads of the Departments of Anatomy, Physiology, Pathology, and Microbiology at the University of Adelaide; one shall be a senior practising physician; one shall be a senior practising surgeon; one shall be a senior practising obstetrician; and one shall be a senior practising general practitioner. Each of these practitioners shall be selected by the Governor from a panel of three names chosen in each case by the board and submitted to the Minister. Provision is made that, if the board does not submit a panel of names, the Governor, on the recommendation of the Minister, may appoint a suitable person. Any applicant foreign medical practitioner, whose qualification is acceptable to the board and who has been resident in South Australia for not less than three months, may apply to the board to be registered. The application may, unless the board decides to register the applicant itself under section 19a, then be submitted by the board to the committee, which may examine the applicant and require him, if it thinks necessary, to undergo any appropriate examination conducted, arranged or approved by the committee, or any course of study or training, and upon being satisfied as to the matters previously mentioned the committee may certify to the board that the applicant is a fit and proper person to be registered under the Act. This scheme of registration of foreign medical practitioners will remain in operation until June 30, 1972, but the cessation of operation will not affect any registration already made thereunder.

There are two matters in this schedule on which honourable members might wish further explanation. I refer to the residential qualification, and the duration of the application of this section and schedule. The Government has introduced the requirement of residence in this State for not less than three months (which

appears in paragraph 3 of the Second Schedule) as a precautionary measure. It is impossible at present for the board to forecast how many applications from foreign medical practitioners to practise in this State might be received. There is a danger that, without this residential qualification requirement, the Assessment Committee might be inundated with applications for registration from foreign doctors who may be residing interstate or overseas. This could constitute a considerable embarrassment to the board and the committee. A further and equally valid reason for the insertion of this requirement is that it is considered by the board that applicants for registration should be encouraged to spend some time in the State in order to adjust themselves to our standards and requirements. Applicants will then be in a better position to prepare themselves for the committee's examinations by pursuing appropriate studies in our clinical schools. The board is aware that this requirement might cause some hardship in the isolated case, but generally it is felt that these persons will not have any great difficulty in finding some kind of employment where they have not the private means to maintain themselves during the preparatory period. In Victoria, where a similar residential requirement has been in force for some time, the experience is that very few cases of hardship have come to light. All applicants have managed to survive in one way or another. The Government has adopted a similar cautious approach to the duration of the period in which this new provision will operate. The Government, acting on the advice of the board, thinks it desirable that initially this new scheme of registration should not last for more than six years. If, however, at the end of that time it is found that there is need to extend this scheme for registration for a further period of six years, then the provisions of this schedule could be extended for that further period. Victoria, which has provisions similar to those proposed in the Bill, has taken the same cautious approach to the matter.

Clause 12 amends section 20 of the principal Act, which provides for applications for registration. The board under this provision can refuse an application if it is satisfied that the applicant is not entitled to be registered under section 19 of the Act or if he is not of good fame and character or has been removed from any register of practitioners. Under the existing provisions of the Act if a medical practitioner's qualifications are in order, the board has no power to refuse registration even if he has been deregistered for infamous conduct in another State or country. The board must register him and then hold an inquiry into his infamous conduct before it can recommend to the Supreme Court that his name be removed from the South Australian register. The proposed amendment would rectify this position because the board would be given power to refuse to register a medical practitioner if he had been de-registered elsewhere or was otherwise unfit for registration.

Clause 13 amends section 22 of the principal Act, which deals with the payment of registration fees. This clause provides that a person who is registered under this Act shall on or before the 30th day of September in each year pay to the board such annual practice fee as may be prescribed by the board for the year commencing on the 1st day of January next following and, if after receipt of a notice by the board at his last known place of residence the fee is not paid by the 30th day of November next following, his name will be removed from the register. If a person's name is removed from the register under this clause or under section 26 or section 27b of this Act, his name may be restored upon application where his name has been removed under this section or section 27b and upon order of the Supreme Court where his name has been removed under section 26 of this Act, provided an applicant pays such restoration fee as may be prescribed. Under this proposed amendment there will no longer be the need to pay what is at present designated a renewal fee and each registered person will pay an annual practice fee. The provisions of this clause with regard to the payment of an annual practice fee will not apply to persons registered under the Act who have paid a commutation fee of $10.50 in respect of a registration fee and all renewal fees. Payment of a commutation fee for life membership in lieu of what will now be called an "annual practice fee" will cease after the commencement of this proposed legislation but the position of those who have already paid a commutation fee will not be affected.

Clause 14 repeals the existing section 24a and re-enacts a new section 24a and is designed to provide for a new form of limited registration in the Act for particular categories of medical practitioners. This new section confers powers upon the board to issue a certificate of limited registration to the following categories of person—

(*a*) persons who have passed the examination for admission to the degree of Bachelor of Medicine or Bachelor of

Surgery of Adelaide university but have not been admitted to those degrees;

(*b*) persons entitled by virtue of any degree or diploma granted either in South Australia or elsewhere to be registered under the Act but such persons have not complied with the provisions of paragraph (*e*) of section 19 of this Act. This refers to the requirement to serve for a period of 12 months as a resident medical officer at an approved institution; and

(*c*) persons who hold a degree in medicine or surgery of a university or medical or surgical school in a country outside South Australia and such persons are in South Australia or propose to come here in some capacity connected wth teaching, research or post-graduate study in medicine or surgery and have been recommended by the governing body of a teaching or research institution to the board as being suitable to pursue such course of teaching, research or post-graduate study in medicine or surgery in South Australia.

The holder of a certificate of limited registration under paragraphs (*a*) and (*b*) above may, while occupying the position of resident medical officer at an approved institution, practise medicine and surgery while at such approved institution. A person who practises medicine or surgery outside such approved institution will be guilty of an offence and liable to a penalty not exceeding $200.

With regard to persons in category (*c*) mentioned above, the certificate may be subject to such limitations and restrictions upon the practice of medicine and surgery as the board thinks fit and any such certificate shall in the first place be issued for a period of not more than two years. It may be extended up to a period of three years. While a person is performing the services of a resident medical officer as prescribed by paragraph (*e*) of section 19 of this Act and for purposes of that service or while pursuing a course of teaching, research or post-graduate study for the purposes for which the certificate was granted shall be deemed to be a person registered under this Act.

The existing section 24a, which is repealed, was designed to cover the temporary registration of persons who had passed the examinations of the University of Adelaide for admission to the degrees of Bachelor of Medicine and Bachelor of Surgery but had not been admitted to those degrees. This provision is, as far as it is known, unique in Australia and the British Commonwealth. In its application it has created some anomalies, particularly with regard to the application of the existing section 30a dealing with compulsory post-graduate hospital experience. The effect of the provision has been to permit general practice before the hospital year has commenced. This is not considered at all desirable and such persons should be covered by a form of limited registration. The introduction of this additional class of registration will bring this State into line with the procedure adopted for registration in other States ann Great Britain. Subclauses (10), (11) and (12) of this clause are substantially the same provisions as appear in subsections (5), (6) and (7) of section 30a of this Act, which is being repealed by this proposed legislation.

Clause 15 amends section 25 of the principal Act and has the effect of enabling the board to decide what new or additional qualifications of a registered person should be inserted in the register. Clause 16 inserts important amendments to section 26 of the principal Act. The first amendment appearing in paragraph (*a*) of this clause is designed to clarify the meaning of the existing paragraph (*b*) of subsection (1) of this section. It is considered highly unlikely for a qualification to be withdrawn or cancelled by the university, college, or other body by which it was conferred as distinct from the authority which registered the medical practitioner, and so a new paragraph (*b*) is inserted in lieu thereof which makes it clear that the authority which registered such person and has withdrawn, suspended or cancelled such registration should be the body referred to in this paragraph and not the university, etc., that conferred the qualification.

The second amendment introduced by paragraph (*b*) of this clause inserts an additional provision whereby the name of any person may be removed from the register if such person has been certified to be a mental defective or suffering from any mental or physical infirmity which renders him incapable of practising as a medical practitioner. This has to date been an omission in our Act and it is felt that such a provision should at this time be inserted. It is a provision that appears in legislation in most of the other States. The

third amendment to this section proposed in paragraph (*c*) of this clause is designed to confer upon the board powers to deal with any registered person who is guilty of infamous conduct in any professional respect. The board would have power to censure him or require him to give an undertaking to abstain from such conduct or suspend his registration for a period not greater than 12 months. These powers, it will be noted, provide an alternative method of dealing with such person to that prescribed by section 26 (1); that is, removal from the register. The powers conferred upon the Medical Board under this provision are, it may be stated, no wider than powers conferred upon boards to discipline members of other professions in this State under existing Statutes: for example, veterinary surgeons, dentists and physiotherapists.

The other provisions of this clause deal with the circumstances under which the board shall not suspend a person from registration, and also confers power upon the board to annul a suspension. It further provides that any person suspended shall have a right of appeal to the Supreme Court. I may mention that this aspect of the Bill has been discussed with the judges of the Supreme Court, who agree with these proposals.

Clause 17 inserts a new section 26a in the principal Act. This also is an important amendment, and provides for notification to the board by a medical superintendent or by a registered medical practitioner of any registered person who is receiving treatment in any hospital or mental institution and who is considered by the medical superintendent in charge of such hospital or mental institution (or the practitioner attending him if he is not in a hospital where there is a medical superintendent) to be incapable of exercising his profession satisfactorily. The board is empowered to suspend such registered person from practice. The latter has a right of appeal to the Supreme Court. The board, however, may itself cancel the suspension. Any person so suspended from practice under this section shall be deemed not to be registered under this Act. In subclause (9) a penalty provision is inserted, which lays down a penalty not exceeding $200 if any person contravenes the provisions of this section. This provision is considered necessary so that the public may be protected in any case where a medical practitioner is suffering from some form of mental disease, etc., that prevents him carrying out his duties satisfactorily, and is designed to stop such person from practising his profession while so incapacitated.

Clause 18 inserts new sections 27a and 27b in the principal Act. Section 27a provides that a registered person must notify the board of a change of address within three months of any change of address as appearing in the register and, if any registered person fails to do so, he is liable to a penalty not exceeding $10. Section 27b enables the board to remove from the register the name of any registered person who fails to reply to any letter addressed to his last address as appearing in the register requiring him to confirm if he has changed his address or residence. Subsection (3) of this section enables the board to restore any name removed from the register pursuant to this section upon payment of a restoration fee.

Clause 19 inserts a new Part IIIA in the principal Act. This Part deals with the registration of specialists in South Australia. This amendment again fills a gap in an existing Act. It is considered desirable that this State should make provision for the registration of specialists. It may be of interest to honourable members if I mention that the establishment of a specialist register has been considered desirable by various hospital and medical associations for some time, more particularly in connection with medical benefits obtainable under the National Health Act. Queensland has had such a register operating satisfactorily for some years, and Western Australia has a limited specialist register for workmen's compensation purposes only. The other States have had the matter under consideration for some time but have not as yet made provision in their legislation for it.

In section 29a (1) the Government may, upon the recommendation of the board from time to time, by proclamation prescribe what branches of medicine shall be deemed to be a specialists' branch of medicine in relation to which a person may be registered as a specialist under this Part. Subsection (2) lays down the requirements that the board will demand before registering a person as a specialist in this specialist register. The applicant would have to satisfy the board that he has gained special skill in a particular specialty proclaimed under this section by practising exclusively in that specialist branch of medicine or partly in that specialist branch of medicine and partly in such other branch of medicine whether in a hospital or otherwise as the board may approve, and further that he is the holder of a prescribed degree or diploma approved by the

board in the specialty to which his application relates of a university or other institution recognized by the board as authorized to grant that degree or diploma, and the degree or diploma is recognized by the board to be a higher degree or diploma in that specialist branch of medicine. This subsection (2) will come into effect on a date to be proclaimed. This will give the board an opportunity to make the administrative arrangements that are necessary in compiling a register for specialists.

In subsection (3), however, a person registered under this Act may be deemed to be a specialist for the purposes of this Part if he holds or has held an appointment in a specialist branch of medicine or surgery in a hospital approved by the board and for such period as the board may determine or, if he is or has been engaged in practice in a specialist branch of medicine or surgery, for such period as the board considers adequate to confer skill in the specialty. This provision enables persons to be regarded as specialists provided they comply with the requirements of this subsection even though they may not be able to comply with the more rigid requirements of subsection (2) of this section. This provision, however, is something of a transitional nature, and it is expected that, when there are sufficient numbers of persons who have the qualifications mentioned in subsection (2), recourse will no longer be made to subsection (3). Provision is made therefore in subsection (4) for the Governor to cancel any such proclamation but the cancellation will not affect the registration of any person who has already been deemed to be a specialist and registered as such in the specialist register.

Clause 22 inserts new sections 31a, 31b and 31c in the principal Act and confers power upon the board to review accounts of persons registered under this Act and to reduce accounts where it considers them to be unreasonable. The other provisions of this clause are of a consequential nature. The other amendments proposed by this Bill are of a minor nature and are designed to correct anomalies, remove obsolete provisions in the Act, or improve its administration. Finally, I wish to read from a report from the Parliamentary Draftsman in which he states:

I have gone through the draft Bill in detail with the Medical Board, and the draft Bill submitted has been fully agreed to by the board. I understand from my discussions with the board that the Australian Medical Association, the University of Adelaide and leading members of the profession, through their representatives, have studied the Bill and are fully satisfied with and welcome its contents.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

ADJOURNMENT.

At 4.45 p.m. the Council adjourned until Tuesday, September 20, at 2.15 p.m.