# LEGISLATIVE COUNCIL

Tuesday, September 27, 1966.

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

## QUESTIONS

### EDUCATION ALLOWANCES.

The Hon. Sir LYELL McEWIN: Has the Minister representing the Minister of Education a reply to my question on September 15 regarding education allowances for two children of a northern family?

The Hon. A. F. KNEEBONE: My colleague, the Minister of Education, has given me the following answer to the honourable member's question:

The two children mentioned by the honourable member live at Lyndhurst and attend a private school in Adelaide. The elder is a secondary student who receives boarding allowance because his home is 15 miles from the Leigh Creek Area School. The education regulations provide for the payment of a boarding allowance where a qualified student is forced to live away from home to attend the nearest approved secondary school. It is departmental policy to grant a boarding allowance to such students who live five or more miles from the nearest secondary school or transport service leading to the school.

The younger boy, who is a primary student, receives no boarding allowance as the regulations require the home of primary students to be more than 25 miles from the nearest school or school bus route before an allowance is payable.

### HOUSES FOR ABORIGINES.

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

Leave granted.

The Hon. L. R. HART: To the best of my knowledge, it has been the practice at Point Pearce Mission Station for houses for Aborigines to be built of Besser brick, or a similar type of brick, and for most of the work to be carried out by the Aborigines themselves. I understand that the cost of building these houses has been about $6,000 each. The information I have now is that the present practice is to have prefabricated houses built by contract labour at a cost of about $10,000 each. Can the Minister say whether this is the present practice and, if it is, why the previous practice has been changed?

The Hon. A. J. SHARD: I cannot answer the question but I shall obtain the information for the honourable member in due course.



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

Adjourned debate on second reading.

(Continued from September 22. Page 1777.)

The Hon. L. R. HART (Midland): The debate on this Bill has been proceeding for some time and, probably, few points have not been dealt with already. I wish to make some general observations. I think we should go back to the original concepts embodied in the motion suggesting that a Bill be introduced to legalize the totalizator agency board system of betting in South Australia. Many matters that were not in the original concept of the Bill have been raised. I do not intend to deal with them now, but I make it clear that I support the Bill with certain reservations.

There has been difficulty in getting a clear concept of what this Bill will do and I consider that the Council should be informed on certain factors that have not been mentioned. Rather voluminous correspondence has been received from certain organizations. The main point in most of the correspondence is: whatever you do, do not lose the Bill. It seems to be the main thinking of the organizations that, no matter what is contained in the Bill, it must be retained. I believe this line of thinking is very bad indeed, because we as members of Parliament should see that all legislation brought before us is the best legislation of its kind. We should see that it is functional legislation that will be of benefit to all sections of the community. I emphasize "all sections of the community" because it is the function of this Council, as a House of Review, to consider not only the majority view but also the minority view of the people who may be affected.

Another peculiar thing is that there has been very little press comment about the Bill. There are amendments on honourable members' files that set out, perhaps, to improve the Bill, but nowhere in the press are we able to find any comments by racing commentators or bodies about them. They are not giving a lead to this Council on whether the amendments will improve or be detrimental to the Bill. When legislation of a controversial nature is before Parliament we usually see great splurges and headlines in the press, but in this case these have not appeared. This seems rather strange to me. One tends to wonder whether there has been a conspiracy, shall I say, between the racing organizations and the Government in relation to this Bill.

If this is so, it is a serious matter, because I believe there should not be any "horse deal" made between any bodies in relation to legislation brought before this Council.

There appear to be two original concepts paramount in this matter, one being that the average person who wants to bet should be entitled to bet legally: that he should not have to inhabit dark lanes or other places to be able to lay his wager. This was one of the reasons given for the introduction of the legislation. Obviously, the average person who wishes to wager, which is a great Australian pastime, said, "I wish to be able to bet legally, as it is my favourite pastime, but I find that in doing so I get into rather serious financial difficulties. However, if I could wager through some legalized authority, the profits could be put into some fund, perhaps a hospital fund, and then probably my hospital account would be subsidized and I would not be in financial difficulty. I would still be able to have my bets, and my hospitalization would be looked after." However, I believe that the question of paying profits from T.A.B. into a hospitals fund is a weakness. I think this can be self-defeating, because many people now voluntarily contribute to hospitals, particularly community hospitals. They are quite happy to do so, but the contributions they are required to make are forever increasing. From now on, if we are to have this Hospital Fund financed by the profits from T.A.B. these people will say, "There is no longer any need for me to contribute to my local hospital. It should be possible for that to be looked after by the contributions from the Hospital Fund built up from the profits from T.A.B." So this, in itself, could be self-defeating.

The other reason put forward in favour of T.A.B. was that the racing clubs in South Australia were at a disadvantage compared with the clubs in States that had T.A.B. This was probably quite correct but I do not think the position of these clubs will be materially altered because of our having T.A.B. in this State. The position of the clubs in South Australia (I refer mainly to country clubs) will be relatively the same as hitherto, because with the introduction of T.A.B. into South Australia, the clubs in adjoining States (particularly New South Wales and Victoria) will still be far and away ahead of those in South Australia, because the population of those States is considerably greater than ours. Their degree of prosperity may be greater, and the amount of money available for investment in T.A.B. in those States will be greater than that available in South Australia. So these clubs in South Australia will still operate at a disadvantage in relation to the clubs in adjoining States.

It is not spelt out in this Bill, but I should like to know in what manner the profits from T.A.B. will be distributed. New section 31p deals with the distribution of profits but does not state just how they shall be distributed. Paragraph (*d*) provides that the payments will be made:

> . . . to such bodies, and on such conditions as the board determines and the Minister approves, for the administration and promotion of horse racing (including trotting) in the State.

This should be laid down in better terms than those. For argument's sake, under what conditions will the small country club receive its proportion of the profits from T.A.B.? Will it be based on the prize money that it allocates, on the attendances at its meetings, or on what basis? These clubs would like to know this. It is important that they should know what amount of money they will get in the future.

It is interesting to look at the position of some of the country clubs, most of which, and particularly the small ones, are in dire financial straits. Admittedly, T.A.B. will make for increased finance, but many of these clubs are only small. I cannot see that T.A.B. will supply them with sufficient money ever to put them in a strong and stable financial position. Many of them were formed years ago, back in the horse and buggy days, by a group of enthusiasts in a particular area, and they are being carried on today by a similar group of enthusiasts. It is practically impossible for these clubs to carry on under those conditions because maintenance is required on the courses, prize money has to be provided and many other expenses must be met. I suggest that many of the smaller clubs should consider whether it would be better for them and for the patrons of racing if they amalgamated and formed one strong racing club in a strategic position. Many of these clubs will never be able to operate an on-course T.A.B. system at their meetings: it may take a big centre for this to be a financial proposition. In fact, even if T.A.B. operated through the agency basis it would probably not be an economic exercise for many of these smaller clubs. The T.A.B. system could easily lose money when operating at some of the smaller race meetings. Therefore, I suggest that the racing authorities examine the question of amalgamating some of the smaller racing clubs and forming one strong and virile club.

There is not a great deal more I wish to say at this stage. The Bill has been discussed thoroughly. However, certain aspects have been introduced that I consider should never have been introduced. They have been brought forward for the sake of bargaining power and that is probably one of the reasons why we are not able to get information on all aspects of the Bill because a deal has been made between the Government and racing organizations and authorities. They dare not, perhaps, give their true views on this Bill for fear that it will be lost. One question concerns the latter section of the Bill dealing with the winning bets tax. It has been said by other members that this should not be in this Bill but in the Lottery and Gaming Act itself and I fully concur in that view.

I believe most people in South Australia are prepared to accept the fact that T.A.B. should be operating in this State and I have no doubt that members of this Council will vote accordingly, but on certain aspects of the Bill they will reserve consideration and I believe the question of the winning bets tax is one. It will be interesting to observe the attitude of the Government when the Committee stage is reached and we deal with some of the amendments on file. I agree with some of them, particularly the amendment dealing with the licensing of agencies. We shall have to consider whether they should be conducted on a commission basis or on straight-out renumeration. I believe they should not be conducted on a commission basis. One State in Australia where commission agents operate is Queensland, and nothing is more annoying than to walk down the streets of Brisbane and be accosted on every street corner by a person selling lottery tickets. Some of these persons appear to be undesirable types. I suggest that the Government accept the amendment, or the safeguard in the amendment, that agencies be not conducted on a commission basis.

The Hon. C. R. Story: I think the Minister will be sympathetic towards that one.

The Hon. L. R. HART: I believe that is right.

The Hon. A. J. Shard: What the honourable member has suggested could not possibly happen here.

The Hon. L. R. HART: Who is going to decide whether agencies shall operate on a commission basis or otherwise? Will it be the board, the Minister, or will it be the board with the approval of the Minister? Those are the words used mainly throughout this Bill. I believe this is one of the points the Minister should clear up early in his reply to this debate. At this stage I do not wish to discuss the matter any further. I support the second reading, but reserve the right to make further decisions in relation to certain matters in the Committee stage.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): This Bill has been introduced in rather different circumstances from other Bills presented in this Chamber. First of all, it does not come to us as a Government measure arising from policy enunciated at the time of the last election. The Bill has been introduced as a result of a resolution in another place carried on non-Party lines and therefore it is hard to consider it as in any way associated with Government policy. It is something of a social measure, and everybody has been left free to vote according to his or her own convictions; that is the way this Council always operates.

Perhaps it may be suggested that some peculiar conditions relate to the Bill; it may appear that bargains have been made, but I am one of those innocents who say that the inauguration of the Bill does not fit into that pattern and therefore we should deal with it on its merits. Where improvements can be made we are obliged as a House of Review to make them. The Bill also deals with subjects that have been matters of negotiation with the previous Government before the last election and, as a member of the previous Government, I am in some way committed to the Bill; that is, to T.A.B. The details of the Bill may be arguable, but to the extent I have mentioned I am committed to it. However, it is a Bill to which I am committed much further because of history.

I go back to 1945, after the National Security Regulations ceased to function, when this Parliament was confronted with the problem whether betting shops should continue to operate or whether some other form of betting facilities should be provided. It was a hot potato. Nobody in either Party was prepared to face the situation of the re-establishment of betting shops. Particularly in the country, the Government found itself up against sporting bodies who were not able to field a cricket or football team because some players would hang around the betting shops, which were usually convenient to licensed premises. They would spend the afternoon there and from a sporting angle we were not popular. From the business angle we were continually confronted with the fact that the people

who hung around betting shops were those who did not pay their accounts and therefore we were unpopular with the business fraternity. Of course, the churches were opposed to gambling in any form. For those reasons, a Bill was presented to another place, but it was not of a workable nature. Our colleagues in another place were glad to get rid of it. They said, "It is up to you to do what you like about it." The attitude I took was that people in the country who were interested in horses should have been able to bet legally if they desired to do so, in the same way as those who were able to attend race meetings could do so. It was not practicable to require everyone to attend a racecourse.

An amendment I moved was accepted unanimously in the Council and in another place and, as a result, the Betting Control Board was given the powers of a Royal Commission to establish premises where it was requested by local people to do so. The board decided, after investigation, whether facilities would or would not be provided. It was largely on the same footing as the controlling authority under this Bill will work. The board will have to decide where opportunities for T.A.B. betting are to be established.

I am sure that all members were disappointed at the result of the previous measure to which I have referred, because there seemed to be inconsistencies. I am not reflecting on the Betting Control Board but am expressing my own opinion. I could never reconcile why betting facilities were available in Port Pirie but not in Whyalla. Regarding people having the opportunity to get to a racecourse (and clubs at that time wanted people on the racecourses), it could be said that Port Pirie people could have reached a racecourse and got home on the same night. Those facilities were not available in Whyalla.

I have some knowledge of those places, because they are both in my district, and I am not having $2 each way. I know there were different views on this matter but it seemed to me to be an anomaly that Port Pirie had facilities that were not available to the people of Whyalla. In addition to that, betting facilities were taken away from Quorn because the volume of betting did not reach the amount that had been expected when the licence was granted. I would have thought that, if we did not want to promote gambling, that was an excellent reason for allowing the premises to remain. The people in the country should have the same opportunity to have a legal bet as have the city or suburban dwellers. However, that was not the position and there has been dissatisfaction as a result. I have said those things to show that I am committed to a system of T.A.B. and that I support it. The system has been devised to fulfil requirements in a way that was not achieved in previous legislation. To that extent, I support the Bill as presented.

I am not convinced about the advisability of making the fund a fund for hospitals. I think that is completely misleading. Possibly, it has been included as a sugar coating and something that was considered to be a political expedient. In no way will this affect the condition of hospitals. Victoria obtained Tattersalls from Tasmania (and I thought it was rather mean to rob Tasmania) and not long after that a Victorian Minister said to me, "Would you like a lottery in South Australia?" I said, "Well, we are not particularly worried. What advantage would it be?" He said, "The benefit would be that I would be rid of it. Since we have had a lottery our contributions to our Charities Commission have completely dried up and we are now worse off than we were before."

That is the position that will arise here. A fund for hospitals will be established and people will think that, as long as they have a bet on T.A.B. on Saturday, and if they go and have a drink at the local hotel, they have discharged their responsibility to charity, to the local hospital or whatever functions they support. On the other hand, the Hospital Fund will mean nothing to the Government. If there is too much money available for hospitals and the Government realizes that, it will apportion the expenditure in another way.

I have never spoken in favour of earmarking a fund for a particular cause. It is the responsibility of the Government to decide where the need lies and it should not have too much money in one fund, such as money to be spent on hospitals, nor should it say that it is not its fault if the institutions are starving because it has given them all the money available under betting laws. I do not think hospitals should be placed in that position.

However, I shall not move any amendment in that regard. The provision is in the Bill and I shall not take part in anything that can be regarded as being merely obstructive to the legislation, which I have already said I support in principle. However, I regret that this provision regarding a hospital fund has been included. Regardless of which Minister administers the fund, he will be only one in

a Cabinet with eight other members and he will not be able to remain over-flushed with funds.

That position arose in Queensland in regard to the Golden Casket. Originally the money is to be used for hospitals but soon the Government and the Treasurer will have to find ways of satisfying other Ministers by either diverting the funds or withdrawing money from supporting Government funds and saying, "The special fund has run out. There is no more money."

The Bill contains certain clauses that I think are not directly related to T.A.B. Certain amendments have been foreshadowed, and I think they are worthy of consideration, as they will not interfere with the operation of the Bill or the revenue of the Government in any way. I want to make it clear that I am discussing this Bill on its merits. I do not consider it to be a Government measure, as it was brought about by a resolution of both Parties in another place, and it is our obligation to produce the best Bill possible in the interests of everybody concerned.

The Hon. Sir Norman Jude has foreshadowed an amendment dealing with on-course totalizator tax. This additional tax of 1¼ per cent will go to the Government after three years. It has been assumed that T.A.B. will be as successful here as it has been claimed to be in Victoria and that after it is in full operation the Government will be able to take this money. As Sir Norman has pointed out, because of inflation the clubs may not have been compensated in this period of rising costs of maintenance. I should like the Minister to say why the Government should take from the clubs increased levies that were intended to establish T.A.B.

The honourable member intends to move also an amendment in relation to paying out bets in country areas on the same night as a race meeting is held, and that is worthy of consideration. I know something of the position in country areas. Shearers may place bets and, as they may intend to move elsewhere, they want to collect their winnings. This applies also to a tourist who may stay in a district for only one night. It has been pointed out that the Queensland authorities realize that they should have this provision. If that is so, let us have it at the beginning.

The Hon. Mr. DeGaris intends to move certain amendments, one of which deals with the responsibility of the Minister in relation to property for the establishment of branches or agencies. We do not want any buck passing between the board and the Minister on where betting premises should be established. If we establish a board, it should accept full responsibility, subject to the approval of the Minister. Surely it should have the responsibility of deciding where betting premises should be. The Minister should be able to approve or disapprove, but he should not have the responsibility of promoting this matter.

Another foreshadowed amendment deals with the remuneration of employees or agents, and the suggestion contained in it seems to me to be logical. The Bill suggests that there will be agents on commission, as in Victoria, but I understand that experience in Queensland shows that it would be desirable not to have them on commission. I see no difficulty in paying a retainer to anybody operating an agency. I do not suggest that there would be touting on street corners as in Queensland in connection with the Golden Casket, however. When I looked for a betting shop in Queensland at the time I knew this was likely to become a topic of interest, I had a job to find one. I could not find anybody in the street on a Saturday afternoon who could tell me where an agency was. I studied the telephone directory, but still could not locate an agency. I asked at least four different people I accosted in the street where the agency was, and all they could say was, "It is not that way, so if you continue the other way you must come to it." Finally, without being told by anybody where it was, I saw an agency near where I had made my last inquiry, and it was completely inconspicuous. The clerks' offices looked like tellers' offices at a bank, and the necessary forms were provided. Three or four people were there, and as many clerks as people, but nobody was hanging around the place. I can see nothing objectionable in this.

I do not think the board would establish an agency unless there was sufficient business to justify it. However, people who conduct unofficial post offices are paid retainers, and I would have thought it possible to operate T.A.B. agencies in the same way. Surely there would be some people prepared to stay home on Saturday afternoons for a retainer of $20, $30 or $40, or perhaps even less. They would be able to get that, and nobody could suggest that there was somebody in a position paid not to tout in the way suggested by the Hon. Mr. Hart but to act by the more subtle means of expounding the activities of these places and persuading people to patronize them.

Whatever goes on, the blame will come back to the members of Parliament. I should like to be sure, having missed out on one piece of

legislation, that I do not get out of line and caught up with another. I do not want to be the object of accusations that I have supported something that will promote betting in the community. I approach this Bill rather from the angle of supporting something that will give a service to people who have wanted it and have been denied it in the past. By the proposed amendment of the Hon. Mr. DeGaris, we shall be doing something in that direction, without in any way interfering with the success of T.A.B.; we shall be removing it from any suggestion that somebody will gain an advantage by building up business through T.A.B. That is not our job. I have never heard it claimed that we should do that. I have referred to the expanding figures in Victoria, which suggest that more betting has been indulged in. The answer I get is that that is rather because of expansion and gradually getting the system working, with more branches opening, than the promotion of betting. If that is so, I want to keep it that way in South Australia. I do not want to be accused of promoting and fostering gambling in the community.

I do not pretend to know how the totalizator works as regards percentages. I am not worried about the winning bets tax. Now and again I have my own little bet with what I can afford. If I get a little back, I do not question anything because I am so glad to have it. The way the totalizator works is not very important in the field of betting. Totalizators are on the racecourses, but the amount of money handled there is only some $2,000,000 compared with $29,000,000 through the bookmakers; so the amount involved is comparatively small. However, as I understand it, the people employed on totalizators are not there on commission; that is, if it is a good day for racing, they get more money than they do on a bad day. I think they get their pay. If that works effectively and efficiently on the totalizator and they get their pay on the day and operate sufficient windows to deal with the customers (I presume it is all worked out and is not on a percentage basis), I fail to see why the same principle should not operate as regards T.A.B. agencies.

The Hon. Mr. DeGaris spoke about the winning bets tax. I agree with him that that tax has nothing whatever to do with T.A.B. This is a Bill to establish T.A.B. and I cannot see where the winning bets tax comes in. My understanding (and perhaps I am wrong) up to now was that the winning bets tax was something that we should aim to get rid of and that T.A.B. would get rid of it. I am told now (and I accept the figures) that money would be required from the winning bets tax (estimated at some $360,000, a substantial sum) for the establishment of the machinery of T.A.B.; but that tax is already in the Lottery and Gaming Act—it is not part of T.A.B. The winning bets tax is already provided for. Therefore, why it has to be dealt with in this Bill and why it has to be suggested that the winning bets tax on the stake shall cease to function after a certain date I do not know. That matter can be dealt with when the proper time comes. When the Government believes it is appropriate to abolish the winning bets tax, that is the time to think about it rather than providing now in this Bill for something that will take place some time hence.

I have much sympathy for the punter. After all, we are told now that racing is no longer a sport: it is an industry, and it is kept in existence by the amount of money that comes from punters investing on their fancies in racing. There has always been objection to the winning bets tax, particularly on the stake. Admittedly, the amount of revenue collected from each investment through the bookmaker compared with that collected through the totalizator varies: the tax is higher with the totalizator than it is with the bookmaker. However, if racing depends on the punter, then surely we should give him some consideration now, and he should have some relief among all the good things that are to come in; he should have some advantage. But this Bill does not provide for that. I sympathize with the punter who, either wisely or unwisely, puts up the money when he backs his fancy. At present he is getting no relief, although he may get some before the next election as a bit of propaganda.

Therefore, why worry about it at all now? It is already in the Act; it will not give relief from anything in the Act—it will continue. The winning bets tax should be eliminated from this Bill. The Hon. Mr. Potter mentioned giving immediate relief to the punter by abolishing the tax now. There, I find myself in difficulties, because the figures that have been produced to me show that a certain amount of money is needed and the Government has agreed that this is a good way to get it. Far more money can be got that way than in any other way. I think the figures show that it will get $360,000 from the tax in the first year of operation and half that amount ($180,000) in the second year, as against

$62,000 on the totalizator. On those figures, relief to the punter is perhaps difficult to achieve. However, I wait to hear what the Minister has to say about it. I do not think that any purpose will be served in delaying this debate.

In supporting the measure, I hope that I will not be expected to give my support to every other form of sport that may want these facilities. I think this is something that can be overdone. Betting facilities have been associated with racing throughout our history, and I am prepared to accept that, but if we are to indulge in greyhound racing, the dogs, football pools and so on I must ask myself, "How can I consistently oppose such measures when I have supported this one?" However, I will jump that hurdle when I come to it, but I hope it will not come because if we are going to develop into a nation of gamblers I cannot find any example in history that gives me any comfort in regard to the future. It can only bring problems to the Government ultimately, because it cannot have the money twice over; if money is to go into this, history shows that more people tend to rely on the Government for social services. It is poor consolation to say that the proceeds will benefit hospitals, because ultimately it comes back to the Government. I support the measure because I have committed myself in the past but, as I have said, I take no comfort for the future if this legislation is allowed to spread to other sports. As far as horse racing is concerned, I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): This Bill has been debated at length. First, I want to read from the Hon. Sir Norman Jude's speech. I take exception to one portion of it and another part of it is not in accordance with facts. To make doubly sure, I will read the speech verbatim. It can be found on page 1503 of *Hansard*. Sir Norman said:

Speaking of possible amendments, I have been informed quite publicly by a Minister of the Crown that if any amendments are put up by honourable members the Bill will be discarded. This is interesting—

The Hon. Sir NORMAN JUDE: Mr. President, I wish to take a point of order. The Minister is quoting from *Hansard*. According to Standing Orders the objection must be taken when the speech is made.

The Hon. A. J. Shard: What are you afraid of? Have you got a thin skin?

The Hon. Sir NORMAN JUDE: No, I am asking that the Minister keep to Standing Orders.

The Hon. A. J. Shard: We cannot do that when a member breaks faith.

The PRESIDENT: I think the Minister is in order.

The Hon. A. J. SHARD: Thank you, Sir. I listened to the honourable member in silence, as *Hansard* will show. I made up my mind to try to keep order in this Council by not interjecting. I think the time to take exception in a debate of this nature is in reply, and that is what I am doing.

The Hon. L. R. Hart: Has the Minister always been like that?

The Hon. A. J. SHARD: Sometimes I have not because on occasions speakers have been so nasty that I have had to interject at the time. I will begin again reading from Sir Norman Jude's speech. He said:

Speaking of possible amendments, I have been informed quite publicly by a Minister of the Crown that if any amendments are put up by honourable members the Bill will be discarded. This is interesting, when the Government in both Houses has stated that its members are free to vote as they please.

And that is perfectly true. He continued:

Frankly, I love a challenge—

the honourable member did not like it just now!—

and whatever it might mean to the racing clubs, the public, or the Government, I say today that if honourable members were to accept this sort of threat—however pleasantly made—we should not be here.

The Hon. R. C. DeGaris: We have had a couple of them lately.

The Hon. Sir Norman Jude: If we can improve this Bill by a free and democratic—

"democratic" is a lovely word coming from the honourable member—

approach on an obviously non-Party basis, then, if the Government refuses to accept or even consider reasonable suggestions, which, as yet, they do not even know, and if the people of South Australia do not get T.A.B. it will rest squarely on the Government's shoulders alone.

At that stage I interjected and said, "Time will prove whether that is right." I was the Minister concerned and I have never made publicly the statement attributed to me.

The Hon. Sir Norman Jude: *Hansard* clearly states, "by a Minister of the Crown".

The Hon. A. J. SHARD: I am saying that I am that Minister of the Crown. I do not want my colleagues in either House blamed for what I said. The statement was made in a place that was not a public place, and I never made it a public statement.

The Hon. Sir Norman Jude: The Minister made it?

The Hon. A. J. SHARD: Yes, in conversation where the honourable member and I were guests. The honourable member now comes out and takes advantage of it. That is the point I am making. This is the first time since I have been a member of this place that I have had to take exception to any honourable member repeating something said between ourselves in private conversation. It was not said publicly. I will now deal with this other statement by the honourable member:

. . . If the people of South Australia do not get T.A.B. it will rest squarely on the Government's shoulders alone.

Let me examine that statement; let me make no apologies for this. If the people of South Australia do not get T.A.B. the responsibility will rest with this Council, and this Council alone. It will not be the fault of the Government. There are 20 members, as a rule, in this Chamber (although unfortunately at the moment there are only 19) but of those members only four are Government members. If this Bill is defeated the other 16 members must take the blame. That is a fact. I say publicly now for the record and I do not run away from the record, that whether it is undemocratic or not (and it has been said many times) the Government of the day, of which I am happy to be a member, is not prepared to accept any amendments dealing with financial matters in this Bill. If the Council insists on them, this Council must take the responsibility. It is as simple and as plain as that.

The Hon. C. R. Story: On a social matter?

The Hon. A. J. SHARD: Yes. We have introduced it. While it may not be a money Bill in the true sense of the word, it is a revenue Bill, which means money, and Cabinet has made a decision on the matter. I am making a statement of fact. Do not let honourable members opposite tell me that Governments have not told Oppositions that, if they moved amendments or insisted on amendments, the Bills would not be proceeded with. I have been told many times, not in this Council but as Secretary of the Trades and Labor Council, "If your people insist on requesting a certain amendment or even on having it moved, the Bill will not be proceeded with." It is not unusual for a Government to say that, if a certain amendment is proceeded with or insisted on, it will not proceed with the Bill.

The Hon. Sir Lyell McEwin: Which amendment are you referring to?

The Hon. A. J. SHARD: The Hon. Sir Norman Jude, the Hon. Mr. DeGaris and the Hon. Mr. Potter have amendments on the file. All these amendments deal with the financial section of the Bill.

The Hon. L. R. Hart: They don't deprive the Government of finance, do they?

The Hon. A. J. SHARD: I ask honourable members to wait and see. I have made that statement on behalf of the Government and with its full support. Is it not better to tell honourable members now what are their responsibilities and what the consequences will be?

The Hon. Sir Lyell McEwin: Fair enough.

The Hon. A. J. SHARD: Two things have developed clearly in the debate on this Bill. I think it can be accepted that every honourable member has said that he wants T.A.B.

The Hon. R. C. DeGaris: No, that is not quite right. We said we did not oppose the Bill.

The Hon. A. J. SHARD: I do not want to say anything that is not correct. Almost every honourable member who spoke wanted T.A.B., but every honourable member who has spoken other than myself has said, "You can have it on our conditions." They have said, "We shall amend it and, if you accept that, you can have T.A.B. If you do not, you will not get it."

The Hon. Sir Arthur Rymill: Isn't that what you yourself are saying? You are saying, "You can have it on my conditions."

The Hon. A. J. SHARD: That is right, but we are the Government.

The Hon. Sir Arthur Rymill: Why did you say everyone with the exception of yourself?

The Hon. A. F. Kneebone: We introduced the Bill.

The Hon. A. J. SHARD: Some amendments have a little merit, and I shall deal with them. It must be remembered that this Bill was not prepared overnight. Much work was done on it by the Government, its officers and officials, and the Off-course Totalizator Committee, and those people have reached agreement, although I do not think the agreement has pleased everybody. Indeed, some aspects have not pleased me. I think the Hon. Mr. Story referred to a package deal.

The Hon. C. R. Story: I thought it was more of a horse deal or a gill net.

The Hon. A. J. SHARD: There is no horse deal in the Bill.

The Hon. Sir Norman Jude: Wouldn't it be better to do a deal in Parliament than with an outside body?

The Hon. A. J. SHARD: I had better not deal with that. If I started to speak about

what I thought was at the back of honourable members' minds, I might not get on too well.

*Members interjecting:*

The PRESIDENT: I must call for order. The Hon. the Chief Secretary.

The Hon. A. J. SHARD: The Government was prepared to introduce the Bill, which it has done. The Off-course Totalizator Committee said that the Bill was a good starting point, though that committee, as such, was not satisfied with it completely. If honourable members were negotiating a business deal with new companies coming here, they would not give everything away at first.

The Hon. R. C. DeGaris: Why should Parliament be subject to an agreement between two bodies?

The Hon. A. J. SHARD: I am not taking away rights. All I am saying is that, if honourable members want T.A.B., these are the conditions on which they can have it, as arrived at by the people who have reached agreement.

The Hon. R. C. DeGaris: I represent people who are not represented on that organization.

The Hon. A. J. SHARD: The Off-course Totalizator Committee does not agree 100 per cent with the Bill, nor do I. One racing club, in particular, was not happy with it. I have Cabinet's permission to refer to a meeting that I had with some committeemen and I think what I say will provide the answer on all the problems if we are honest with ourselves. The committeemen were not happy and when they talked to me I said, "I am prepared personally to go so far, but I should like to consult the Premier and my Cabinet colleagues."

I then told them that I would be prepared to say to Cabinet and to put on record if it was agreed to that the Government was not prepared to accept any amendment to the financial aspects of this Bill but that it was prepared to reconsider the winning bets tax, the 1¼ per cent and any finances in connection with it within 12 months after the Bill commenced to operate and, if it was proved conclusively that the racing industry was giving too much money to the Government by the winning bets tax or the 1¼ per cent, we as a Government would be prepared to re-consider the whole financial aspect. I think that is a fair assessment of what happened and a fair approach to this matter.

The Hon. Sir Lyell McEwin: Isn't that what the Hon. Mr. DeGaris's amendment means?

The Hon. A. J. SHARD: No. That is as far as we would go. I am telling the Council what I told the committeemen. They went away happy and they were quite happy when I saw them since that time. Their exact words to me were, "That is fair enough." This would be a great country and a great place in which to live if no-one had to pay taxation, but we just cannot do without it.

The Hon. Sir Arthur Rymill: Do you admit that it was a better place in which to live 18 months ago?

The Hon. A. J. SHARD: No, I think it is much better now. I am speaking for myself: I can be selfish sometimes and look at things from my point of view. It is a much better place now than it was 18 months ago. Everybody is happy about having the 1¼ per cent additional tax for the first three years. Surely it is reasonable that this should operate for some time without our committing ourselves forever before we know what will happen. I appeal to Sir Norman, if he is sincere in wanting T.A.B. to operate, to withdraw his amendment. There will be three years before it is necessary to amend this.

The Hon. Sir Norman Jude: Why not leave it to the Government of the day to review it?

The Hon. A. J. SHARD: The Government of the day could review it if your amendment was not carried.

The Hon. Sir Norman Jude: Under my amendment, it comes up for alteration.

The Hon. A. J. SHARD: The honourable member wants it to go to the racing clubs for all time, not to have a review of it.

The Hon. Sir Norman Jude: The Government of the day could review it, the same as applied to land tax.

The Hon. A. J. SHARD: Should not the Government of the day review it during the three years?

The Hon. Sir Norman Jude: We are passing it now, not in three years' time.

The Hon. A. J. SHARD: And giving it to the racing clubs for all times.

The Hon. Sir Norman Jude: No.

The Hon. A. J. SHARD: We are providing that the clubs will get it for three years.

The Hon. Sir Norman Jude: Yes, and then you want it.

The Hon. A. J. SHARD: The proper time for a review is in three years.

The Hon. Sir Norman Jude: You have not put that in the Bill.

The PRESIDENT: Order!

The Hon. A. J. SHARD: I cannot support the suggestion that agencies should remain

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

The Hon. Sir Norman Jude: But you are a city representative. Go out to the country and you will find out.

The Hon. A. J. SHARD: I would say this anywhere.

The Hon. Sir Norman Jude: What are they saying in Queensland?

The Hon. A. J. SHARD: I am not concerned about that. I know what the old betting shops were like, and I will not have a bar of them.

The Hon. Sir Norman Jude: You know I would not, either.

The Hon. A. J. SHARD: But this would tend to bring them back.

The Hon. R. C. DeGaris: What did you say would bring back betting shops?

The Hon. A. J. SHARD: If agencies paid money out after the last race of the day, people would tend to congregate at them, and I could not support this. This is a personal view: I have not discussed it with my colleagues.

The Hon. C. R. Story: Wouldn't it be as bad on Monday mornings?

The Hon. A. J. SHARD: No.

The Hon. L. R. Hart: Don't people have to congregate to make their bets?

The Hon. A. J. SHARD: The honourable member displays his innocence now. I have seen agencies in operation in Victoria, both in the city and in the country. At Bendigo I visited an agency three times on a Saturday afternoon. The first visit was at about noon, when five people were present; the next was at 2.30, when I was on my way to a football match, and two people were present; and the third visit was at 4.15, when nobody was there. The manager was kind enough to show me around then. That is the way I visualize T.A.B. If Sir Norman Jude's amendment is carried the lucky punters who have won on the first and second races will perhaps wait until after the last race to collect. I do not support this, as I do not think it is necessary or a good provision. The Hon. Mr. DeGaris is usually consistent, but in this matter he could not be more inconsistent.

The Hon. S. C. Bevan: He is consistent in his inconsistency.

The Hon. A. J. SHARD: Yes. He wants the board to have full control and, in relation to Port Pirie, he may be right. I would not quarrel with that.

The PRESIDENT: I point out that these matters can be debated in Committee. Amendments are not usually debated on the second reading.

The Hon. A. J. SHARD: I know, but they were mentioned in the debate, and I claim the right to reply.

The PRESIDENT: But you cannot go deeply into them.

The Hon. L. R. Hart: The Hon. Mr. DeGaris did not debate them.

The Hon. A. J. SHARD: He mentioned them at length. I am sorry to have to disagree with you, Mr. President, but I listened to nearly every word of this debate. The honourable member spoke at length about location, betting shops, and so on. However, I shall not go too deeply into the matter. He wants the whole matter left to the board without any instructions from anyone, yet he wants the Government to direct the board as to how it should pay employees in T.A.B. agencies.

The Hon. R. C. DeGaris: That is not inconsistent.

The Hon. A. J. SHARD: The honourable member wants the board to have full control in one matter and the Government to have control in another.

The Hon. R. C. DeGaris: I shall explain that in Committee.

The Hon. A. J. SHARD: The Hon. Mr. Potter's amendment deletes the whole of the provision dealing with the winning bets tax.

The Hon. F. J. Potter: The Hon. Mr. DeGaris's amendment means that. I want the tax off after a period from the relevant date.

The Hon. A. J. SHARD: If the Hon. Mr. DeGaris is successful, it will affect the honest intention of the Government to do the reasonable thing in relation to the winning bets tax.

The Hon. R. C. DeGaris: The Government can still do it.

The Hon. A. J. SHARD: The honourable member had his say. We want to do the very thing that Sir Norman Jude suggests: to put in the Bill that within 13 months we will lift the tax from the stake. The tax will apply only to the winnings, not to the stake, thus relieving the punter to the extent of at least 28 per cent up to 33 per cent of what he is paying now, with a guarantee that it will be

reviewed within 13 months. In addition to that, the Government will be prepared to review the whole financial position in connection with T.A.B. at about that time to see what we are doing. If something can be done in the interests of the racing industry and racegoers, we shall be prepared to have an honest look at it. I leave it at that.

The Hon. R. C. DeGaris: Can't you do that with my amendment in the measure?

The Hon. A. J. SHARD: We can do that in the Bill. If your amendment will do only what we want to do, leave the Bill as we want it. We are the Government. We as a Government are prepared to do that. I have given my word that we will reconsider the position. Why, then, do we need your amendment?

The Hon. R. C. DeGaris: This may arise after March, 1968.

The Hon. A. J. SHARD: You need not worry about that: we shall be here in 1968 as the Government.

The Hon. C. M. Hill: Only for two months.

The Hon. A. J. SHARD: No. Don't forget that the amendments of honourable members are on record. If honourable members have a sincere desire, as I believe they have, that T.A.B. should operate in this State, I ask them to accept the Bill as introduced and agreed upon by the parties mainly concerned.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Progress reported; Committee to sit again.

## LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 22. Page 1778.)

The Hon. C. M. HILL (Central No. 2): This Bill is an attempt to improve the accounting procedure and other machinery measures concerning local government institutions. There is no doubt, judging by the Auditor-General's recent report and the experiences that some of us have knowledge of, that there is a need for some tightening up in the control of local government administration.

However, care should be exercised when we introduce a blanket measure of this kind, because of the great difference between the municipal councils, on the one hand, and some district councils, on the other, because of their size. That there is a great difference in the size of these councils can be judged by the fact that in some instances there is a great variation in their ratable incomes. For example, let us take three district councils which, I believe, have the lowest ratable incomes: the District Council of Quorn, which receives $5,804 annual income from rates; the District Council of Carrieton, which has $6,786 annual income from rates; and the District Council of Hawker, which has $9,228 annual income from rates. When we compare those three councils with three of the large metropolitan municipalities, we find that, for instance, the Adelaide City Council has an annual income from rates of $2,600,000, that the city of Woodville, for the year 1965, had an income of $1,100,000 from rates, and that the city of Port Adelaide has an annual income of $900,000 from rates. So we see the big difference between these councils in their structure and income and, therefore, in the amount of their expenditure, and consequently in the size of their staffs, etc. This wide variation must be recognized when we consider measures of the kind now before us.

Another point is that it is unfortunate in some respects that certain findings on matters being assessed at present have not so far come down, and we are tending to enter into a form of makeshift arrangement pending those reports. For example, the Local Government Act Revision Committee is still sitting, but that is not quite so important as another committee called the Local Government Accounting Committee, which is at present considering this whole question. I do not think its final report has yet been produced. One of the clauses of this Bill, in which we are asked to agree that regulations be brought down at a later date, dovetails into the ultimate findings of that committee.

I notice from the Auditor-General's report that he intends to issue a form of interim report during this current financial year on this matter of local government accounting procedures. Therefore, it is beating the gun for this measure to be here before us at present. Nevertheless, I am forced to admit that there have been one or two instances demanding urgent action. However, we should be cautious in what action we take, because the whole picture may be changed when the reports of those committees I have mentioned are available for consideration.

Generally speaking, I think as a result of this measure there may be a trend for local government to move into the realm of a State Government department, and I want to resist that trend, if my suspicions are correct,

as much as I can, because it is not a Government department. It is, as we all know, another form of government, and a form that provides good service to the people. I think local government will tend to resent too much interference if it finds, as a result of this Bill, that such interference becomes noticeable from measures passed in this place.

Clause 3 interests me. Paragraph (*b*) inserts in the principal Act the following new subsection:

(1*a*) The council shall pay to the auditor such remuneration as the Minister, on the recommendation of the Auditor-General, may fix.

I would like to know the method by which it is proposed that this fee will be fixed. There must be some method in the mind of the Minister by which he can arrive at a fair and reasonable fee for an auditor of a council so that that auditor will be prepared to do all the necessary work to ensure a proper audit. That is one of the big difficulties some councils have suffered in the past; they have not been prepared to offer a sufficiently large sum to their auditors and in turn the auditors have tended to do the amount of work commensurate with the fee offered. That is where the whole system has broken down.

In the Auditor-General's Report the matter of fees is dealt with and he has prepared a scale that varies according to council revenue from rates. It may well be that the Minister has this basis in mind for assessing the fee that he will fix. When he has fixed it I do not know how he will inform the councils. Under section 84 of the Act auditors are appointed in August of each year for a two-year term, and it would seem that some auditors appointed last August will be under contract for a full two-year term. Whether this amendment to the principal Act will supersede this I am not sure, but I think at present local government is somewhat confused as to how the fee will be calculated and how it will be informed what must be paid to the auditors.

The Hon. S. C. Bevan: There would be no difficulty in fixing it for two years.

The Hon. C. M. HILL: That is so, but it would be an order for two years, and it must be appreciated that some would be appointed at the current rates for this and the following year. Therefore, unless the action is applied quickly, nothing will be done with councils who agreed in August last on a two-year appointment.

The Hon. S. C. Bevan: I agree with that.

The Hon. C. M. HILL: I make the suggestion that a better method than fixing the fee on the basis of annual revenue from rates would be to fix it on the basis of annual expenditure, or annual total income, but particularly on expenditure, because more work would be involved in accounting in dealing with expenditure than with revenue or income. I will not call it revenue, but income. For instance, when a loan is raised it can be handled with one entry, but there would be many entries to cover expenditure of loan money.

A considerable difference exists in some municipalities between the annual rate income and annual expenditure for one year. As an example, the annual rates collected by the Adelaide City Council amount to $2,600,000, whereas the annual expenditure this year will exceed $7,800,000. If the rate is to be fixed on the scale either the aggregate income or expenditure should be used. The question then arises whether it should be fixed according to the scale or whether there should be a minimum. I think, undoubtedly, there should be a minimum. It might well be that in the country the matter of travelling time would come in. A country council might like to have a local accountant licensed by the Auditor-General, or it might like to have an auditor from the city. It might be agreed that the fee be such-and-such, whereas the man from the city would not take the job unless travelling time were considered.

The Hon. S. C. Bevan: It will be plus travelling time.

The Hon. C. M. HILL: The next question arises when a district council desires further advice from its auditor; it may wish to discuss some accounting system and ask the auditor to spend more time in the office than he would normally spend. If a council is bound to a fixed fee there may be problems, whereas on a minimum fee it would be within the prerogative of the council to increase the amount if it thought fit. I think that with a minimum fee the proper amount of work would be performed, thus ensuring a proper audit.

Returning to the city area, if there were a fixed fee it would perhaps reach astronomical proportions, but if the scale suggested in the Auditor-General's Report were adopted, when a certain figure was reached the fee would be limited. Even then a minimum fee would be desirable. For instance, in many large municipalities there is an internal audit, an auditing department or auditing assistants. The inspector appointed under this Bill would be able to go out and he might agree that it was not necessary for a complete audit to be carried

out. The internal audit would take it to a certain stage and the outside auditor under the Act would not have to spend so much time there. Then the minimum fee would be in the best interests of the council. Otherwise, the council would be overpaying the auditor.

This is an important point for the Minister to consider when fixing the fee and it should overcome the problem that has occurred. The Bill should stipulate a minimum fee.

Clause 4 deals with the payment of moneys by councils into the bank, and new subsections (3) and (4) provide that an amount not exceeding $4 can be paid out by council officers in cash and that accounts for higher amounts must be paid by cheque. An amount of $4 is not much today. The comparable amount in the old currency was fixed in the Act in 1934.

The consumer price index, if used as a guide to the value of money today compared with the value in 1934, shows that the figure is $14.8. That may be technical, but I think it would be more practical and sensible if $10 were mentioned in the Bill instead of $4. New subsection (5) refers to the setting up of an advance account by a council. Such an account must be agreed to by the council and cheques can be drawn against it and signed by only the town or district clerk and one other council officer. Any such payments must be approved at the next council meeting. This is a fair method of overcoming a problem.

I do not know whether the Minister intends to provide for a limit on this amount. It may be that there should be a limit in relation to some smaller district councils, but this provision could be used to much advantage by the larger councils. Money that the council has in credit could be put into fixed deposit for a short term. At present, cheques signed by the mayor or chairman are used and approval is given at the next council meeting after the payment. That is not a proper procedure, because the cheques should not be drawn until after the meeting has approved the payment. However, much interest can be earned in this way. Cheques drawn on this account should be specified carefully and, if that is done, there will be much merit in the arrangement.

The subsection says that the council may authorize such payments from the advance account as are specified generally or specifically by resolution of the council. I consider that the payments should be extremely specific. If a council expects to receive an account against an order for timber, for example, and if it knows that it will gain the benefit of a discount if it pays that account quickly, it is a good idea to make the payment quickly.

However, if there is not a clear specification, trouble may be encountered. Certain responsibility is placed on the second officer who signs the cheques. A town clerk may write a cheque and say to another officer lower in rank in the council, "Would you sign this? It is covered by the general blanket authority that the council has given me to draw against the advance account for materials purchased." I think that places responsibility on the second officer unfairly. However, if the council details the circumstances in which money may be drawn, the arrangement has merit.

Clause 5 gives officers from the Minister's department the right to enter local government offices and inspect accounts, records and procedures. I understand that this is the practice in other States: I think the Minister said in his explanation that it applied in Victoria. I am concerned that local government may tend to become comparable with a department of Government and that it may be policed unreasonably. There is provision that the officer who makes a report to the Minister is to send a copy of that report to the Auditor-General.

Subsection (4) of new section 295 gives the Auditor-General similar power to send his officers to council premises to make inspections of this kind. It is certainly a tightening up process when the appointment of auditors is to be done properly, when officers of the Minister may inspect accounts, records and procedures, and when the Auditor-General is given certain power in relation to all councils. The principal Act at present gives the Auditor-General certain power over district councils only.

So, instead of recognition being given to the difference between large and small councils, municipal councils are being brought under this measure. I should like to see the subsection dealing with the Auditor-General taken right out of the Bill. The Auditor-General licenses the auditors and I think that the reports made by such auditors have to go to him. The Auditor-General reports to Parliament and has considerable power. In addition to that, the Minister of Local Government is given power to send inspectors, and copies of the reports made by the inspectors are to be forwarded to the Auditor-General. I have grave doubts that it is necessary to give this right to the Auditor-General to enter council offices and to peruse accounts, records and procedures.

Clause 6 is further evidence of the introduction of tight machinery, because in it we are approving, apart from the controls I have just mentioned, regulations that will be brought down as a result of the findings of the committee that I mentioned earlier. These regulations will prescribe accountancy and finance methods and systems, books of accounts, forms and records, and the manner in which councils and their officers must use any prescribed books, forms, methods, records and systems. In addition, they will require councils to adopt certain procedures in regard to expenditure and receipts. I cannot but ask whether the whole measure goes too far in its control over local government.

In clause 6 the word "receipts" is used, and I think the word should be "revenue". I understand that the word "receipts" is unknown in the Local Government Act. This word deals with cash received only, whereas "revenue" deals with cash received plus revenue owing. If we are to have a clear picture of income, we must deal with revenue as well as receipts. Indeed, Part XV of the Act is headed "Revenue and Expenditure".

Whilst I appreciate that there was a need for action because of problems that have occurred recently in relation to auditing, I fear that this measure may go too far. I shall listen with interest to the Minister's reply and to the further debate in Committee.

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

## MOTOR VEHICLES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 22. Page 1780.)

The Hon. JESSIE COOPER (Central No. 2): I rise to support the Bill in general, but I will confine my remarks to the proposed amendment to section 118 of the principal Act. I regret that I cannot feel enthusiastic about this amendment, which I believe does not go nearly far enough. As honourable members know, section 118 became part of South Australian law in 1959, when Parliament supported my amendment that gave husbands and wives the right to sue one another in the case of motor vehicle accidents. This corrected a grave injustice, and the South Australian Parliament gained the approval of legal authorities all over Australia for the action taken. In the *Law Journal* of June, 1960, under the heading "Current Topics: An Insurance Gap Closed" appeared the following:

We note with satisfaction that the first move has been made to fill the gap in motor vehicle third party insurance legislation, pointed out in a note at 32 A.L.J. 238, namely, that caused by the doctrine that one spouse is not liable to another for conduct which in ordinary circumstances would create a liability in tort. The prevailing mood of dissatisfaction with this doctrine has been voiced by the Victorian Full Court in *McKinnon v. McKinnon* ((1955) V.L.R. 81, at p. 85): "If a husband or wife is injured as a result of the negligent driving of the other, the injured spouse can recover no damages against the negligent one. A male driver's mother or daughter, or friend or even his mistress can recover damages from him in respect of his negligence, but his wife alone cannot. . . . In these days when third party insurance is compulsory, only insurance companies benefit from this extraordinary situation." South Australia now leads the way with a new section 118 to the Motor Vehicles Act of that State which came into force on April 14 last. The way in which the problem has been tackled is of sufficient interest to warrant a quotation in full of two of the subsections.

This journal then set out the two subsections. However, now the section is being expanded by this amending Bill to cover persons who marry after the accident and who may not even have been contemplating marriage at the time of the accident. There are contractual rights to be dealt with also in many motor vehicle cases, and the proposed new section leaves that anomaly just where it is now: that is, that marriage destroys the contractual right to sue, which is often a very valuable right.

The case of contractual rights was not dealt with when section 118 was introduced, because husbands and wives do not normally, at least very often, carry one another for hire or reward, but now that the section is being expanded to cover those who were not married at the time of the accident it becomes important, because clearly it may happen in many cases. If the carriage is for hire or reward, a higher standard of care is required, and a higher standard of maintenance of the motor vehicle is required. Therefore, it often pays a plaintiff in these circumstances to sue in contract. The present section 118 (1) refers to actions in negligence for the reasons stated above: namely, husbands and wives do not often carry one another for hire or reward. Persons who contract with one another and who afterwards marry also lose their rights of action. This is not dealt with at all in this Bill. In other words, it is piecemeal or stopgap legislation, which does not seem to cover all the cases that it is desirable to cover in this field. I believe that the only proper course is to start again and follow what was done in England in 1962 by the Law Reform (Husband and Wife) Act and then to

wipe out section 118 as it stands and also section 101 of the Law of Property Act. The operative sections of the British law of 1962 provide:

(1) Subject to the provisions of this section, each of the parties to a marriage shall have a life right of action in tort against the other as if they were not married.

(2) Where an action in tort is brought by one of the parties to a marriage against the other during the subsistence of the marriage, the court may stay the action if it appears

(*a*) that any substantial benefit would accrue to either party from the continuation of the proceedings; or

(*b*) that the question or questions in issue could more conveniently be disposed of on an application made under section 17 of the Married Women's Property Act, 1882.

This section deals with the determination of questions between husband and wife as to the right of possession of property. The Law Reform (Husband and Wife) Act of Britain of 1962 brought a dramatic change in the history of the relationships between husband and wife, and it was followed by like changes in other parts of the British Commonwealth. I ask for honourable members' indulgence while I trace that history, because obviously we shall at some time in the near future be faced with the problem of clarifying and modernizing the law to bring it, in relation to tort, into line with the modern relationship of husband and wife.

The common law rule was that a husband could not sue his wife in tort nor a wife her husband. An early Statute going right back to 1285 provided for the forfeiture by married women of their dowry in the event of their elopement, and for the next 700 years Parliament has been concerned with adjusting the mutual rights as between husband and wife. Common law has always taken the view that women must be protected and the unity of marriage preserved. The rule that spouses should not sue each other in tort is supposedly based on their unity after marriage, but it is now generally thought that the main principle in common law was to give the husband a profitable guardianship over the property of his wife and that the doctrine of unity was devised to disguise this fact and to justify it.

Common law produces quite a few peculiar ideas in relation to women. For example, the rule that "no woman, nor dead body nor inanimate objects shall hold public office" was one that I discovered to my cost in 1959 immediately before the election, as honourable members will remember. The common law rule that husband and wife could not sue each other was abrogated, however, by section 12 of the Married Women's Property Act in Britain in 1882, to the extent of enabling a married woman to sue her husband for the protection of her separate property; but that was all. Until the Married Women's Property Act, a wife had practically no rights at all; she was under the extreme disadvantage of being subject to her husband's taking possession and power over the whole of her property and leaving her almost without any rights.

Less than a century ago, married women not only had no vote but could not enter into contracts and own property. They could not even make wills without the assent of their husbands, and the husbands could withdraw that assent. In fact, as late as 1840 a husband could lawfully keep his wife under lock and key. As most honourable members know, this was tried on in Victoria last month.

The Hon. C. R. Story: That is why they call them "the good old days"!

The Hon. JESSIE COOPER: Yes; but the man was not doing terribly well in Victoria. Section 12 of the Act of 1882, as amended by the Act of 1935 (that is, omitting the reference to "separate" property), is in the following terms:

Every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever, including her husband, the same civil remedies and also (subject as regards her husband to the provision hereinafter contained) the same remedies and redress by way of criminal proceedings for the protection and security of her own property, as if she were a *femme sole*, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort . . .

An anomalous situation then arose, as honourable members will be quick to see: the wife could sue her husband in tort in order to protect her own property but the husband did not have that right to sue against his wife. That is how the matter stood in Britain from 1882 until 1962, although many legal authorities spoke out strongly. Nor do I think that much would have been done without the advent of the motor car and its subsequent results.

As more and more husbands and wives were involved in motor vehicle accidents with devastating loss of life, and more particularly with resulting injuries that incapacitated one or both, it was obvious that something had to be done to give husbands and wives the right to sue each other in the case of motor vehicle accidents in order to claim insurance. The absurdity of the situation was that a legal wife had no redress but a *de facto* wife was

able to sue, as indeed was any relative other than the wife. It was therefore with that in mind that with some trepidation I tackled the problem in 1959, with the help and encouragement of what the Hon. Mr. Bevan calls the "legal eagles" of Adelaide. It is gratifying that Parliament accepted that amendment and that the matter has been a subject of congratulation ever since. South Australia had indeed led the way.

The Law Reform Committee was called upon to examine the situation in Britain in the very year after the Act was passed in South Australia. In 1960 the committee met, and from that meeting came the 1962 Act. Section 3 of the Ninth Report of that committee states:

The present state of the law (*i.e.*, after 1935) is both anomalous and unjust. It is anomalous that, at the present day, a husband should be in a worse position than his wife in regard to the right of action in tort. This anomaly is accentuated by the fact that there is no restriction on a wife's right to sue her husband for a tort committed before marriage though he cannot sue her for a pre-nuptial tort. The law is unjust in its effect on the spouses themselves as well as on the third parties. The fact that the wife's right of action is limited to the protection of her property means that in no circumstances can she sue her husband for personal injury inflicted on her, however grievous.

To show honourable members that that was the general attitude of the authorities at that time, I quote from the Twelfth Edition of *Salmond on Torts,* page 82:

It is difficult to understand some of the present-day law relating to husband and wife. First, it is generally agreed—

and this is only six years ago—

that the principle which prohibits actions in tort between husband and wife is justifiable, not on the ground of the obsolete fiction of the legal unity of the spouses but because such litigation is unseemly, distressing and embittering.

That is always the theme of all debates—that one cannot really have this sort of legislation. The passage continues:

But this must be so, whether the tort takes place before or after marriage; hence it is hard to see why a wife should be permitted to sue her husband for pre-nuptial torts. Secondly, even if this is desirable, it is difficult to discover any reason in logic or justice for denying to the husband the two privileges at present possessed by his wife—the right to sue for pre-nuptial torts and for the protection and security of her property.

Section 6 of the report went on to say:

In our view, there is no good reason in this day and age for distinguishing in this way between a husband and a wife and, where a right of action is given to one, it should be available to the other.

This committee of Law Lords then had to decide what to do. Although the old common law doctrine of legal unity of husband and wife had become unrealistic, the idea of the home as a unit had to be protected or the institution of marriage might be threatened. In fact, if honourable members will allow me to be frivolous for a moment, it has been seriously suggested to me that the greatest threat to the institution of marriage in our time has been the invention of the drip-dry shirt. Returning to the legal question, the committee finally decided that a right of action in tort would not by itself be liable to break up a marriage. Therefore, its recommendation was that section 12 of the Married Women's Property Act should be repealed and, in the case of torts other than those affecting the title to or possession of property, husband and wife should be able to sue each other as if they were unmarried. As a result, the Law Reform (Husband and Wife) Act came into force. That legislation was introduced, strangely enough, not by the Government but by a private member in 1962.

The Hon. R. C. DeGaris: Of the House of Lords?

The Hon. JESSIE COOPER: No—it was introduced by the member for Epsom. It is interesting that it passed the second reading on the nod, and it was not until the third reading stage that the members woke up to the importance of the Bill. By then it was too late for them to do much in the way of speaking to the Bill, and most of them said they would leave it to the House of Lords to consider the matter in detail. When it got to the Lords, they were quick to get to work on it and they said that at least they were getting recognition from the Commons for their work, so it seems that things are much the same there as they are here. The Act came into force on August 1, 1962. I have already quoted the sections relevant to this matter. The Act in fact abolished the right of the wife to sue her husband in tort in order to protect her property and replaced it with the right to have remedies in tort not only for the protection of property but also for all other purposes between husbands and wives.

It is interesting to note that the House of Lords in the debate showed great concern that there should not be complete freedom for husband and wife to bring actions against one another for trivial reasons or to ventilate their feelings, passions or emotions. They were adamant that the court should be given the

power to stay proceedings—and that is what I read out in the first place: section 2 states:

Where an action in tort is brought by one of the parties to a marriage against the other during the subsistence of the marriage, the court may stay the action if it appears (*a*) that no substantial benefit would accrue to either party from the continuation of the proceedings—

in other words, that it was trivial—

(*b*) that the question or questions in issue could more conveniently be disposed of on an application made under section 17 of the Married Women's Property Act, 1882.

That is why it was inserted and retained, and also why it became British law. In other words, Britain brought in this most valuable measure of law reform. The sections I quoted earlier were adopted practically word for word by New Zealand in 1963 and by Tasmania in 1965. In 1964 New South Wales brought in similar legislation, but it did not go as far as the British or New Zealand Acts had gone, or as far as the Tasmanian Act subsequently went.

In the case of the New South Wales Act, the right of action was limited to motor vehicle cases, but it was drafted to permit actions to be instituted by one spouse against the other, even though the injuries were sustained prior to marriage. In other words, their Bill has done exactly as we have done already and what we propose to do by this amendment. It did not go any further. It did go further in another section, which is interesting, and New Zealand also has this. It rectifies the uncertainty of the law governing the position of a deserted wife in the occupancy of the marital home in which her husband is a tenant. That unfortunate position was rectified by both the New Zealand and the New South Wales law.

What is the position in South Australia in this matter? First of all, spouses at common law could not sue one another at all because they were regarded as one person in marriage. This was amended in the case of wrongs by section 101 of the Law of Property Act, 1936, to permit a wife to sue her husband (but not *vice versa*) for the protection and security of her property. Honourable members will see that that follows British law, to that time, but on the face of it section 101 did not include bodily injury to her person. As motor accidents involving husbands and wives grew more and more numerous, legal authorities were convinced that some alleviation of the situation was necessary and so the South Australian Parliament agreed to the insertion of section 118 of the Motor Vehicles Act. But this section left untouched several cases in relation to motor vehicle accidents.

The first category is the case where the wrong did not arise out of "the use of a motor vehicle". For example, if the wife is injured when the car is stationary (say that she leans over and injures herself trying to grab a child who is about to fall out of the car because the door has a damaged lock which the husband has not mended), then she cannot sue her husband for the injury she sustains even if he has a policy covering his liability for mechanical defect.

The Hon. Sir Arthur Rymill: Can you be dogmatic about that? Is that subject to a legal decision?

The Hon. JESSIE COOPER: Yes. There have been several actions in this State of that type.

The Hon. Sir Arthur Rymill: That is contrary to other cases I know of.

The Hon. JESSIE COOPER: The honourable member probably has in mind the next point, namely, when is a stationary car not stationary? If the vehicle was parked in the middle of a trip (for example, outside a friend's house during a visit) the accident would arise out of the use of a motor vehicle. If, however, the vehicle had not started on its trip, or had finished it, then there are conflicting decisions of the High Court of Australia and the Supreme Court of New Zealand which can only be resolved by the Privy Council. No ordinary housewife would dare to hazard litigation of that type even if she were wealthy. Those are examples so far not covered by us.

The second category relates to all the cases where the injury is caused by the wrongful use of a motor vehicle and the parties are unmarried when it happens but afterwards marry. The amendment before members now relates to that category. Thirdly, I cite the cases where the injured person was not married to the wrong-doer at the time of the wrong, and later marries him or her and at the time of injury was being carried for hire or reward, so has a contractual right to damages, which is often more valuable (because the onus of proof is different) than the right of action in negligence. Moreover, section 118 deals only with a small segment of the injustices caused by the present section 101 of the Law of Property Act. Honourable members will notice that section 101 is referred to twice in section 118 of the Motor Vehicles Act, which is actually a

partial amendment of section 101 of the Law of Property Act.

Therefore, I repeat that the proper course would be not to amend section 118 as proposed but to tackle the whole problem as Britain has done by the Law Reform Act of 1962. I therefore ask the Government whether it will consider bringing in a Bill of general law reform and, having done so, repeal section 118 of the Motor Vehicles Act. If the Minister will give me an affirmative reply I shall not be forced to move a further amendment to section 118. However, if he refuses to do so, then I can think of only one possible course—to try to amend section 118 to cover the cases I have mentioned. I support the second reading.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

## MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 22. Page 1782.)

The Hon. C. R. STORY (Midland): I rise to query one or two matters in this Bill. The main points on which I take issue deal with the Minister's second reading explanation. He pointed out that this is a short Bill: I cannot disagree with that because it occupies only one page and it could not be much shorter. The Minister's explanation is also short. He points out that cranes belonging to the company on wharves 5, 6 and 7 are perfectly all right but those on 8, 9 and 10 are still under the jurisdiction of the Mines and Works Inspection Act.

The Minister said that a mistake had been made when it was previously before Parliament in 1962 and that it was not really meant that the six sections of the wharves (that is, Nos. 5, 6, 7, 8, 9 and 10) should be brought under the provisions of this Act. Three honourable members made speeches on this matter in 1962 (and I presume that each had done his homework). One was the Minister who brought down the legislation at the instigation of his department, another was the then Deputy Leader of the Opposition (the late Mr. Bardolph), while the third speaker was the Hon. Mr. Gilfillan.

Those speeches were interesting. We still have a similar Mines Department to that of 1962, and Broken Hill Associated Smelters Proprietary Limited is still operating. At that time, the Minister was requested to bring down legislation dealing with these matters and the late Mr. Bardolph stressed that B.H.A.S. had been consulted fully and given much consideration and that that was the reason for the introduction of the Bill, but that the Waterside Workers' Federation had not been consulted or given any consideration. On this occasion the position is not quite the same. B.H.A.S. has not been consulted at all, I understand, regarding the deletion of these provisions.

The Hon. S. C. Bevan: The company has no jurisdiction. This is outside the lease. What jurisdiction has B.H.A.S. outside its lease?

The Hon. C. R. STORY: The company is operating certain of its property on wharf No. 7.

The Hon. S. C. Bevan: Are you sure of that?

The Hon. C. R. STORY: That is what I have been given to understand by a man who ought to know what belongs to B.H.A.S. It has equipment used to load concentrates for E.Z. Industries.

The Hon. S. C. Bevan: That is the only time.

The Hon. C. R. STORY: B.H.A.S. is fairly interested in this matter. The Minister says that the case I have cited is about the only time. There has to be only the one time if something goes wrong on the wharf when that company is loading.

The Hon. G. J. Gilfillan: Is this under the control of B.H.A.S., or of the Mines Department?

The Hon. C. R. STORY: The Minister has not told us. He did not mention it in the second reading explanation, although I thought he would have. B.H.A.S. uses equipment on wharf No. 7 for loading concentrates for E.Z. Industries at Risdon in Tasmania. If an accident occurs on that particular wharf, to whom does the company report the accident, and who is responsible for the injured person if these provisions are removed from the Mines and Works Inspection Act?

The Minister has referred to the Harbors Board several times. Of course, he has access to these matters, but I cannot find Harbors Board regulations dealing with that particular locality that protect the company or an employee. I cannot find the Harbors Board regulation dealing with inspection in regard to this particular matter.

The Hon. S. C. Bevan: If the company loads concentrates at wharf No. 7 once a month for Tasmania, who operates the crane about which you are speaking?

The Hon. C. R. STORY: The waterside workers.

The Hon. S. C. Bevan: Do you say that, therefore, the waterside workers must be under the jurisdiction of the Mines and Works Inspection Act?

The Hon. C. R. STORY: Only the equipment.

The Hon. R. C. DeGaris: How do they get it there?

The Hon. C. R. STORY: Even when loading is not actually taking place, somebody has to take responsibility for getting the equipment there. I cannot find reference to that responsibility in the Harbors Board regulations. The Minister may be able to explain what regulations deal with this. Loading is under Commonwealth jurisdiction.

The Hon. Sir Lyell McEwin: Doesn't it relate to the company's machinery?

The Hon. C. R. STORY: That was the plea in the first place. On the map that has been made available to honourable members, a portion of wharf No. 8 also falls into another category if regard is had to the lines on the map showing where the B.H.A.S. lease finishes. There is a railway line from the works to the crane area, where the concentrates are brought out adjacent to the wharves. The concentrates are then taken the length of the wharves on the railway line. Cranes operate on another section of line on which there is a loop line. It seems to me that this whole set-up is the responsibility of B.H.A.S. As I see it, half of wharf No. 8 is now outside the line that marks what the Minister claims to be under the jurisdiction of the Harbors Board. In 1962, the then Minister of Mines, the Hon. Sir Lyell McEwin, said:

The object of this short Bill is to make provision to enable the oversight and control of machinery on, and reporting of accidents occurring at, the wharves at Port Pirie adjoining Broken Hill Associated Smelters Proprietary Limited when no shiploading is in progress.

Surely the position now is the same as it was then. Sir Lyell went on:

The principal Act provides for the general control and oversight of machinery and mines including "works". A "mine" is a place where mining operations are being carried on and "works" is defined as including any works in which operations are carried on for the treatment of the products of mining operations. The second schedule of the principal Act covers the subject matter of regulations that may be made and includes among other things power to make regulations concerning accidents in or about mines including notification, steps to be taken, and procedures at inquiries. As I have said, the Act covers mines as such and works. The Act and the regulations made under it clearly apply to operations taking place inside or within the limits of a mine or works attached to it. Actual loading or unloading to or from ships is covered by Commonwealth regulations.

It will thus be seen that operations inside a mine or actual loading operations outside a mine are covered by either State or Commonwealth provisions. However, the B.H.A.S. wharf at Port Pirie occupies an anomalous position—it is not part of a mine nor is it included in the definition of "works" and the company has brought to the attention of the Government that, when lead is being handled from point to point on its wharf at Port Pirie, the operations are uncontrolled and the company has sought an amendment to our regulations to cover these operations—in particular to require the reporting of accidents occurring on the wharf.

Sir Lyell went on to say that that Bill extended the definition of "works". I cannot find an amendment to the Harbors Board regulations to cover the position in the event of the Act being amended as the Minister suggests. In 1965 amendments to the regulations were disallowed. Regulations are now before this Chamber and have seven days to run. However, they deal with bathing from wharves, and other things, and I do not think they will help the position. The late Hon. Mr. Bardolph had some doubts about whether the Government was not doing this for some nefarious reason to enable the B.H.A.S. to escape its obligations with regard to waterside workers. He made that point very strongly. On the third reading he challenged the Government again, and the Minister replied as reported on page 833 of 1962 *Hansard*. When the Minister of Mines gave an undertaking, the Hon. Mr. Bardolph said he was satisfied with the explanation.

The Hon. S. C. Bevan: Why not tell us that the Minister said "on this section of the wharves"?

The Hon. C. R. STORY: I do not think the Minister had any doubt that it covered the wharves used by the B.H.A.S.

The Hon. S. C. Bevan: Exactly, and that is what it was meant to cover. The Minister said that.

The Hon. C. R. STORY: I do not think the present Minister will deny that the B.H.A.S. loads from and places things for other States on wharf No. 7. If my hair is going grey, people say that it is going grey; they do not say that part of it is going grey. If only a foot of the wharf is used and an accident occurs, surely somebody is responsible. The B.H.A.S. is involved in relation to wharf No. 7. I think honourable members know what has happened on wharves 5 and 6.

The Hon. R. C. DeGaris: Isn't there a monster there?

The Hon. C. R. STORY: Yes, and it has caused industrial disputes and unrest. I

admit that the B.H.A.S. has a vested interest in this matter, but I wonder whether the fact that the Government suddenly wants to remove from wharves 5, 6 and 7 the provisions that apply to wharves 8, 9 and 10 has something to do with this monster. When the Hon. Mr. Gilfillan was speaking on this matter the other day the Minister was rearing to go, and I am sorry I interrupted him. However, I think it would be a good idea to have a look at this, because now we have another doubter. I wonder what all this means, and I shall be interested to hear the Minister's reply. I do not know that his officers at Port Pirie understand why the provisions in relation to wharf No. 7 are being removed when the same things as were going on then are still going on.

The Hon. S. C. Bevan: Has the Mines Department carried out inspections there?

The Hon. C. R. STORY: I do not know, but I know that the provision has been there.

The Hon. Sir Lyell McEwin: There has not been an accident to warrant an inspection.

The Hon. C. R. STORY: The provision was there. If the inspectors have not looked at the equipment there, one might ask whether they had looked at the equipment on wharves 8, 9 and 10.

The Hon. G. J. Gilfillan: The B.H.A.S. is not mentioned in the Bill.

The Hon. C. R. STORY: No.

The Hon. S. C. Bevan: The Mines Department has no jurisdiction over this section of the wharf.

The Hon. C. R. STORY: The 1962 amending Act provided:

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

3. The definition of "works" in section 4 of the principal Act is amended by inserting therein after the word "operation" at the end thereof the words "and includes all wharves, adjoining the smelting works of the Broken Hill Associated Smelters Proprietary Limited at Port Pirie and used for or in connection with the loading of ships and all erections, cargo, gear, cranes, equipment and conveniences on the same or the appurtenances thereof or the approaches thereto.

What could be clearer than that? It says nothing about B.H.A.S. leases.

The Hon. S. C. Bevan: I am not referring to the amending Act in 1962. The amendment in that Act created an anomaly that cannot be dealt with by the Act.

The Hon. C. R. STORY: In 1962, at the request of the B.H.A.S. and no doubt after discussions with the Government's legal advisers and due consideration by the Parliamentary Draftsman, in collaboration with the B.H.A.S., Parliament passed an Act that included the words "and includes all wharves adjoining the smelting works of the B.H.A.S". It did not say "those works within the leases or the wharves".

The Hon. S. C. Bevan: The amendment is to remove an anomaly. The B.H.A.S. then asked for inspections on wharves 8, 9 and 10.

The Hon. C. R. STORY: Why was that not explained? There is no mention of it in the Minister's explanation or the Bill: it is "the wharves". The B.H.A.S. is using wharf No. 7. I should like to know who will be responsible and under what power this equipment will be inspected in the interests of safety. I should also like to know to whom the B.H.A.S. reports accidents if its employees or other employees are involved.

The Hon. L. R. HART secured the adjournment of the debate.

## APPRENTICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 22. Page 1783.)

The Hon. C. R. STORY (Midland): I support this short amending Bill. This is another case where my friend, the Minister of Labour and Industry, will tell me that this is a misunderstanding. It is also another good illustration of what happens when people work all night: we get so sleepy and dopy that we do not know what is going on. I know the problems involved in taking matters out of the hands of the Government. The Government was wise in going into conference: it got something out of it. Unfortunately, these conferences usually take place when we are not in the most receptive of moods. No doubt, that is how this error slipped through. The point is vital not only to the employers but also to the apprentices. This concession has not in the past been available to the older people; it is a great concession and we all agree that, if apprentices are prepared to work hard and if we are to make a useful type of artisan out of them, the employers least of all should begrudge what is being done. As a result of that conference, we extended into the third and fourth years the provisions for the original first and second years.

The other small amendment deals with section 27 of the principal Act with regard to the apprentice who does not live up to his obligations as an apprentice and who falls down on the job. This gives the Chairman of the

Apprenticeship Commission the right to deal with him for not measuring up to his obligations. This is a good provision because, if the employer is to be called upon to spend much money in the training of an apprentice who plays around and does not do the right thing by his principals, surely there must be some authority that can take the necessary steps to deal with him. The matter has been well explained by the Hon. Mr. Potter in his usual careful manner. The Minister has given us a full explanation of what this Bill sets out to do. I have no objection to it. I support it.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): There is very little to reply to. I thank honourable members who have spoken in support of the Bill. As regards the point raised by the Hon. Mr. Potter, I can assure him that this does not alter the position of the apprentices who are covered by the terms of their own Commonwealth award.

Bill read a second time and taken through its remaining stages.

## ADJOURNMENT.

At 5.15 p.m. the Council adjourned until Thursday, September 29, at 2.15 p.m.