LEGISLATIVE COUNCIL

Thursday, December 12, 1968

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

ASSENT TO BILLS

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

Friendly Societies Act Amendment,
Industrial Code Amendment,
Poor Persons Legal Assistance Act Amendment,
Prisons Act Amendment,
Stamp Duties Act Amendment (No. 2),
Tatiara Drainage Trust Act Amendment.

QUESTIONS

INDUSTRIAL COURT PRESIDENT

The Hon. A. F. KNEEBONE: I ask leave to make a short statement prior to asking a question of the Minister representing the Minister of Labour and Industry.

Leave granted.

The Hon. A. F. KNEEBONE: Yesterday, or early this morning, in speaking on the Public Service Arbitration Bill I said that the President of the Industrial Court in South Australia, His Honour Judge Williams, would soon leave this State to take up a position in the Commonwealth sphere. I commented on the fine service Judge Williams had rendered to industry in South Australia and on his fostering of good industrial relations. Has the Minister any news of an appointee to replace Judge Williams as President of the Industrial Court and has he any news of an appointee to replace him as Public Service Arbitrator?

The Hon. C. R. STORY: The honourable member is correct in saying that Judge Williams is leaving the State. He will be replaced as President of the Industrial Court by Mr. Gordon Bleby, LL.B., and he will be replaced as Public Service Arbitrator by Mr. Olsson.

YORKETOWN AREA SCHOOL

The Hon. M. B. DAWKINS: Has the Minister of Local Government obtained from the Minister of Education a reply to my recent question about the Yorketown Area School?

The Hon. C. M. HILL: My colleague reports:

The first step towards replacing the Yorketown Area School will be the erection of a separate high school on a new site on the northern edge of the town. An area of 13¾ acres is already held, and it is proposed to obtain a further 13 acres. A schedule of requirements for the construction of a new secondary school was forwarded to the Public Buildings Department some weeks ago. Not until a firm decision is made regarding the erection of this new school can consideration be given to the future of the primary school at Yorketown. To date no plans have been formulated for a replacement school.

VETERINARY SCIENCE

The Hon. L. R. HART: Has the Minister of Agriculture a reply to my recent question about the possibility of establishing a chair in veterinary science at the Adelaide University?

The Hon. C. R. STORY: I have already given the honourable member a good deal of information, including my own feelings on the matter, but I have now obtained some additional information that will be useful to him. The Deputy Director of Agriculture, who is, of course, a veterinarian, has been contacted by Sir Henry Basten, the Chairman of the Australian Universities Commission, who has arranged for Dr. Farquhar (now on loan to the commission from the Commonwealth Department of Primary Industry for the specific purpose of inquiring into the question of an additional chair in veterinary science) to visit all States in connection with this matter. Arrangements have been made for him to see our departmental officers and the Veterinary Surgeons Board in South Australia. Also, our department is at the moment collecting and collating information asked for by the commission, and in due course this will be reported back to the Chairman of the Australian Universities Commission, and the Ministers in each State will have an opportunity to put their cases.

ELECTORAL DISTRICTS

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

Leave granted.

The Hon. D. H. L. BANFIELD: The South Australian public is becoming confused with the conflicting statements that have been made by various Ministers. Indeed, they were even more confused last Tuesday when, addressing himself to the Electoral Districts (Redivision) Bill in this Chamber, the Chief Secretary said:

The Government has considered the amendments proposed by the Hon. Mr. Potter. While it desires to correct in this Bill the anomalies existing in House of Assembly electorates, it fully appreciates it would be in the interests of the economy and ease of working that, whilst the electoral commission was sitting to deal with the redistribution of House of Assembly boundaries, Legislative Council boundaries, too, should be examined.

That is fair enough, but on Wednesday (the day after the Chief Secretary made this statement in the Council) the following article appeared in the *News*:

The Premier, Mr. Hall, told the Assembly last night he would accept amendments for the Council boundaries from Mr. Potter, a Liberal and Country League member. Mr. Potter wants 24 Council members, an increase of four, representing four districts instead of the present five districts. Today Mr. Hall said Cabinet had not approved Mr. Potter's amendments.

Those statements conflict with one another and it is apparent that either the Council is being deliberately misled by the Chief Secretary (and I do not think for one moment that he would do that) or the public is being misled by someone, as a result of which the disquiet amongst the public regarding the Ministers' statements has arisen. Will the Chief Secretary therefore say whether the Premier is part of the Government; did he take part in the discussions when the Hon. Mr. Potter's amendments were discussed in Cabinet and, if he did, why has there been a conflict between the two statements emanating, first, from the Chief Secretary and, subsequently, from the Premier?

The Hon. R. C. DeGARIS: As usual the confusion exists only in the honourable member's mind and—

The Hon. D. H. L. Banfield: It is in the paper.

The Hon. R. C. DeGARIS: —we have seen his confusion on many occasions during the session. There is no confusion whatsoever; the statement is quite clear. Cabinet had not discussed with the Hon. Mr. Potter or anyone else the amendments he introduced in this Council. Of course, when they were introduced, Cabinet had to discuss them. They are the plain facts of the case and they are perfectly clear. The honourable member's concern in this matter is only an attempt to throw confusion into the minds of the public. I think we can all see that the Labor Party is doing everything possible to defeat the redistribution of House of Assembly districts.

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

Leave granted.

The Hon. D. H. L. BANFIELD: The Chief Secretary did not reply to the question I asked him, and he continued to mislead the Council when he said that I had suggested that Cabinet had conferred with the Hon. Mr. Potter. I did not mention that at all. I quoted a report of the Chief Secretary's speech on Tuesday, when he said that the Government had considered the amendments proposed by the Hon. Mr. Potter. I quoted, too, from the *News* of Wednesday, December 11, the day following the statement made by the Chief Secretary, and portion of that quote reads:

Today Mr. Hall said Cabinet had not approved Mr. Potter's amendments.

The answer given me by the Chief Secretary was misleading, although probably made in ignorance, because I do not know whether the Premier attended the Cabinet meeting and the Chief Secretary was absent or vice versa. What I am trying to find out is: why is there conflict between the statements of the Chief Secretary and the Premier? I hope the Chief Secretary will not attempt to deride this question because the public is concerned about the contradiction in these statements.

The Hon. R. C. DeGARIS: I am not at all impressed with the statements made by the Hon. Mr. Banfield that I am attempting to be misleading, or that anyone is attempting to be misleading.

The Hon. D. H. L. Banfield: Just answer: why the conflict?

The Hon. R. C. DeGARIS: As I said previously, the situation is clear: that is, the Premier's statement refers to the fact that at no stage did Cabinet give any approval for the amendments of the Hon. Mr. Potter to be introduced into this Council. However, when they were introduced, and before the House met, the amendments were considered and Cabinet decided at that point that they were reasonable. There is no conflict at all, and the Hon. Mr. Banfield is merely trying, as I said before—

The Hon. S. C. Bevan: That is making it worse.

The Hon. R. C. DeGARIS: No, it is not making it worse. The Premier's statement referred specifically to amendments introduced by the Hon. Mr. Potter at that time. Of course they were discussed by Cabinet when Cabinet knew they would be introduced; that is perfectly logical. The Premier's statement referred to the situation prior to the amendments being introduced. Nothing misleading has been said, and to me the inference by the Hon. Mr. Banfield that I am attempting to be misleading is most objectionable.

FARMERS

The Hon. C. D. ROWE: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. D. ROWE: Part of an article which appeared in the daily press and in the *Chronicle* of this morning headed "Farmers' Incomes Jump" reads:

Farmers' incomes jumped by 41 per cent in the first quarter of this financial year as they felt at last the full benefit of the end of the drought. The quarterly estimates of national income and expenditure issued by the Commonwealth Bureau of Census and Statistics today show that farmers' net income for the September quarter was $209,000,000. This was $61,000,000 higher than in the same quarter last year. It followed a June quarter when farm expenditure exceeded receipts by $42,000,000. The bureau says the total personal income of Australians in the September quarter was $4,685,000,000, up $370,000,000 on the same quarter last year. This was three times the increase of the September quarter, 1967, over the previous corresponding quarter.

The comment I make on that statement is that I do not think it gives a correct interpretation of the position regarding farmers' incomes. Those of us who know what has happened to the first advance on barley, and those who know some of the problems in the various primary producing lines, know that it gives a completely false impression to say that farmers' incomes have jumped. After all, a 41 per cent increase on nothing does not amount to very much. Does the Minister of Agriculture agree with me that this heading "Farmers' Incomes Jump" gives a false impression of the position?

The Hon. C. R. STORY: I believe that what is printed is quite factual. However, as the honourable member has pointed out, if people are experiencing depression in the form of a drought in an industry and they then have a good year, naturally the equilibrium must be restored somewhat, and this is precisely what has happened. I cannot complain about the newspaper article, except to say that it is terribly misleading to those not engaged in primary production.

The Hon. A. F. Kneebone: It is good to see someone else criticizing a newspaper.

The Hon. C. R. STORY: I am not criticizing it: I am only trying to say that what appears on the surface to be a great jump is really only helping us to get back to something like the base on which we normally work. Primary producers are not out of the wood by any manner of means, just because they have had rains. Most of them are still trying to digest the devaluation fiasco, which has not by any means been satisfactorily cleared up on a Commonwealth and State basis and many of the industries are still suffering gravely as a result of devaluation. I think it is fair to say that any industry that is exporting more than 50 per cent of its commodity to countries with a lower standard of living than we experience must be in a somewhat depressed state. I agree with the Hon. Mr. Rowe that, put in the context that it is in the newspaper, the report is misleading.

The Hon. A. M. Whyte: Like the 2c a loaf increase on bread going to build more silos.

The Hon. C. R. STORY: Yes.

WHEAT

The Hon. A. M. WHYTE: Has the Minister of Agriculture an answer to my question of December 4 concerning investigations into the storage of grain in the open?

The Hon. C. R. STORY: The honourable member asked whether I could arrange for a departmental officer to report on this matter, and that report has been presented to me. I am advised that from a purely technical point of view there are no major difficulties in storing grain in this way during the summer and autumn. Farmer experience in this State together with oversea practice indicates clearly that grain can be stored for some months without serious loss. Important points to watch are:

(1) The surface on which the grain is placed should be clean and smooth and it should slope towards the edges of the heap so that any water which penetrates will run off. If the grain is to be stored for some months, the floor should be sealed to prevent moisture rising through the heap of grain.

(2) The heap of grain should slope smoothly to a ridge so that rain will be shed with a minimum of penetration. If the natural angle of repose of the grain is disturbed or if there are surface irregularities or hollows, rain damage can be severe.

(3) The grain at the time of delivery must be free of insects and at a suitable moisture content.

(4) The use of a grain protectant such as Malathion would be advisable. This could be added more efficiently by co-operative bulk handling operators than by individual farmers.

It is pointed out, however, that we lack local experience of grain storage in the open during the winter period. While it is believed that if due attention is paid to the above points no serious loss would result, this has not been demonstrated under local conditions. A demonstration along these lines would have to continue until mid-winter at least to provide useful evidence and would therefore not assist in making a decision in the immediate future. I am sure the department would be willing to co-operate in the collection of data, should it be decided to conduct any experimental work in this field.

The Hon. A. M. WHYTE: I have been told that wheat received in New South Wales for the Australian Wheat Board is being stored in the open this year. Can the Minister of Agriculture verify this and can he tell me what steps it would be necessary to take to allow the Wheat Board to receive wheat in open storage in South Australia? Would it entail an amendment to the Commonwealth legislation or would our State legislation cover this?

The Hon. C. R. STORY: It would need an amendment to the Commonwealth legislation. The conditions are laid down by that Act, so it would mean that it would have to be amended, and at the same time the State Act would have to be amended to fit in with the Commonwealth Act.

The Hon. A. M. Whyte: But what about receivals in New South Wales?

The Hon. C. R. STORY: That I am not sure of. I will check that. It may be that wheat has been stored in a station yard but it would seem most strange to me if New South Wales had found some means of getting the Wheat Board to accept it and pay $1.10 for wheat still stored in the open when it is not permitted in this State. However, I will have the matter checked.

LIZARDS

The Hon. H. K. KEMP: Recently there has been some publicity about the sale of impregnated lizards. Can the Minister of Agriculture say whether it is true that this traffic in sleepy lizards impregnated with plastic is going on in Adelaide? If so, has he sufficient power to deal with the matter?

The Hon. C. R. STORY: Unfortunately, there is a traffic in sleepy lizards and other reptiles. I suppose it is the method used as much as anything else that nauseates people. These are harmless, docile, nice creatures. They are brought to the boil, squashed and filled with a plastic material to swell them out. Under the Fauna and Flora Conservation Act I have power to make a proclamation in respect of certain animals and reptiles but, if I did make a blanket proclamation, it could be said that I was acting against those people who like to keep some sleepy lizards around the garden to pick up a few snails. I have a docket with the Crown Law Office and that department is investigating which way to go about the matter. I hope before many days pass I shall be able to make a proclamation that will prohibit the use of this treatment of sleepy lizards and other species of goanna and frill-necked lizard. However, I want to look at this matter before I do so because it may affect many people not directly concerned in this matter.

DERAILMENTS

The Hon. D. H. L. BANFIELD: I seek leave to make a brief statement before asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. D. H. L. BANFIELD: It seems that we have at least one train derailment a week in South Australia. I know the Government has set up a committee to inquire into the causes of these derailments, which in the past have appeared to be more frequent in the South-East, but today I understand there has been a derailment in the Adelaide railway station of a passenger train, carrying 140 passengers, coming into the station from Gawler. Fortunately, no-one was injured. Has the Minister anything to report to this Council on any progress the committee may have made, or can he tell us anything about this accident today at the Adelaide railway station?

The Hon. C. M. HILL: I have not heard about this derailment to which the honourable member has just referred as happening in the Adelaide railway station. The Ministers were in Executive Council from 11 a.m. There may be a message in my office at this moment about that accident but I have not any information about it now.

As regards the general question that the honourable member has asked about the committee of inquiry, I report that yesterday the three gentlemen on the committee had their first

meeting. I met them and had some preliminary discussions with them. They met and, I understand, formulated their plans for conducting the inquiry and decided on the general steps they would take in conducting the inquiry. The Government is giving them a free hand in the method by which they shall go about their work. They are most enthusiastic and want to get down to business as quickly as possible.

I have had no report so far of their meeting yesterday. I shall not interfere with their working and I do not expect them to report to me on every meeting they hold, although they agreed yesterday they would keep me informed of the general pattern of their inquiry as it proceeded. I shall be unable to report further to this Council until we sit again in the new year, but, when we do sit again, I shall be pleased to advise honourable members, including the Hon. Mr. Banfield, of the progress of the committee.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second reading.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

It arises from certain interim recommendations of the Local Government Act Revision Committee, from representations of some local government bodies and finally from a departmental examination of the principal Act. In broad terms, it sets out to: (*a*) provide for the appointment of a referee to inquire into the dismissal or reduction in status of a local government officer when that officer feels aggrieved; (*b*) provide for the election of a mayor by certain district councils; (*c*) arm the Adelaide City Council with certain powers necessary for the development of our capital city; and (*d*) review and strengthen the law relating to council elections, and generally to make such improvements to the principal Act as seem necessary and desirable.

I will now deal with the Bill in some detail. Clause 1 is formal, and clause 2 makes an amendment consequential on inserting new sections by clause 6. Clause 3 amends the provision of the Act dealing with definitions and is to some extent consequential on clause 4. At the same time, the title of the Lord Mayor of the city of Adelaide is given statutory recognition. Clause 4 inserts a new section 65a, which provides for the election of a mayor by a certain proclaimed district council in lieu of the chairman generally provided by the Act for such bodies. This arrangement is strongly desired by certain district councils, particularly where amalgamation with a municipality is involved.

Clause 5 is connected with the review of voting procedures, and extends the time during which the returning officer must retain the ballot-papers. Clause 6 provides for an independent review of council actions in dismissing or reducing in status their officers. Proposed new sections 163ja to 163jh are here inserted, and these sections are generally self-explanatory. Clause 7 amends section 172a of the principal Act which allows a male spouse to be entered as an occupier of ratable premises and hence acquire a vote where the female spouse is entered as the owner. The effect of this amendment is to extend this privilege to a female spouse where the male spouse is entered as the owner.

Clause 8 amends section 287 of the principal Act by removing an unnecessary limitation on the amount that councils may contribute to local government associations. Clause 9 provides, in effect, that non-metropolitan municipal councils may subsidize doctors and dentists practising in their areas. Clause 10 provides for the creation of special reserve funds by councils for purposes approved by the Minister. Clause 11 repairs an omission in the principal Act relating to the prohibition of parking on median strips. Clause 12 removes a doubt that existed as to the power of councils to grant permission for persons to lay electricity cables underground in streets and roads controlled by them.

Clauses 13, 14 and 15 are designed to give councils somewhat greater flexibility in borrowing money in that they can, if these amendments are enacted, take advantage of loans of a type made available to local government authorities in other States by banking houses. Provision in these types of loan is made for a portion of the amount to be refloated as a new loan or in some cases for the interest to be adjusted during the period of the loan or fixed in relation to approved interest rates. Clause 16 makes a drafting amendment, consequent upon the passage of the Harbors Board Act Amendment Act, 1966. Clause 17 amends section 766 of the principal Act by extending the time within which a prosecution may be launched. Recently it was found that the period of three months did not allow

sufficient time to enable a proper investigation to be made. It is here proposed to extend the period to six months.

Clauses 18 to 26 all tighten up the provisions relating to postal voting at local government elections to prevent abuse of this system. In brief: (*a*) the attention of persons applying for postal votes is drawn to the fact that they must genuinely believe that the grounds in fact exist which entitled them to a postal vote; (*b*) non-official people are precluded from reproducing or handing out postal ballot applications; (*c*) postal ballot-papers are to be forwarded in plain envelopes and if delivered by hand are only to be delivered to the voter or his spouse; (*d*) candidates and their supporters are forbidden to be present while a postal vote is cast; and (*e*) a candidate who commits a breach of the provisions is disqualified from ever being elected to a council.

Clause 27 gives the city of Adelaide appropriate powers to redevelop or lease for redevelopment areas of the city including (proposed new section 855c) air space over roads and streets. It will be noted that this provision has been given a degree of retrospectivity to January 1, 1968. Clause 28 extends the purposes for which the Council of the city of Adelaide may borrow. Clause 29 provides that interest coupons need not necessarily be attached to debentures that councils issue to secure loans. Clause 30 merely amends the Nineteenth Schedule in consequence of the amendments effected by clause 24.

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

LICENSING ACT AMENDMENT BILL (No. 1)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2 to 7, but had disagreed to amendment No. 1.

Consideration in Committee.

The Hon. S. C. BEVAN: I move:

That the Council do not insist on its amendment.

The amendment deals with issuing licences to museums. The Hon. Mr. Dawkins referred to the wine industry in the Barossa Valley and the museums there, but it is submitted that the position the honourable member had in mind is adequately covered by the principal Act at present. The provision is very wide and, if amendment No. 1 were incorporated in the legislation, there would be too much room for exploitation, which is not intended.

The Hon. M. B. DAWKINS: I have further examined this matter, and I understand that it can be approached in another way. As a result, I do not intend to oppose the Hon. Mr. Bevan's motion.

Motion carried.

MENTAL HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 11. Page 3178.)

The Hon. S. C. BEVAN (Central No. 1): I am not happy about the proposed amendments to the principal Act, although I fully appreciate the intention of the Bill. Some years ago mental health was looked upon as being something extraordinary and any person suffering from it was regarded as an outcast and looked upon in an unkindly way by the general public. It is now recognized that there is no difference between mental and general illnesses, and that mental illness should be treated accordingly.

Although I know that some changes are necessary, I think we are going about this matter in the wrong way. A far greater responsibility should be placed on the Commonwealth Government so that the States would not be placed in the position they are in regarding patients who are hospitalized and receiving treatment for mental illnesses. Representations have been made to the Commonwealth Government on this matter, and these problems have been discussed from time to time at conferences of Ministers of Health. There should be no differentiation between this type of illness and physical illnesses.

This matter has been discussed rather widely. I should like to quote what the Minister said when introducing the Bill, because this bears out what I am saying: that greater responsibility should be placed on the Commonwealth Government regarding the upkeep of mental hospitals and the treatment of patients therein. The Minister of Health said:

> . . . therefore the normal Commonwealth provision of pensions and support of hospital insurance should be available to patients in mental institutions as well as to patients in general hospitals and nursing homes.

This is what prompted me to suggest that the Commonwealth Government should play a greater part than it is playing. I see no reason why social services should not be extended to persons in mental hospitals, and

I cannot see why there should be any distinction or why the Commonwealth Government refuses, as it has done and is still doing, to extend benefits.

The Hon. D. H. L. Banfield: This will be a greater penalty on these people for a stay in hospital because they will lose their pensions as well as having to pay the hospital bill.

The Hon. S. C. BEVAN: If persons suffering from mental illnesses were covered by medical and hospital benefits funds in the same way as people suffering from general illnesses are covered, the position would be relieved somewhat. However, the Commonwealth Government has refused point-blank to agree to the States' representations regarding the extension of social services to cover the anomaly that exists regarding mental health patients. Greater pressure should be brought to bear on the Commonwealth Government by all the States.

When legislation such as this is before us, we have an opportunity to express our opinions, so the Commonwealth Government might be made more fully aware that we consider it should play a greater part than it is at present playing in these matters. Because of the attitude of the Commonwealth Government, the full responsibility for the maintenance of mental hospitals and the treatment and care of the patients therein falls back on the taxpayers of this State, which is a further anomaly.

I fully appreciate the reasons for the introduction of this Bill: to fix a maximum charge on patients. The Bill does not provide that a maximum or a minimum charge shall be fixed for the hospitalization of patients, but it empowers regulations to be made on this subject. The Chief Secretary has informed us that the Government intends to introduce regulations fixing the maximum charge at $3.50 a day or $24.50 a week. This causes me some concern. Before medical and hospital benefits schemes were introduced, a person who could not afford to pay for hospitalization could get a reduction in charges and, in certain circumstances, the charges were waived altogether. A lengthy questionnaire was given to patients for them to fill in. This asked for the most personal details about a person's financial situation. I appreciate that it would be necessary in some instances to ascertain whether a patient was able to afford something, for otherwise a person could merely say that he could not afford to pay anything.

In earlier times I had experience of some distressing cases as a result of the attitude adopted by the department. I do not want it to be thought that I am reflecting on any officer of the department or the department itself, because I appreciate that many of these things were necessary. There were several instances of pensioners being ordered into hospital for treatment and then being charged hospital fees when they had no income at all other than their pension and perhaps the home they lived in. It was simply impossible for those people to pay. I have a vivid recollection of one case because you, Mr. President, were Minister of Health at the time and I approached you successfully on the matter. This concerned a pensioner who had been hospitalized and subsequently was being treated as an outpatient. That person had an old motor car which was still in working order, and it was absolutely necessary for him to have a car. However, after he had made repeated applications to the department, he was told that he had to sell his motor car and pay his hospital charges. When he did not do this he received a summons. He then came to see me, and that was when I approached you, Sir, and explained the situation. I have no hesitation in saying that it was through your intervention and representation to the department that the summons was withdrawn and the charge was waived.

I would not like to see a return to those times, because this sort of thing frightens the life out of people. However, this state of affairs could occur again. A number of patients could well afford to pay even the maximum of $3.50 a day or $24.50 a week, but many patients are not in that position because they are pensioners without other means. The Minister of Health, in his second reading explanation of this Bill, said:

> I assure the House that the scheme will be administered with discretion and sympathy, that the reasonable needs of the patient and his or her dependants will be considered, and that a charge will not be made if it would cause hardship.

The Minister has given that assurance. In what I now want to say I make it clear that I am not casting any reflection on the Minister of Health. However, because of the grand double-cross perpetrated recently by the Premier of this State on the electoral boundaries question, I am afraid that I cannot accept an assurance on behalf of this Government.

The Hon. D. H. L. Banfield: That wasn't the only double-cross they have given us.

The Hon. S. C. BEVAN: I repeat that I am not reflecting in any way on the Minister in charge of this Bill, and I am sure that he

appreciates that. However, these are Government matters and, as I say, because of what happened quite recently I cannot accept an assurance by the Government.

The Hon. R. C. DeGaris: What double-cross was there?

The Hon. S. C. BEVAN: The Premier had said that he would not accept any amendments from the Council to the Electoral Districts (Redivision) Bill, but on television last night he claimed that at no time had he given that assurance. Questions were directed to the Minister today on this subject. On television last night the Premier said that he could not understand the remarks by the Hon. Mr. Dunstan, and he went on to say, "At no time have I given this assurance." However, his earlier remarks are recorded in *Hansard*, and he cannot deny them.

The Hon. R. C. DeGaris: Where is it in *Hansard?*

The Hon. S. C. BEVAN: What is the use of his trying to deny it? This is why I say that I cannot accept Government assurances. I am sorry if the Minister of Health takes any of these remarks personally, for I have tried to make it clear that I am not reflecting on him in any way. In fact, I admire him personally. Having had some experience of it myself, I fully appreciate the administrative problems involved in any Ministerial portfolio. The Minister, who is also Chief Secretary, is doing a good job.

The Hon. D. H. L. Banfield: You never misled the public.

The Hon. S. C. BEVAN: No. After what has happened, I am not going to accept any Government assurances. I support the second reading of this Bill, but I shall have to consider further whether I will support it at all stages. Perhaps the Minister will reply to the comments that have been made.

The Hon. V. G. SPRINGETT (Southern): I rise to speak in support of this Bill. I certainly agree with the first part of the Hon. Mr. Bevan's remarks in which he mentioned that in days gone by mental illnesses were regarded as being in one category and organic illnesses in another. Throughout history people have regarded mental illness with varying degrees of sympathy and abhorrence. Those afflicted have been called lunatics and kept in asylums; they have been institutionalized and hospitalized. Now, of course, they are treated differently and it is possible to place many of them in sheltered workshops. Every effort is made to help people who are mentally ill and who are in the category of people needing help as much as those who are physically afflicted. I would like to see the day arrive when monetary restrictions do not make it difficult for anyone to obtain any form of treatment required, either mental, physical, or organic. What worries me (and I speak here with a certain amount of experience) is that a considerable number of patients do not do what they should do; that is, they do not insure themselves with an appropriate medical benefit fund.

The Hon. D. H. L. Banfield: It is not everybody who can afford to do that.

The Hon. V. G. SPRINGETT: I was going on to say, "when they can afford it". It seems to me the people who are in greatest need are amongst those who often are not insured. I agree with the Hon. Mr. Banfield that many people appear to be unable to afford to join such hospital benefit schemes, but a far greater number of people who do not join are those who could afford to do so if they arranged their finances with a different order of priorities.

I shall be happy to see charges made at this level to those who can afford them. Nevertheless, I would like to see the day arrive when all people who needed hospital care and medical attention, be it mental or any other form of care, would, by an extension of the present type of insurance system, be able to take advantage of such treatment as would be available to them.

The Hon. D. H. L. BANFIELD (Central No. 1): I have no doubt that some people can afford to pay for their stay in hospital. I am also well aware that plenty of people are, unfortunately, entering hospital who are unable to afford to pay. In any case, a decision whether a patient in a mental hospital is in a position to pay will not be made by the patient but by the Government. It does not give people much hope of a sympathetic hearing from the Government when they attempt to offer an explanation of their financial position because, according to the second reading explanation of the Minister, he said:

> When introducing the Revenue Budget for 1968-69 the Government indicated that it proposed to bring into effect charges for treatment and services rendered in mental hospitals. Accordingly, this Bill is being introduced. Its purpose is to amend the Mental Health Act to confer a regulation-making power for the fixation of charges for accommodation and maintenance provided or for treatment or services rendered at institutions.

Therefore, the prime object of the Bill is the production of revenue, and it is in line with many other projects of the Government that

are purely revenue-raising devices and of no assistance to patients at all. Unfortunately, a patient in a mental hospital usually has sufficient worries without the added worry of attempting to balance the Budget of this Government.

The Hon. R. C. DeGaris: The last Government had a similar worry in not being able to balance its Budget.

The Hon. D. H. L. BANFIELD: The possibility is that this Government may have been the means of forcing these people into a mental hospital because of worries associated with taxation measures introduced by the present Government, which in one Budget has raised the average of taxation by over $12 for each person in this State. Is it any wonder more unfortunate people are entering these hospitals? We know many people do not accept the responsibility of parents, and such people, when parents get older and more difficult to handle, unfortunately are prepared to have them admitted to this type of hospital. I have no sympathy for the person who does that if that person is in a position to pay, but the Bill does not give any opportunity to the patient or his trustees to appeal against an account charged by the Government.

I agree with the Hon. Mr. Bevan when he says that we and the people of South Australia can no longer trust this Government's statements. The Government has already said that the charge for treatment in a mental hospital will be a maximum of $3.50 a day. That statement may be true today, and it was a good statement as given by the Chief Secretary. However, it will not surprise me to find that when the Bill is finally passed the Premier will present a conflicting statement and the daily maximum rate may be declared at $5.30, an almost complete reversal of the figures mentioned by the Minister.

I cannot help it if the Minister objects to my asking him a question, as he did today. He said that the question was objectionable to him. If we are not allowed to ask questions, how can we obtain information? If the Minister objects to such questions, then I do not think he should be in the position that he now holds, particularly if he is not prepared to reply. I agree that the Commonwealth Government should continue to pay social service benefits while a patient remains in a mental hospital. What is the difference between a mental and a general hospital? Simply because a person is suffering from a complaint of the mind, why should he be treated differently from a person who has broken his leg?

There should be no difference as far as social services are concerned, yet a Liberal Commonwealth Government deprives these people of their pensions simply because they are admitted to a particular type of hospital. In the case of a single person, he is penalized $15 a week by the Commonwealth Government and he will now be penalized a further $24 a week by the State Government. That means such a person is to be penalized by about $40, and he has no avenue of appeal.

If this Government was not so intent upon raising funds (and that is all the Government says is its reason for introducing this measure) then perhaps we could expect some sympathy from the Government. Because this is purely a fund-raising measure, I am afraid such sympathy will not be forthcoming and we shall continue to be given conflicting statements from Ministers from time to time. There can be no assurance that the maximum rate of $3.50 will remain, because it will be necessary to wait for a statement from the Premier to see whether that statement conflicts with the announcement by the Chief Secretary. I support the second reading.

The Hon. L. R. HART (Midland): The principal Act is entitled the Mental Health Act. It deals with people who are mentally disturbed. I am amazed and distressed that certain members of the Opposition would use an occasion like this to play Party politics—for what they are doing at present is nothing more or less than that. If they want to do that sort of thing, let them play politics on an appropriate occasion, but not with a Bill that deals with an unfortunate section of the community unable to help itself.

The Hon. D. H. L. Banfield: The Bill is not assisting them at all.

The Hon. L. R. HART: It does assist them.

The Hon. D. H. L. Banfield: In what way?

The Hon. L. R. HART: It is to assist those unfortunate people suffering from a mental disability.

The Hon. A. F. Kneebone: Tell us how it assists them.

The Hon. L. R. HART: If the honourable member will be patient, I will deal with it.

The Hon. D. H. L. Banfield: You may or you may not.

The Hon. L. R. HART: This Bill does two things. First, it provides for the Governor to make regulations determining the charges payable for those people who may be admitted to mental institutions.

The Hon. D. H. L. Banfield: And that should assist a person?

The Hon. L. R. HART: It does not say "shall" charge; it says "may" charge.

The Hon. D. H. L. Banfield: It is a fund-raising project.

The Hon. L. R. HART: Let us look at some of the people who are occupying places in mental institutions.

The Hon. A. F. Kneebone: That is only sugar coating.

The PRESIDENT: Order!

The Hon. L. R. HART: Let us consider these people in mental hospitals. Many of them are wealthy in their own right, coming from wealthy families that can well afford to have their members—

The Hon. A. F. Kneebone: Why did you not think of this when you were dealing with gift duties?

The Hon. L. R. HART: —committed to an institution. If those families committed their members to a Government hospital—and the Hon. Mr. Banfield said there was no difference between mental and physical sickness—they would be required to pay a fee.

The Hon. D. H. L. Banfield: But they would not lose their pensions.

The PRESIDENT: Order!

The Hon. L. R. HART: But, because they are committed to a mental institution, there is no reason why they should not be required to make some payment.

The Hon. D. H. L. Banfield: But what about the loss of their pensions?

The Hon. L. R. HART: Yes, but that is a separate issue.

The Hon. D. H. L. Banfield: Of course it is: it is a second penalty.

The Hon. L. R. HART: I do not agree with that. It cannot be rectified by the State Government: it has to be done in consultation with the Commonwealth Government. I have no doubt the present Minister of Health will do all in his power, as the previous Minister of Health probably did, to try to get some help from the Commonwealth Government in this matter. I shall support this Bill, as honourable members opposite have, but I shall not use it for playing Party politics. I repeat that I am amazed that members opposite are speaking in the tone they are. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Charges for treatment and services rendered at institutions."

The Hon. D. H. L. BANFIELD: This clause makes a charge for treatment and services rendered at institutions. The Hon. Mr. Hart said that we were playing politics in regard to this Bill. That is not the position at all. What we said was that these people already suffering from mental illness would have this added strain placed upon them at the discretion of the Government. True, the Government need not charge them while they are accommodated in these hospitals, and this Bill can in no way help the patient, as was suggested by the Hon. Mr. Hart. If a charge is to be made for the treatment of a person at present not being charged one cent, how the honourable member can tell this Committee that the patient can be assisted by his having to pay $3.50 a day I do not know; nor does he, unless it is some new form of treatment—perhaps scientology or some shock treatment! The fact remains that this Bill in no way assists the patient to recover.

The only effect that clause 3 can have on the patient is detrimental rather than beneficial. When the patient enters a hospital, if he is on a pension, he is immediately deprived of $15 a week by the Commonwealth Act. Not to be outdone, this Government, which is anxious to surpass the Commonwealth Government and other State Governments in taxation and fund-raising, proposes in certain instances to charge $3.50 a day, or $24.50 a week; so the charge has increased to such an extent that it is about 60 per cent higher than the amount charged under the Commonwealth Act. Not only this State Government but also the Commonwealth Government is prepared to slug the patients.

I said in my second reading speech that I know there are people in institutions who can afford to pay. I have no sympathy for those people but I have sympathy for people who themselves believe they are unable to pay, but the only ones who can tell them whether or not they can afford it do not consult with anybody. It has happened before that an inmate of a mental hospital has had to sell his motor car or return his television set if it is on hire, but this Government will impose the charges. If the Government was to set up some body to which a patient could appeal if he felt that the charge imposed by the Government was excessive, I would have more sympathy for this Bill. I refute what the Hon. Mr. Hart said, that this Bill would assist the patient. It does not. The only one it assists is the Government, for at the beginning of the Minister's second reading speech he says the Bill is a means of raising revenue for this State.

The Hon. R. C. DeGARIS (Minister of Health): The Hon. Mr. Banfield has said that he has no sympathy for anyone who can afford to pay.

The Hon. D. H. L. Banfield: That is right.

The Hon. R. C. DeGARIS: I can say that this Bill is introduced solely for the purpose of helping the patients. I can give the Committee an assurance that all this talk about patients having their television sets or motor cars taken away is not true, and the Government would not tolerate it.

The Hon. D. H. L. Banfield: It has done it before.

The Hon. R. C. DeGARIS: No, it has not.

The Hon. D. H. L. Banfield: It has, as the Hon. Mr. Bevan pointed out, when it attempted to do so.

The Hon. R. C. DeGARIS: The matter was taken up—

The Hon. D. H. L. Banfield: Somebody else had to take it up.

The Hon. R. C. DeGARIS: I agree with the Hon. Mr. Hart that the Hon. Mr. Banfield today has been trying to make politics out of a situation where politics should not be brought in. The situation is perfectly clear. I have undertaken that this matter will be administered with absolute sympathy. However, the position remains that since 1949 fees have not been charged in mental hospitals. I point out to the Hon. Mr. Banfield that at present 160 intellectually retarded patients receive invalid pensions in a benevolent home at Glenside. Of the pension, $20.40 is paid direct to the institution and the patient receives $11.60. In making a charge it would be possible to have certain wards in mental hospitals declared a benevolent home, in which case the pension would automatically be apportioned by the Commonwealth Social Services Department on a basis similar to that already mentioned. We have patients who, in all justice, should contribute financially towards their treatment. A social worker department will be set up to administer the scheme with every sympathy. We have in this State mental health services that are second to none in Australia.

Clause passed.

Title passed.

Bill read a third time and passed.

PUBLIC EXAMINATIONS BOARD BILL

Adjourned debate on the motion of the Minister of Local Government:

That the Council do not further insist on its amendments.

(Continued from December 11. Page 3194.)

The Hon. C. D. ROWE (Midland): I must say at the outset that I am sorry that this important Bill has got into this position. We find ourselves in this very difficult situation not because of anything we have done but because of the way in which this matter has been handled. Certain amendments were inserted in the Bill by this Council and it was then sent to the other place, which did not agree to the amendments but asked for a conference to be held so that the matter could be resolved. Standing Order 260 provides:

It shall be the duty of the managers for the Council—

(*a*) when the conference is requested by the Council—to read to the managers for the House of Assembly any resolution adopted by the Council, and to deliver to them the same, together with the Bill (whenever amendments to a Bill are the subject of the conference);

(*b*) when the conference is requested by the House of Assembly—to hear and receive from the managers for that House the like matter which they may have to communicate;

and thereupon the managers for the Council shall be at liberty to confer freely by word of mouth with the managers for the House of Assembly.

Where a Bill is concerned:

In the case of (*a*), except where otherwise ordered, it shall then be the endeavour of the managers for the Council to obtain a withdrawal of the point in dispute between the Houses, and failing this, a modification of the same by way of further amendment;

And in the case of (*b*) it shall be competent to the majority of the managers for the Council to agree to recommend to their House such solution of the question as shall seem to such majority, after conference, most likely to secure the final agreement of the two Houses;

but no amendment shall be proposed or agreed to by them in any words to which both Houses have so far agreed, unless these be immediately affected by the disagreement in question.

There is a point of Parliamentary procedure involved here. If the House of Assembly was not prepared to compromise on any of these matters, then no conference should have been requested. I think this is the reason why we find ourselves in this position. When the managers for this Council got to the conference they were faced with a blank wall,

and there was no suggestion of any compromise, nor was there any real effort to find a solution to the problem.

The Hon. C. M. Hill: We asked them time and time again what they had to offer.

The Hon. C. D. ROWE: That confirms my interpretation of the situation. If, in fact, they did not propose to agree to a compromise or to try to find an area in which a final settlement could be made, then it was an abuse of Parliamentary procedure and a waste of Parliamentary time to ask for a conference, and I very much regret that that was the situation in which the managers of this Council found themselves.

The Hon. S. C. Bevan: And who do you blame for that?

The Hon. C. D. ROWE: It is not my job to blame anyone but to set out the facts as I see them. I will leave it to the honourable member to attach the blame wherever he wishes to do so. If this had been the position and the House of Assembly had said that it would not compromise, and had it sent that message back to us at that time an area would have been open to us in which to consider the matter further. However, that did not happen. The result of the conference has now been returned to us and, unfortunately, we have only two alternatives: first, to drop our amendments altogether and agree to what was proposed by the House of Assembly (which is contrary to what we had decided before) or, secondly, to lay the Bill aside.

It is unfortunate that we are placed in the situation of having these two alternatives, neither of which is satisfactory to me. Whatever I do I will not feel I have done justice to the constituents I represent or to the problems with which we are confronted in this instance. I should like to mention one point: I have some friends outside this Council who informed me that the Minister said yesterday that she did not propose to give away any point at all regarding this Bill.

The Hon. S. C. Bevan: You don't think she is competent as a Minister of Education, do you?

The Hon. C. D. ROWE: I am not expressing an opinion on that. I am merely saying (and I feel strongly about this) that it was unfortunate that such a statement should have been made when a conference was in the offing, and I do not think that statement was calculated to meet the situation.

The Hon. D. H. L. Banfield: Perhaps she is biased!

The Hon. C. D. ROWE: I emphasize that I am becoming disturbed that the proper forms and procedures of this Parliament are not being used for their correct purpose, and we are not maintaining the prestige that we as members of Parliament should maintain. That refers not only to this matter with which I am now dealing but to the unnecessarily prolonged speeches that have been made for the purpose of adding nothing of real worth to debates, and to meet the responsibility which is ours, but for some other purpose for which I can find no adequate explanation. The sooner most of us realize that when we get up to speak we have a few people on our side but the longer we talk the more we lose, the better it will be. When the time of Parliament and the finance of the country is involved in what are purely repetitious speeches on matters that could be covered in one-eighth of the time that is taken, the public outside has some justification for criticism, and I sincerely hope I shall never fall for the trap of imagining that I will be hurt for not speaking at length on any matter.

I now return to the unfortunate position in which we find ourselves in this Bill: of either agreeing to the House of Assembly's Bill as we received it or of laying the Bill aside. One point is not clear in my mind, and I seek some assistance from the Minister on it. I have indeed been pleased by the assistance the Minister has given members during his term as Minister in this Council. As far as I know, he has always tried to give us the truth and to be as helpful as he can.

The point worrying me is that if the Bill is laid aside what happens to the existing Public Examinations Board? I have heard a conflict of opinion on this point. Indeed, it has been suggested that the board will be disbanded and, as a result, that there will be some degree of chaos until further legislative action is taken, possibly next March or April. The other opinion is that the board will continue to function without disturbance. From my uninformed approach to this matter it seems to me that the latter interpretation would be correct because, if my memory serves me correctly, last year a similar Bill was brought before us but was defeated, yet the board continued to operate satisfactorily.

If the board does continue and no serious disruption occurs, it would be best to lay aside this Bill and look at it again when, perhaps, wiser counsel will prevail and when we can reach a satisfactory compromise. I have given considerable thought to this matter

because I believe it to be in the interests of this Parliamentary institution and the prestige it holds in the community and the service it has given to the State over many years. I should like to hear from the Minister regarding what would be the future of the existing Public Examinations Board if this Bill were laid aside.

The Hon. A. F. KNEEBONE (Central No. 1): I am speaking in this debate because I was one of the unfortunate persons who was a member of the conference both last year and again this year. It does not give me much pleasure to go to a conference and to sit for two hours without achieving a good result.

The Hon. D. H. L. Banfield: You didn't sit that long last year, did you?

The Hon. A. F. KNEEBONE: No, but we did this year. I have sat on many conferences, in most of which we have been able to achieve some agreement between the two Houses. However, last year the conference did not last long because the Assembly did not propose to shift at all. Indeed, on that occasion some caustic remarks were made in this Chamber regarding the Minister of Education. Now we find that with a change of Government the same situation applies and the present Minister is in the same position as obtained last year, and she has acted in the same way. I know that we were frustrated.

We tried to achieve success by not sticking strictly to the proper procedure in these matters. I thought that if the managers got together and if we had a certain amount of freedom to enable us to reach agreement instead of sticking to the book we might achieve more success. Saying that we should wait for the House of Assembly to make the first move would not enable us to reach agreement. If this has to happen in all conferences that take place I cannot see us reaching much agreement at all.

I do not want to stick strictly to the book: I think everything possible should be done to enable some agreement to be reached. I say this not as criticism of our managers, because they did everything possible to reach agreement. In fact, some sort of a compromise was suggested by us, but it was thrown back in our faces. As the Hon. Mr. Rowe said (and I agree with him), if there was no room for a compromise, why could we not have been told? Although we criticized people last year for doing this, at least we did not waste so much time; we were told as soon as we got to the conference that there was no room for a compromise. I think perhaps this arose through the inexperience of the person concerned. At any rate, there was a lack of diplomacy in regard to this matter.

On this occasion there seemed to be no move towards any sort of compromise. Despite all this, I agree with the Minister who led our party to the conference that we should not insist on our amendments. I do not want to answer for the Minister, but we were informed by the present Minister of Education and the previous Minister of Education that if this Bill was laid aside there would not be any board in April next year, which is when the present board will cease to function. Some sort of arrangement would have to be made, and this would not be very good in the interests of education because there would be no authority for that sort of arrangement and people might be at sixes and sevens. Therefore, I do not think that is a good arrangement. In the interests of education, let us not insist on our amendments. If it is necessary and if people feel strongly on the matter, let those people then move next year for an amendment to provide for what they want.

I was concerned last night not so much about what was going on in another place as about what happened here. Following the conference, the other House resumed its business immediately, but what happened here? Because some members of this Council wished to have a conference of their own away from this Chamber, we were standing around for at least an hour after the conference finished. This was nothing to do with the conference at all: it was merely because these people were away having a little private meeting of their own. I do not agree with this sort of thing. We could have finished at least an hour earlier this morning if we had got down to our business in the way the other Chamber did. Irrespective of what happened there on the resumption, that Chamber did resume immediately the conference finished. I consider that the only sensible thing we can do now is not insist on our amendments.

The Hon. G. J. GILFILLAN (Northern): I share the same concern as has been expressed by previous speakers on the result of the conference. I commend the managers from this House on the way they have handled and reported a very difficult situation. I am most concerned at the attitude adopted by the managers of the other place, as reported in this Council, on what is a departmental Bill.

The point I have been stressing in debate on this measure is that we are not concerned in any way with the status of any section represented on the board, whether it be departmental, independent, university or any other: we are concerned only with the independence of the board to carry out the duties required of it.

The point that has been stressed throughout the debate, that we do not want to see any one section of education in a position to be able unduly to influence the decision of the board, I believe has been further strengthened by what happened last night in this Council, where we saw that this influence intruded into Parliament itself. This was evidenced not only last night but earlier in some of the remarks made by the Minister in his reply to the second reading debate. I do not wish to see any one section of education, whatever it may be, in a position to be able unduly to influence this board; but when we consider that one section will have numbers greatly in excess of any other—

The Hon. D. H. L. Banfield: Not in excess of the others combined.

The Hon. G. J. GILFILLAN: We are not talking about that: we are talking about independence of representation. I think it is obvious to everyone that any section that has an excess of numbers over any other section is in a very strong position, particularly when we add this to the fact that the board is entirely dependent on the Treasury for its finance. In practice, this obviously gives a large control through the departmental forces. We all know that financial dependence in itself is a very big factor. Under the provisions of the Act, the board will be responsible for collecting fees. These fees will be paid into the Treasury, and in turn the Treasury will make an allocation to the board. These points have been largely covered in debate. I was most concerned with what happened last night. Indeed, I was shocked to think that those who claimed to have the best interests of education at heart would bring this Bill right to the very brink, where it is now, in an effort to preserve this matter of status. I consider that this is a reflection on some of the opinions that have been expressed. The Minister has been asked a question by the Hon. Mr. Rowe about the continuance of the present board. I understand from excellent authority that if this Bill is laid aside the board will continue (albeit at some inconvenience), because preliminary arrangements have already been made for the transitional period.

If this is true (and I believe it is), then I believe that any short-term inconvenience is secondary to the long-term effect that could occur if we made a mistake in the handling of this legislation. It has been suggested that perhaps this Bill should be allowed to lapse and that next year a private member could introduce another Bill having the same effect. If this Council cannot arrive at a reasonable compromise on amendments to a Government Bill, no private member will have any chance of getting anywhere with anything he introduces. I believe (if what I have been told is correct) that the present board will continue. If the information I have received in connection with what has occurred in the formation of the board is correct (which I believe it is), and if one adds to this the important point of attaining, as much as possible, independence of action not only for the board but especially for its officers, then I believe it would be in the best interests of all concerned for the Bill to lapse.

The Hon. V. G. SPRINGETT (Southern): I was one of the managers for this Council at the conference, and I endorse what has been said in connection with the meeting. We were anxious that a solution be reached, but we came away without one because there was no "give" by the other side. Much has been said regarding the various points in favour of allowing this Bill to go through, and many good points have been made on both sides about laying it aside. What worries me is that a year ago a similar Bill before this Council was given considerable discussion, but in due course it was laid aside. Today we are faced with the same sort of Bill, and the same sort of arguments, basically, have been submitted. No additional arguments have been brought forward to cause us to alter our views, and the same sort of Bill was taken to a conference with the same result.

Do we have the same conclusion, or do we have a different conclusion? Do we lay the Bill aside or do we not? I cannot see that any arguments have been brought forward this year additional to those submitted last year when the Bill was laid aside. I would deplore taking any step that would hinder the progress of education in South Australia but, as the Hon. Mr. Gilfillan said, if there is to be any interference it is better to think in the long term rather than the short term. I give serious consideration to laying the Bill aside.

The Hon. D. H. L. BANFIELD (Central No. 1): I support the motion. Last night the Minister made a good case on why we

should not insist on our amendments. If this Council has the education of the students of this State at heart it will not insist on its amendments. We were told (and nobody on either side contradicted the statement) that the proposed set-up of the board was the result of the unanimous decision of those concerned. At present the Flinders University is not represented on the board, and if this Bill is laid aside that will continue to be the case. This seriously affects Flinders University, because it considers itself justified in having representation.

I think the Hon. Mr. Gilfillan was wrong when he said that the board would be dominated by members nominated by the Director-General of Education. Only 10 members are to be nominated by the Director-General, and 22 by somebody other than the Director-General. To say that 10 people could dominate the other 22 is wrong, and I think the Hon. Mr. Gilfillan is stretching this too far. The proposed representation of 14 members from the two universities would more than outweigh the numbers nominated by the Director-General, and I believe that the members from the two universities would persist and put forward their views. We have been told no representations have been made by these other people that their numbers should be increased. The only people who have made representations to the Minister, in the main, have been officials of the Teachers Institute of South Australia. The independent schools appear to be happy with the suggested arrangements; otherwise, pressure would have been brought to bear from that quarter. The Minister of Education assured us last night (and nobody argued with her statement) that no additional representations had been made to her although she had said last year that she was against this proposition. It is certain that, because of her attitude towards the Bill last year, if people wanted to approach her they would have been encouraged to do so. By that I mean they would have thought the Minister would be sympathetic to their case. However, no approach was made. Also, the universities did not approach the Minister and suggest any changes in the format of the Bill, and no request was received from headmistresses that they should by right have a special place on the board.

I think that, in the interests of the education of students in this State as well as in the interests of the harmonious workings of the board, and as the people from each of the places mentioned seem happy and have not made representations, we are not in a position to allow the Bill to be laid aside. I support the motion.

The Hon. M. B. DAWKINS (Midland): The Hon. Mr. Banfield has had much to say in suggesting that the Minister's recommendation should be carried. I am sorry he could not find his tongue last night to support the contentions of the managers.

The Hon. D. H. L. Banfield: As a matter of fact, I suggested to them that they accept a compromise.

The Hon. M. B. DAWKINS: The honourable member kept completely silent, as I remember it, until the last minute.

The Hon. D. H. L. Banfield: The fact remains that I put up a solution and you did not.

The Hon. M. B. DAWKINS: I voice my great concern—

The Hon. D. H. L. Banfield: Don't tell lies!

The Hon. M. B. DAWKINS: I will not tell lies. I ask the honourable member both to apologize and to withdraw that statement.

The PRESIDENT: What are the words objected to?

The Hon. M. B. DAWKINS: The Hon. Mr. Banfield said, "Don't tell lies". I do not tell lies.

The PRESIDENT: If the honourable member used those words, they are unparliamentary and he should withdraw them.

The Hon. D. H. L. BANFIELD: I did not say the honourable member was telling a lie; I asked him not to tell a lie when he said that I did not support the Committee last night. However, if it is objectionable to him, and he wants to get away with what he said, I am prepared to withdraw.

The PRESIDENT: The honourable member cannot qualify a withdrawal of his remarks.

The Hon. D. H. L. BANFIELD: Then I will withdraw, but I did not say that the honourable member was telling a lie.

The Hon. M. B. DAWKINS: I merely want to voice my serious concern at the attitude that the managers from another place adopted last night. There was no semblance at any time of any desire to compromise, and I believe, as other honourable members have said, that a serious reflection has thus been made on the methods and procedures of this Parliament. We asked repeatedly what proposition the managers from the House of Assembly had to submit, but we got no response. That is most unfortunate. It shows an arrogant attitude by one House to another

that I deplore. The House of Assembly is prepared to let this Bill be laid aside and to blame the Legislative Council. If the House of Assembly had been prepared to accept some of our amendments, it would have been a better Bill. Other honourable members have covered the matter fully this afternoon and I do not wish to delay the Council further, but I express my concern about the attitude taken by the managers from another place, but, with the one exception I have mentioned, I appreciate the way in which our managers did their best to further the cause of this Council.

The Hon. C. M. HILL (Minister of Local Government): I will not reiterate what I said last night when I moved this motion, but one or two points made in today's debate require some answer or explanation. First, the Hon. Mr. Dawkins said he understood the other place was prepared to let this matter be laid aside with a view, in effect, to blaming this Council. I do not think that is so. We must be fair. I was as vocal as anyone else in this Chamber when I criticized last night (and I criticize again) the attitude with which the managers in another place came to a conference that had been requested by another place. It was proper that, a conference having been requested, they should have come to it with a view to compromise in some way or other. They did not do that and I criticize them for it, but it is not true to say, as the Hon. Mr. Dawkins has said, that they are prepared to let this Bill be laid aside for the purpose of blaming us.

The Hon. Mr. Kneebone criticized some honourable members of this Chamber for not leaving immediately the conference had ended. As I understood the position, many discussions were going on in the building. Representations were being made to honourable members of this Chamber by outside interests who were lobbying them. There is nothing wrong with lobbying: we should encourage people outside to come and see us; that is their right. I have heard honourable members in the last 24 hours say how vitally important to the State's interests is some legislation that we are handling in this Chamber.

The Hon. A. F. Kneebone: If the trade union leaders came to see me, would you adjourn the Council for half an hour?

The Hon. C. M. HILL: If requested, we certainly would.

The Hon. D. H. L. Banfield: I hope that is on the record!

The Hon. C. M. HILL: I merely stress the point that the legislation under consideration last night was in the interests of the future progress of the State and I do not think it was improper for honourable members of this Chamber to meet people urgently. The conference and the compilation of its results took time, so there was some delay; but I refute the Hon. Mr. Kneebone's suggestion that criticism is justified because of that delay. I quote briefly from my second reading speech on this Bill, in connection with points made today. I then said:

Public examinations are at present controlled by the Public Examinations Board of the University of Adelaide. With the progress of education in South Australia, and, in particular, the establishment of Flinders University, it has now become necessary to establish an autonomous pub'ic examinations board, guaranteeing adequate representation for all major interests in secondary education. There has been some modification in the membership of the board as compared with that of the Public Examinations Board of the University of Adelaide, a modification made necessary by the passage of some 30 years since the representation on that board was determined.

So there has been this urgent need in the interests of education in South Australia to take a step forward in changing the board from one controlled by the University of Adelaide to one that is autonomous and fairly representative of all education interests. That is what the Government (I repeat "the Government") is endeavouring to do.

The Hon. Mr. Gilfillan mentioned finance. A point that is overlooked is that the University of Adelaide at present holds certain funds in trust for the purposes of establishing and endowing scholarships and prizes awarded on the results of public examinations, and it is empowered to transfer these trust funds to the new board. I understand it wants to do this, so there is some financial contribution not only from the Government but also from trust funds, which are being held and not used in any way, for the purpose of assisting the proposed new board.

The Hon. Mr. Rowe asked me about the situation that would arise if this motion was defeated. I cannot deny that, if the Education Department was put into the position where it had to continue with the present arrangements or make some temporary arrangements for examination purposes for 1969, it would have to do it. It would want to do it, and we would want it to do it. I do not deny that arrangements can be made but, compared with this progressive new set-up,

temporary arrangements like that in the field of education are nothing short of slipshod. We should take the view that there should be nothing but the best for education in this State, not sit back and force the department to make some kind of temporary arrangement.

The Hon. G. J. Gilfillan: You are not suggesting that the present board is not efficient?

The Hon. C. M. HILL: I am suggesting it is out of date.

The Hon. G. J. Gilfillan: It still goes on.

The Hon. D. H. L. Banfield: Just like the old T-Ford.

The Hon. M. B. Dawkins: It does a good job, doesn't it?

The Hon. C. M. HILL: It is implied that this Council is satisfied with the old board. This Council has approved a new board; we are arguing only about its composition.

The Hon. A. F. Kneebone: You have already explained the situation as regards the University of Adelaide.

The Hon. C. M. HILL: We want to go ahead with education in this State and there must come a change; we have agreed to a change. We are arguing only about these relatively minor details such as whether the State schools should have 10 representatives and the independent schools six, and some honourable members want eight from each. That is the kind of detail about which we are arguing, and the joke now amongst the independent schools is that this Chamber is more independent than are the independent schools. The headmasters are ringing each other up; I was told this yesterday by a headmaster of an independent school. However, the matter is in the hands of each honourable member.

The Government wants to make this progressive move in 1969. The Goverment has made many progressive moves since it took office and it wants to make this one, too. When the previous Public Examinations Board Bill was introduced in 1967 by the then Minister of Education, it was expected that the board would commence operating on January 1, 1969, so if we pass this measure the original plan can be implemented.

My final point highlights an important aspect: I again stress the wonderful contribution that Flinders University is making on the South Australian scene. It has been talked about not only in this State but all over Australia as a result of the manner in which it has become established. Professor Karmel has discussed the matter with the Minister of Education today; he said that he was very concerned at the delay in passing the legislation. He made the point that, until the legislation is passed and the new board constituted, Flinders University will have no representation on a board that is to conduct public examinations that qualify students for entrance to the universities and to the South Australian Institute of Technology. I therefore ask honourable members to consider my point about Flinders University in addition to the other points that have been raised during this debate.

The Council divided on the motion:

Ayes (10)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, L. R. Hart, C. M. Hill (teller), Sir Norman Jude, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, and C. R. Story.

Noes (6)—The Hons. M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, C. D. Rowe, V. G. Springett (teller), and A. M. Whyte.

Pair—Aye—The Hon. A. J. Shard. No—The Hon. Jessie Cooper

Majority of 4 for the Ayes.

Motion thus carried.

STAMP DUTIES ACT AMENDMENT BILL (No. 3)

The House of Assembly intimated that it had agreed to the Legislative Council's suggested amendments Nos. 1 to 14, but had disagreed to suggested amendment No. 15.

Consideration in Committee.

The Hon. R. C. DeGARIS (Chief Secretary): I understand that all the amendments, except No. 15, have been agreed to in another place. The Council struck out clause 31p, which deals with the vendor not being permitted to add duty to the purchase price of an article. Other clauses in the Bill deal with a similar matter and, as I pointed out when the Bill was in Committee, a similar provision also applies to hire-purchase transactions. I believe in the interest of uniformity that this clause should remain in the legislation. I move:

That the Legislative Council do not insist on its suggested amendment No. 15.

The Hon. SIR ARTHUR RYMILL: I addressed the Council fully on this amendment during the second reading debate and also in Committee, when I was successful in moving the amendment. I believe that stamp duty will, in effect, be passed on to the borrower or the purchaser, as the case may be, whether or not this clause is retained.

As I pointed out previously, even if there is a right to pass this duty on, certain retailers will not do so. I have thought this matter out and have put it to certain retailers, who have said that they could not afford to pass it on.

The Hon. S. C. Bevan: I thought they had done so by cancelling the 2½ per cent cash discount.

The Hon. Sir ARTHUR RYMILL: The retailer makes money out of selling goods as well as by financing sales. He provides finance for the purpose of selling goods. If it were not for that, he would not be engaged in financing at all. On the other hand, the person whose business is only that of financing is in a different position because he must make his profit or dividend out of financing a loan and, as I pointed out previously, he cannot afford to absorb these charges. Indeed, it is unrealistic, first, that he should do so and, secondly, that he should be asked to do so. I pointed out (and I believe it to be true) that, if the financier or the retailer must cover himself against this provision of not being able to pass on duty, it will probably cost the borrower more in the long run as a result of interest rate adjustments.

One of the reporters from the *News* asked me this morning whether my amendment meant that 1½ per cent would be added to the interest rate. I said it cerainly would not because that 1½ per cent applies to the totality of the length of the lending contract and that, if the contract were for three years, only ½ per cent would be charged or, if the contract were for five years, three-tenths per cent would be charged. However, because that is not a neat figure or fraction, ½ per cent would probably be charged. As the result of my being questioned this morning an article appeared in this afternoon's *News*, part of which is as follows:

Two amendments to Government money Bills, both moved by Sir Arthur Rymill, were passed by the Council. One was to allow the 1½ per cent stamp duty on loans and hire-purchase agreements to be passed on by the hire-purchase or retailing companies to the borrowers.

Sir Arthur explained this morning this would save the companies the trouble of passing the charge on anyway by higher interest rates on loans.

I pointed out that in all these matters the borrower must eventually pay the charges. For some political purpose, which I do not understand in my ignorance or my ingenuousness, the previous Government and the present one have provided (as a new matter altogether) that these charges should not be paid by the purchaser. This is strange because it is quite unrealistic and is contrary to what has gone on for centuries. I suggest that the Legislative Council should insist on its amendment.

Motion carried.

PUBLIC SERVICE ACT AMENDMENT BILL

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

PUBLIC SERVICE ARBITRATION BILL

(Second reading debate adjourned on December 11. Page 3184.)

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Definitions."

The Hon. F. J. POTTER: After consulting with the Parliamentary Draftsman, I think one or two of the amendments I have foreshadowed will be unnecessary and that others may have to be reworded. I hope the Minister is prepared to report progress so that I can continue with this work.

Progress reported; Committee to sit again.

Later:

The Hon. F. J. POTTER: There are some very cogent reasons why, if we are providing for the appointment of separate persons to the positions of Public Service Arbitrator and President of the Industrial Commission, the right of appeal provided in the Bill should be not to a single person but to an appeals tribunal. The real warrant for this contention lies in the fact that in other States similar situations apply. When there is an appeal on an industrial matter (which includes not only matters of law but questions of fact, and the determination of questions of fact in industrial disputes is largely a matter of the opinion of the arbitrator, guided by precedent) it is undesirable that appeals should lie from one person to one person. The normal practice in other jurisdictions and in other States and in the Commonwealth is to provide for an appeal from one person to a tribunal or bench composed of more than one person. Many examples could be given.

Judge Williams held two positions—President of the Industrial Commission and Public Service Arbitrator. In these circumstances there was no right of appeal in the 1961 Bill because there was no need to provide for it. It is only in circumstances where someone is not combining in his one person both these

offices that any question of right of appeal arises. Clause 22 provides for a right of appeal, but only in certain circumstances. Clause 22 (6) provides that, if the President of the Industrial Commission is also appointed Public Service Arbitrator, there is no right of appeal. I understand that an announcement has been made today that the Government will amend the Industrial Code to provide for the appointment of a deputy president, and that Mr. Olsson, who has been appointed Public Service Arbitrator, will be subsequently appointed deputy president. Possibly the amendments I foreshadowed are unnecessary in the light of the new circumstances that have arisen. I think there is some force in this argument, although I do not depart from my original contention that in industrial matters a right of appeal, particularly from a lay person, should be to a tribunal of more than one person. I admit, however, that there are unusual circumstances in the South Australian position, and I would be prepared not to proceed with my amendments if the Minister could indicate his attitude. I do not want to interfere with the existing provision in the Bill to dispense with the right of appeal if the two offices were combined. A study of my proposed amendments would make it clear that I would not interfere with clause 22 (6). I hope the Minister will indicate the Government's intentions.

The Hon. C. R. STORY (Minister of Agriculture): I cannot accept the amendments circulated by the Hon. Mr. Potter, but I am prepared to suggest an amendment that might meet with the wishes of all honourable members. The present Public Service Arbitration Act does not include a provision for appeal against a decision of the Arbitrator. When the Bill was drafted some months ago the Government realized that the President of the Industrial Commission was carrying a heavier burden by also holding the office of Public Service Arbitrator and Chairman of the Teachers Salaries Board, and recognized that separate appointments would become necessary.

The Public Service Arbitrator need not possess legal qualifications, and the Government considers that, if an Arbitrator without such qualifications were appointed, provision should be made for appeal to the President of the Industrial Commission against his decisions. Judge Williams recently resigned from his position of President of the Industrial Commission and Public Service Arbitrator because of his appointment as a Judge of the Commonwealth Arbitration Commission. The Minister of Labour and Industry today announced that the Government had decided to make separate appointments to the positions of President of the Industrial Commission and Public Service Arbitrator. The Minister also announced the Government's intention of introducing an amendment to the Industrial Code when Parliament resumes in February, 1969, providing for the appointment of a Deputy President of the Industrial Commission, so that the new Public Service Arbitrator, who is a lawyer, could also be appointed Deputy President. The effect of the amendments is that, if the Public Service Arbitrator is either the President or the Deputy President of the Industrial Commission, both of whom must be eligible for appointment as a judge of the Supreme Court, then the appeal provisions in clause 22 will not apply. This would be necessary in order to give effect to the Government's original intention in the changed circumstances.

The Hon. A. F. KNEEBONE: When the Hon. Mr. Potter forecast that he would be moving these amendments, I was pleased because I thought it proper. I do not believe that, in principle, people should be given the impression that they have a right of appeal against a decision of the Public Service Arbitrator only to discover that such a right does not exist. If this amendment is carried, and the present occupant of the dual positions still holds office, clause 22 (6) would obviate a right of appeal. Why go around the situation in this way, even amending another Act so that there shall be no appeal, if people are eventually to be denied a right of appeal? Such action amazes me.

The Hon. F. J. Potter: There has never been any right of appeal.

The Hon. A. F. KNEEBONE: I know that, but by bringing in this Bill the Government seemed to be offering something attractive to people; that is, a right of appeal. It is well established that in normal circumstances any appeal is from a single person to a group, thus ensuring a wider spectrum of approach. I agree with everything the Hon. Mr. Potter said, but now, simply because some slight pressure has been exerted, the honourable member says, "I do not think I will move my amendment", and asks for an answer from the Minister. In effect, the Minister's reply is, "Now that we are appointing two different people to the positions there can be a right of appeal to the

President, but we will take this away by amending this Act and the Industrial Code, thus ensuring there will be no right of appeal". Why place a provision granting right of appeal if action is then taken to take away that right? If the Hon. Mr. Potter does not proceed with his amendment, I will do so.

The Hon. F. J. POTTER: In view of the Minister's statement concerning the Government's intentions and the amendment he is prepared to move if I do not proceed with my amendments, I believe the matter is purely academic. My proposed amendments would not interfere with clause 22 (6); namely, if the President was the Arbitrator, then the appeal clause would not apply. It can be seen I did not contemplate an amendment to subclause (6). In other words, I see no need, if the two positions were combined and held by one person already holding the highest position in the State, for provision for appeal, because no satisfactory body would be available to hear it.

The Hon. A. F. Kneebone: They would not be the same people.

The Hon. F. J. POTTER: On the information given by the Minister, they would not be the same people, but the office would still be a combined one of Arbitrator and Deputy President of the Industrial Commission, who would then exercise co-equal jurisdiction with the President, the highest office in our State commission. That is why I believe this matter to be purely academic.

The Hon. A. F. Kneebone: But the Minister has not yet moved his amendment or had it carried.

The Hon. F. J. POTTER: No, but in view of the Minister's explanation, he recognizes that a different situation will exist in the near future. The whole question of the right of appeal did not arise when the two positions were combined. The same thing will now apply, as the Government has announced its intention to do this.

The Hon. R. A. Geddes: Why shouldn't there be a right of appeal when the decision is vested in one man?

The Hon. F. J. POTTER: I do not disagree that there should be a right of appeal, but who does one go to with that right of appeal?

The Hon. A. F. Kneebone: The people you suggested.

The Hon. F. J. POTTER: This is not satisfactory in the light of the circumstances outlined by the Minister, because even under my amendment an appeal will be from the Deputy President to the President. This could cause unsatisfactory circumstances to arise between two persons who, when occupying the positions of President and Deputy President respectively, exercise co-equal jurisdiction. I am not speaking against the principle, which I will uphold. Unfortunately, however, in the circumstances which now exist and which will exist, a principle cannot effectively be put into operation without causing grave difficulties. In the circumstances, I do not intend to move my amendments, on the understanding that the Minister will move an amendment along the lines he foreshadowed.

The Hon. A. F. KNEEBONE: Having heard the Hon. Mr. Potter's explanation of his action in this regard, I now move:

Before the definition of "Department" to insert the following definition:

"Commission in Appeal Session" means a Commission in Appeal Session as defined in the Industrial Code, 1967, except that the Commissioner shall be the Commissioner selected by the President for the hearing of that appeal.

I believe in the principle of appeal from a decision of a single person and I believe in the provision of appeal to a group of people, as is provided by my amendment. I intend to use the vote for this amendment as a test, and it will govern my future action.

The Hon. C. R. STORY: To enable me to consider this amendment, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

The Hon. C. R. STORY: I have to oppose this amendment for the reasons I gave when the Committee last sat.

The Committee divided on the amendment:

Ayes (5)—The Hons. D. H. L. Banfield, S. C. Bevan, R. A. Geddes, A. F. Kneebone (teller), and A. M. Whyte.

Noes (13)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and C. R. Story (teller).

Majority of 8 for the Noes.

Amendment thus negatived.

The Hon. C. R. STORY moved:

In the definition of "the President", after "Act" to insert "and the person, if any, for

the time being holding or acting in the office of Deputy President of the Industrial Court of South Australia".

Amendment carried; clause as amended passed.

Remaining clauses (4 to 26), schedule and title passed.

Bill read a third time and passed.

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

BUSH FIRES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

LICENSING ACT AMENDMENT BILL (No. 3)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 4, and had amended amendment No. 5.

Consideration in Committee.

The CHAIRMAN: I point out that the following new clause was inserted earlier by this Committee:

3a. Section 87 of the principal Act is amended by inserting after subsection (7) the following subsection:

(8) The Royal South Australian Bowling Association Incorporated shall, for the purposes of this Act, be deemed to be a club, and the members of any club that is a member of, or affiliated with, the Association, shall, for the purposes of this Act, be deemed to be members thereof.

However, the House of Assembly proposes that the following alternative new clause should be inserted:

3a. Section 87 of the principal Act is amended by inserting after subsection (7) the following subsection:

(8) Notwithstanding that it does not consist of natural persons, the Royal South Australian Bowling Association Incorporated may, subject to this Act, apply for and be granted a club licence, and the members of any club that is a member of or affiliated with, the Association shall, for the purposes of this Act, be deemed to be members thereof.

The Hon. G. J. GILFILLAN: I understand that the new clause proposed by the House of Assembly makes no difference to the intention behind the provision. The reference to "natural persons" is not meant to be unfriendly. I gather that it makes it clear that this is an association—not a club consisting of persons as such. It will be an association consisting of clubs with affiliated persons. I do not object to the alteration.

Amendment agreed to.

EXPLOSIVES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It arises from a review of the first year's operation of the system of administration provided by the Act. At the same time, it makes the necessary consequential adjustments to the weights and measures legislation following the passage of the Packages Act, 1967. Clauses 1 and 2 are formal, and clause 3 amends the arrangement of sections provision in consequence of an amendment effective to the body of the Bill. Clause 4 inserts a definition of "financial year" in the principal Act. This is merely to make quite clear the use of the expression in the Act.

Clause 5 amends the heading to Division I of Part III of the Act to ensure that the heading more accurately reflects the contents of the Division. Clause 6 re-enacts the provisions of the Act relating to the appointment of the officials to administer it and, in particular, spells out the power of the Deputy Warden of Standards to substitute for the Warden of Standards during any absence from that office. In the principal Act in its present form, it is considered that there may be a suggestion that the appointment of a deputy was a mere *ad hoc* one, which would be most inconvenient for the administration of the weights and measures branch of the Lands Department.

Clause 7 enacts a new section 14a, which is really a combination of sections 20 and 21 that deal with offences and breaches of confidence by council inspectors. In its re-enacted form, this provision has been expressed to apply to all inspectors (that is, Government inspectors) as well as council inspectors, and sections 20 and 21 will accordingly be repealed. Clause 8 repairs what appears to be an omission in the principal Act. At section 15 of that Act the local administration of the Act was, in effect, vested in municipal councils, and no reference was made to district councils. In fact, a number of district councils have undertaken the local administration of the Act, and this amendment regularizes this position. At the same time, due regard has been paid to

the position of those district councils that have surrendered their local administration to the central administration.

Clause 9 again repeals and re-enacts in the interests of clarity the provision of the principal Act that deals with the appointment of council inspectors. Clauses 10 and 11 repeal sections 20 and 21, which have been substantially enacted as new section 14a. Clause 12 spells out a little more clearly the duty of the "proper officer" of the Garden Suburb Commissioner and the Whyalla City Commission as to the provision of returns, and alters the date for their lodging from November 1 to August 1, in the interests of convenience of reporting. Clause 13 corrects two minor clerical errors in section 30 of the principal Act.

Clause 14 inserts the word "reverification" after the word "verification" in section 35 of the principal Act. It is of some importance that these two procedures be distinguished since, although they involve comparing the appropriate instrument or measure with a fixed standard in the case of reverification, the tolerances or allowable departures from the standard are about twice what they are in the case of verification. Clause 15 amends section 42 which, amongst other things, provides that an agreement made with reference to unjust weights will be void. The amendment, in effect, proposes that, where the use of the unjust weight was due to a mistake or to a cause over which the user had no control, then the agreement will not be void.

Clause 16 repeals section 45 of the principal Act, which is no longer necessary since appropriate provision for the use of metric and other systems as Commonwealth legal units of measurement is made elsewhere in this Act. Clause 17 repeals section 46 of the principal Act, which dealt with the marking of metric weight on the packages used for trade. This matter is now dealt with adequately under the Packages Act. Clause 18 corrects a clerical error in section 47 of the principal Act. Clause 19 strikes out from section 49 two provisions that are now included in the Packages Act. Clause 20 repeals section 50 since a provision having the same effect is now included in the Packages Act. Clause 21 amends section 52 of the principal Act by granting certain powers of inspection, already vested in council inspectors, to Government inspectors.

Clause 22 amends section 55 of the Act by including the fact of reverification as well as the fact of verification amongst the facts that must be proved by the owner of the instrument. Clause 23 amends section 60 by making clear the classes of officer who may commence prosecutions without fear of being personally liable to costs. Clause 24 amends section 67 by extending the scope of certain offences in relation to obstruction, etc., of council inspectors to include similar action in relation to Government inspectors. Clause 25 amends section 68 to make it clear that the regulating power in respect of verification extends also to reverification.

The Hon. A. F. KNEEBONE (Central No. 1): I support the Bill, which, I appreciate, is necessary. I have looked through it and find nothing in it to object to. It always amazes me that in every other State of Australia the Weights and Measures Act is administered by the Department of Labour and Industry but in South Australia it is administered by the Lands Department, which seems a strange place from which to administer this type of legislation. Its administration by the Department of Labour and Industry in the other States is satisfactory, and I do not know why the Lands Department administers it here. The Minister no doubt would say that this method of administration was carried on by the previous Government, and that is so, but I do not understand that, either. However, this is a type of thing that the Department of Labour and Industry could handle efficiently. I will not delay the passage of the Bill by speaking further. My colleagues and I support it.

The Hon. G. J. GILFILLAN (Northern): I support this Bill. I, too, have checked it through carefully against the 1967 Act. The changes appear to be reasonable and in most cases will improve the administration of the Act. This Bill removes from the Act some provisions relating to the branding of weights on packages, which is now covered by the Packages Act.

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

LOTTERY AND GAMING ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendment:

To insert the following new clause:

3. Section 39 of the principal Act is amended—

(*a*) by inserting after the word "fit", being the last word in subsection (3), the passage "including the payment of

fees by them for carrying on the business of bookmaking at the racecourse, trotting ground or coursing meeting, as the case may be";

and

(*b*) by inserting after subsection (3) the following subsection:

(4) Where a bookmaker is aggrieved at the amount of a fee the payment of which is required as a condition subject to which a permit is or is to be granted under subsection (3) of this section, he may make representations to the Auditor-General who shall, after considering the representations and other matters which he considers relevant, confirm or vary the amount of the fee and the amount as so confirmed or varied shall thereupon be the amount of the fee payable by the bookmaker.

Consideration in Committee.

The Hon. R. C. DeGARIS (Chief Secretary): The new clause proposed by the House of Assembly provides for the appointment of an arbitrator to arbitrate in disputes that occur between bookmakers and racing clubs, trotting clubs and coursing clubs where the disputes relate to fees charged by the clubs. The new clause appears reasonable to me.

The Hon. Sir NORMAN JUDE: I read this amendment with dismay. I do not even like its verbiage, particularly its reference to a bookmaker who is "aggrieved". There is no body of people in this State more competent to look after itself than the bookmakers themselves. I have friends among them and I like them as individual people. There was a suggestion that the Premier might be able to arrange for mediation, and I understand this was done in the current case, but to incorporate a provision of this type in the Statutes (which provision is allegedly to give special assistance to aggrieved bookmakers) is bordering on the ridiculous. The controlling body of racing was not informed of this amendment. In fact, the secretary learned of it only today when he was at Port Pirie. This body is quite able to look after itself without the Government involving itself in its affairs. About 20 years ago the late Mr. Richards, when Leader of the Opposition, introduced a Bill that virtually meant Government control of racing, but it was defeated. I have no hesitation in asking honourable members not to support this amendment.

The Hon. S. C. BEVAN: Unlike the Hon. Sir Norman Jude, I support the amendment in the interests of the racing public. It is all right for us to say that the bookmakers can look after themselves—I am not disputing this. However, we must remember that the racing public keeps racing going in this State; without the racing public the whole sport would fold up in a fortnight. Racegoers who attend meetings and place their bets deserve consideration, and someone must do something about this matter. The basis of the objection to the amendment is the appointment of the Auditor-General as an arbitrator. Where a dispute arises the bookmakers can appeal to the Auditor-General, but no-one can force them to appeal: the bookmakers may apply to the arbitrator. Having done that, they must accept his decision.

The Hon. Sir NORMAN JUDE: The honourable member is most illogical, particularly when we bear in mind that he has said that we must consider the public. Bookmakers do not have to take bets; we could take this a step further and say that bookmakers shall bet at a certain meeting! Bookmakers are not compelled to bet—they do so at a fixed fee. The rails bookmakers have objected to an increase in the fee, which would be mere chicken feed. Therefore, to include this provision in the Statutes is too ridiculous. The bookmakers should be left to look after themselves. I was at the Victoria Park racecourse on Saturday—I see more of racing people than does the Hon. Mr. Bevan. The public like to bet with bookmakers, but this is not the issue here: it is whether the Government should control racing, and I am totally opposed to it.

The Hon. A. M. WHYTE: I would prefer to go to a race meeting at which bookmakers were operating than to an all-tote meeting. I disagree with the amendment inasmuch as these two bodies could have appointed an arbitrator in any case. They could have asked for the Auditor-General's opinion. Will the bookmakers be bound by his decision? Will the Government be faced with a dispute when some of the racing clubs decide to have all-tote meetings? I do not believe that this type of quarrel belongs to Parliament. I oppose the amendment.

The Hon. L. R. HART: I cannot understand why the Government should have to become involved in what is purely a domestic matter between the racing clubs and the bookmakers. Although it is generally recognized that the racing clubs are going through a bit of a depression economically, I do not think the same could be said of the bookmakers. There are plenty of countries where bookmakers do

not operate, and racing seems to flourish there. In fact, after last Saturday's meeting one of the leading jockeys, who has ridden horses in a number of countries, said that this was champagne racing—racing at its best. I wonder whether we should be reaching the stage of forgetting about bookmakers altogether and allowing the totalizator to take over. Perhaps we do not want that at this stage, although other countries seem to get along without bookmakers.

The arbitrator is being appointed to look after the interests of the bookmakers, but who will look after the interests of the racing clubs? If the clubs feel they are aggrieved by the decision of the arbitrator, to whom can they appeal? No consideration seems to have been given to the clubs. I think the Government would be ill advised to become involved in a purely domestic matter that can be settled by the two bodies concerned.

The Hon. D. H. L. BANFIELD: I think it is only logical that there should be an arbitrator. This is not the first occasion on which the bookmakers and the racing clubs have had a disagreement about fees, and in the past the Auditor-General has been the one appointed to look into the position, with the result that both parties have been satisfied. Instead of having to approach the Premier every time there is a disagreement between the bookmakers and the racing clubs, this provision is being inserted in the Act whereby they may appeal to the Auditor-General. There was a great outcry because of what happened last Saturday, and because the punters were dissatisfied with the set-up they appealed to the Government to do something about it. As a result, the Premier looked into the position and made the suggestion that the Auditor-General should arbitrate.

Had this provision been in the Act there would not have been any dispute last Saturday. The aggrieved bookmakers would have been able to go along to the Auditor-General for a decision, and the punters would not have been inconvenienced. It is true that the clubs could operate without bookmakers. However, I understand that the Government was down a few thousand dollars after last Saturday's meeting. Therefore, whether we like it or not, the Government is involved, because this dispute deprived it of some revenue. In these circumstances, it is reasonable that the Government should be interested in this matter. In this instance, the bookmakers went on strike because they were not satisfied with what they had to pay in fees.

The Hon. R. C. DeGaris: They did not go on strike.

The Hon. D. H. L. BANFIELD: They did not offer themselves for work. If more than one employee does not offer himself for work, technically a strike occurs. The fact remains that the bookmakers did go on strike. If an employee, such as a waitress, refused to work at the racecourse, it would have been called a strike, and the fact remains that if it is a strike in the case of an employee it is a strike in the case of the bookmakers. I believe in arbitration. This provision allows the bookmakers and the racing clubs to get together, and it provides an avenue whereby punters and the Government can be satisfied by arbitration.

The bookmaker himself has to apply to the Auditor-General. However, he cannot have it both ways. If he does not apply to the Auditor-General, he takes the consequences, but if he is aggrieved and if he wants to appeal to somebody, this provision gives him the opportunity to do so. If he appeals, he must accept the decision of the arbitrator. As the Hon. Mr. Bevan has said, he does not have to appeal to the Auditor-General, but if he does he must accept the decision.

The Hon. L. R. Hart: That doesn't happen in industrial matters, does it?

The Hon. D. H. L. BANFIELD: But there are penalty clauses in industrial matters. We do not believe in penalty clauses, and because there are no such clauses in this Bill we are very pleased about it. Irrespective of what the Hon. Mr. Hart says, the Government is involved in this matter, whether we like it or not, because the Government has big money at stake.

The Committee divided on the House of Assembly's amendment:

Ayes (5)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris (teller), C. M. Hill, and A. F. Kneebone.

Noes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude (teller), H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Majority of 7 for the Noes.

Amendment thus disagreed to.

The following reason for disagreement was adopted:

Because the controlling body for horse-racing in the State is opposed to any Government interference by legislation in a domestic racing matter.

GIFT DUTY BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 9, 12 and 13 and 16 to 22 and had disagreed to amendments Nos. 10, 11, 14 and 15.

Schedule of the Legislative Council's amendments to which the House of Assembly had disagreed:

No. 10. Page 12, line 32 (clause 5)—Leave out "or to any other".

No. 11. Page 12, line 32 (clause 5)—After "donee" insert—

"; But where the Commissioner is satisfied that that donor has made a gift through one or more persons to some other person with the object of evading or avoiding gift duty which would have been payable if the gift had been made by that donor directly to that other person, that donor shall, for the purposes of this section, be deemed to have made that gift directly to that other person".

No. 14. Page 21, lines 10 and 11 (clause 19)—Leave out "or any other".

No. 15. Page 22 (clause 19)—After line 32 insert—

"(6) For the purposes of subsection (2) of this section, where the Commissioner is satisfied that a donor has made a gift through one or more persons to some other person with the object of evading or avoiding gift duty which would have been payable if the gift had been made by that donor directly to that other person, that donor shall be deemed to have made that gift directly to that other person."

Consideration in Committee.

The Hon. R. C. DeGARIS (Chief Secretary): I move:

That the Council do not insist on its amendments Nos. 10, 11, 14 and 15.

Honourable members have had time to consider this matter, and most of the details have been circulated to them. The amendments in dispute are those moved by the Hon. Sir Arthur Rymill in relation to the aggregation or non-aggregation of gifts for duty. The Government suggests that the amendments be not insisted upon, as they would involve a substantial loss of revenue and would defeat one of the main objects of the Bill.

The Hon. Sir ARTHUR RYMILL: We had an overwhelming vote on this matter last night. This is a matter of vital principle. I do not intend to repeat what I said before. All members are clear about this, and I urge them to vote against the motion.

Motion negatived.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons. S. C. Bevan, R. C. DeGaris, A. F. Kneebone, F. J. Potter, and Sir Arthur Rymill.

Later, a message was received from the House of Assembly agreeing to the conference, to be held in the House of Assembly committee room at 7.30 p.m.

At 7.30 p.m. the managers proceeded to the conference, the sitting of the Legislative Council being suspended. They returned at 12.58 a.m. on Friday, December 13. The recommendations were as follows:

That the Legislative Council do not further insist on its suggested amendments and that the House of Assembly make the following amendment in lieu:

Page 36, leave out the Schedule and insert in lieu thereof the following:

THE SCHEDULE

First Column	Second Column
Where the value of all relevants gifts—	The rate per centum of duty on the value of the gift in question shall be—
Does not exceed $4,000	Nil.
Exceeds $4,000 but does not exceed $4,500	0.006 per cent multiplied by the whole number of dollars by which the value of all relevant gifts exceeds $4,000.
Exceeds $4,500 but does not exceed $7,000	3.0 per cent plus 0.0002 per cent for each whole dollar by which the value of all relevant gifts exceeds $4,500.
Exceeds $7,000 but does not exceed $15,000	3.5 per cent plus 0.000125 per cent for each whole dollar by which the value of all relevant gifts exceeds $7,000.
Exceeds $15,000 but does not exceed $75,000	4.5 per cent plus 0.0001 per cent for each whole dollar by which the value of all relevant gifts exceeds $15,000.
Exceeds $75,000 but does not exceed $202,777	10.5 per cent plus 0.00009 per cent for each whole dollar by which the value of all relevant gifts exceeds $75,000.
Exceeds $202,777	22 per cent.

The House of Assembly intimated that it had agreed to the recommendations of the conference.

Consideration in Committee.

The Hon. R. C. DeGARIS (Chief Secretary): I move:

That the recommendations of the conference be agreed to.

Although the conference was a lengthy one on a complex matter, its business was conducted in a most amicable manner, and I believe that a reasonable compromise between the views of the House of Assembly and the Legislative Council has been achieved. I do not wish to go into great detail in this matter, but the original principle that was followed by the Legislative Council amendments has been dropped and in its place is a considerable change to the schedule of the Bill.

The Hon. Sir ARTHUR RYMILL: I support the motion. The conference arose out of the disagreement by the House of Assembly to an amendment from this Chamber relating to non-aggregation of gifts by the same donor to more than one donee. A number of other amendments were made by this Council, and they were accepted by the House of Assembly, in my opinion very properly, because they considerably tidied up the Bill. The only amendments remaining outstanding were four amendments relating to non-aggregation. The conference could find no compromise on this matter although a number of courses were investigated. It was pointed out by the managers for the House of Assembly, in answer to a statement by our managers likening this Bill to the Succession Duties Act, that, although the principle of non-aggregation applied in the succession duties legislation, in the case of gift duties the matter was different because it remained in the hands of the donor (unlike the testator) to regulate the disposal of portions of the estate from time to time.

When a person dies and leaves a will, although he can to a certain extent regulate the disposal of his estate, automatically of course there is no flexibility in the matter, in the nature of things, whereas it was pointed out by the managers for the House of Assembly that a living donor can regulate his affairs from time to time. Thus, it was suggested that the principle of non-aggregation in a gift duties measure was totally different from that in a succession duties measure. As we could find no way of compromise, as I have said, on non-aggregation, the discussions turned to the rates of duty, which I know most honourable members of this Chamber thought were too high altogether, in the circumstances of this Bill. Several suggestions were made in regard to this and, finally, the managers were able to agree upon a compromise whereby the rates of duty were reduced on a total moving scale: at $4,500 the rate was reduced from 3.6 per cent to 3 per cent; at $7,000 from 4.35 per cent to 3.5 per cent; at $15,000 from 5.7 per cent to 4.5 per cent, and so on right through the scale these reductions were agreed to.

I agree with the Chief Secretary in his suggestion that a reasonable compromise was reached. The Hon. Mr. Bevan has just pointed out to me that, roughly, these reductions in duty are about 20 per cent, although this would not be an accurate figure right through: it could be below that, to some extent, at various stages but it is somewhere around that mark. I think some honourable members of this Chamber have expressed themselves as not being in agreement with this duty. I, too, have found myself in that position but I am prepared to abide by the compromise that has been reached. One has to be realistic about these matters and we know that similar, although not the same, duties exist in other States.

It was found on examination that the rates proposed in this State were higher than the average rates applying in the other States. I think this was one of the things that led to a compromise, coupled with the fact that the new Gift Duty Bill here extends in at least two relationships to fields where the other States have not yet legislated. In these circumstances, I have no doubt that any reasonably minded person would agree that the reductions achieved were certainly not too large and were properly made. For these reasons, I support the recommendations.

Motion carried.

ADJOURNMENT

The Hon. R. C. DeGARIS (Chief Secretary): I move:

That the Council at its rising do adjourn until Tuesday, February 4, 1969, at 2.15 p.m.

I express my thanks to all honourable members for their ready co-operation during the present session. So far we have seen a heavy legislative programme. Already more than 70 Bills are on honourable members' files, and many of them are extremely complicated. Honourable members have applied themselves assiduously to the task of thoroughly examining and

analysing the legislation before them, and I appreciate the amount of work they have done.

I thank you, Mr. President, for your guidance and for the manner in which you have conducted the affairs of this Council. To the officers and staff of Parliament House, too, I extend my thanks for the services they have rendered to honourable members. I know that all honourable members thoroughly appreciate their work. I extend to all honourable members and to the officers and staff of Parliament House the compliments of the season.

Motion carried.

At 2.14 a.m. on Friday, December 13, the Council adjourned until Tuesday, February 4, 1969, at 2.15 p.m.