LEGISLATIVE COUNCIL

Wednesday, February 19, 1969

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

MINISTERIAL STATEMENT: TRANSPORTATION STUDY

The Hon. C. M. HILL (Minister of Roads and Transport): I ask leave to make a Ministerial statement.

Leave granted.

The Hon. C. M. HILL: My statement concerns the Metropolitan Adelaide Transportation Study. The Government has made the following decisions in regard to the M.A.T.S. proposals. The Government adopts the Metropolitan Development Plan as a basis for its transportation planning. The Government adopts a planning period of approximately 20 years in respect of metropolitan planning. The Government accepts the estimates of future travel demands as determined in the transportation study.

The Government endorses the general principles adopted in the design of the transportation plan. These include: co-ordinated development of both public and private forms of transportation; a public transport plan to involve integration of bus and rail passenger services; increasing use of public transport and a road plan to involve the maximum practical utilization of existing roads, together with special purpose roads in the form of expressways and freeways.

The Government acknowledges the need for full consideration of social and aesthetic considerations in transportation planning. The Government approves as a master plan the proposals put forward in M.A.T.S. for the development of public transport, excepting that some proposals have been deferred for further consideration.

The Government approves as a master plan the proposals to develop an arterial road network, but here again a total of 16 deferments have been made for further consideration. The Government approves as a master plan the freeways and expressways, and here again some deferments have been made. These include:

The Hills Freeway in its entirety.
Portion of the Modbury Freeway in the vicinity of Hope Valley reservoir and Salisbury Heights,
The Foothills Expressway,
The Noarlunga Freeway in the vicinity of Field Creek, and
The Dry Creek Expressway in the North Arm Road—St. Vincent Street area.

These approvals under public transport, arterial roads and freeways are given subject to the proposals being consistent with any variations to the authorized development plan applying to metropolitan Adelaide. The Government intends to make a close study of the existing legislation in regard to acquisition and compensation to ensure that persons adversely affected by the transportation proposals will receive fair compensation. A committee will be set up for this purpose.

A special finance committee will be set up by the Joint Steering Committee to deal with all financial matters relating to the implementation and co-ordination of the transport proposals. All proposals contained in the M.A.T.S. Report for revenue for roadworks have been deferred for further consideration. The Government will investigate immediately the question of council boundaries as they relate to the Hindmarsh, Thebarton and Walkerville councils.

The Joint Steering Committee will continue in its present form except that a new member representing local government interests in the suburbs will be appointed to it. The Government has requested that decisions in regard to all deferred matters be brought forward by the Joint Steering Committee within the next six months. A committee, known as a Community Values Advisory Committee, will be set up to advise the Minister of Local Government on community values and social aspects relating to the proposals.

The King William Street underground railway approval is given subject to further feasibility studies being completed for both financial and engineering aspects.

There were two groups of proposals that I mentioned as being deferred and upon which in the next six months the Government would be seeking further reports from the Joint Steering Committee. These proposals, other than the freeways proposals I have already mentioned, are the proposed diversion of the Southern railway line from its existing path between Goodwood and Edwardstown, the closure of Womma railway station, the closure of Grange railway line, and the following:

1. Arterial road system in the Salisbury area.
2. Church Place extension: Port Adelaide.
3. Grand Junction Road extension: Port Adelaide.
4. Young Street extension: Port Road-Dry Creek expressway.
5. Torrens Road extension: Cheltenham Parade—Young Street extension.
6. Findon Road extension: Pitman Avenue—Cheltenham Parade.

7. Estcourt Road extension: Military Road —Frederick Road.
8. Kilkenny Road and Hanson Road realignment.
9. Proposed new road: Clark Terrace—Port River, Hendon.
10 Proposed development, Holbrooks Road —Main Street—Kilkenny Road.
11. Military Road extension at Patawalonga lake.
12. Brighton Road extension at Glenelg North.
13. Church Road: Crossing of Modbury freeway, Campbelltown.
14. Cove Road, Brighton—Hallett Cove.
15. Proposed development: Lander Road.
16. George Street relocation, Thebarton.
17. Goodwood Road: widening, Greenhill Road—Grange Road.
18. LeFevre Terrace extension: Adelaide.

QUESTIONS

TRANSCONTINENTAL EXPRESS

The Hon. A. F. KNEEBONE: Has the Minister of Roads and Transport a reply to my question of February 6 about the Transcontinental Express and the policy of the South Australian Railways in regard to alternative accommodation when a train is not able to complete a journey as a result of some stoppage or some other circumstance?

The Hon. C. M. HILL: Railways Department policy in cases where the train services are interrupted because of a strike of workmen is to do no more than make a refund on the unused portion of the rail ticket where an application for refund is in fact made. In the recent instance where the West-East Transcontinental train did not proceed beyond Port Pirie, the passengers were advised by Commonwealth Railways employees that bus transport to Adelaide was available but that the passengers would be obliged to pay their own fares. The Commonwealth Railways is adamant that no promises were made that the bus fare would be refunded.

SLEEPY LIZARDS

The Hon. H. K. KEMP: As a report last week stated that the trade in sleepy lizards is continuing in Adelaide, will the Minister of Agriculture promise that immediate action will be taken to stop the impregnation in plastic of these lizards?

The Hon. C. R. STORY: I have given this matter more than a good deal of thought recently, and I have obtained legal advice from the Crown Solicitor's Department regarding what action can be taken. Indeed, I again conferred with Crown Law officers only this morning. However, it is not easy to do something of an immediate nature as the honourable member has suggested; the Act will have to be amended and, in all probability, regulations under the Act will have to be promulgated. It is not just a simple matter of making a proclamation, as would be the case with other legislation. However, I will take whatever action I can by widely publicizing the matter, and I hope to bring down legislation as soon as possible, although it will not be possible to do so within the short time available this session.

The Hon. A. J. Shard: You want to make it publicly known, do you?

The Hon. C. R. STORY: Yes, I want to publicize that I intend to take the necessary action to amend the Act as soon as possible.

The Hon. H. K. KEMP: Could the Minister not induce the Royal Society for the Prevention of Cruelty to Animals to take immediate action, because I believe the society receives a considerable subsidy?

The Hon. C. R. STORY: I will investigate that avenue. I had not thought of it before, but I will certainly see whether anything can be done along those lines.

MAIN ROAD 410

The Hon. M. B. DAWKINS: Has the Minister of Roads and Transport a reply to the question I asked some time ago regarding main road 410, the closure of an intersection on that road, and the plan for re-opening same?

The Hon. C. M. HILL: I have had this information for some days, and if there is any further information about this matter I will in due course let the honourable member know. No agreement has yet been reached with the City of Salisbury regarding the future of the intersection of the Salisbury to Waterloo Corner main road 101 with the Angle Vale to Bolivar main road 410.

Every effort is being made to expedite a solution to the problem. However, it is probable that any solution will require some land acquisition, negotiations for which could occupy some months. It is therefore unlikely that any reconstruction will be possible during the current financial year.

RADIATA PINE

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to the question I asked recently regarding the use of nitrogenous as well as phosphate fertilizers in growing radiata pine?

The Hon. C. R. STORY: I gave the honourable member some information last week, and I said I would have that information confirmed by the department. Experimental work conducted over a period of many years by the Woods and Forests Department with nitrogenous and other fertilizers and with trace elements has established that the application of zinc and phosphorus under certain conditions enhances the growth of radiata pine and, in some circumstances, enables the growth of healthy and profitable plantation on sites otherwise unable to support tree growth. The Conservator of Forests reports that the application of zinc and phosphorus, in relevant economic circumstances, has been standard practice with the department for many years.

Improvement in health and growth from the experiments in the application of nitrogenous fertilizers has not been sufficient to justify its use as an economic proposition. He states, however, that to date there is no evidence that significant responses to fertilizers or trace elements can be obtained on the northern plantations of Bundaleer and Wirrabara, but experiments are continuing.

GOVERNMENT PRINTING OFFICE

The Hon. M. B. DAWKINS: I ask leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. M. B. DAWKINS: All honourable members have been concerned for a considerable time about the urgent need to construct a new Government Printing Office in this State. I understand that the matter is now in the hands of the Public Buildings Department. Will the Minister ascertain from his colleague what progress has been made on the project?

The Hon. C. R. STORY: I will obtain a report from my colleague and bring it down tomorrow.

MAIN NORTH ROAD

The Hon. R. A. GEDDES: I ask leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. R. A. GEDDES: In a recent letter to me the Minister said:

It is not anticipated that any major work will be carried out in the near future on the Auburn-Clare section of the Main North Road.

As this portion of the Main North Road is far from suitable for the needs of modern traffic, can the Minister say when it is expected that work will commence on upgrading this section to make it comparable with the Adelaide-Auburn section?

The Hon. C. M. HILL: I realize that problems exist in connection with this road. I have been taken over the road by officers of the Clare District Council, and I agree that it should be improved. I think I said in my letter or in other correspondence that some shoulder maintenance and improvement is taking place. I do not know offhand the year in which the Auburn-Clare section will be redesigned and rebuilt. I am sure that the project would have been mentioned in some Highways Department press releases about forward planning schemes for country areas, but I will ascertain what the forward planning is in regard to the major work on this road and I will bring down a report for the honourable member.

WILLS ACT AMENDMENT BILL

Read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from February 12. Page 3528.)

The Hon. F. J. POTTER (Central No. 2): This Bill to amend the Constitution of the State deals with three distinct and separate matters that, in my opinion, are not really related to each other. Whatever one's view may be on the two principal matters contained in the Bill, one must still ask the question whether the Bill can really be effective in solving some of the great issues it purports to solve. In answer to this, one must naturally not only look at the provisions themselves and at the timing of the measure but must also consider the nature and scope of the difficulties it is intended to remove.

I do not intend to say anything about the provision in the last clause that would allow ministers of religion the right to stand for Parliament; sufficient to say that I am not in any way opposed to that. The other clauses are concerned with the nature and composition of our State Parliament, in particular with the Legislative Council. We have heard many speeches made and views expressed both within and without Parliament about the role and purpose of the Legislative Council. Any honourable member who has sat in this Chamber

for several years cannot fail to worry and think about the important implications of some of those arguments.

I would like to take a few moments at this time to present an analysis of the position as I see it and I welcome any criticisms that honourable members or anyone else might have. It seems to me that three big issues arise concerning the Legislative Council. I list them as follows in order of importance:

(1) The continuance in this State of the bicameral system of Parliament;

(2) If the bicameral system is to remain, what powers should the Legislative Council have as an integral part of that system; and

(3) What should the balance of representation be within the Legislative Council (country versus city interests) and with this matter are linked certain other points of importance, such as number of members, size of electorates, and boundaries.

Some honourable members will no doubt say immediately that a fourth question arises, namely, that of the franchise for the Council, but I suggest that this is not really so. I believe that the franchise is no more than a factor, albeit the vital factor, that affects the arguments put forward on both sides of politics on the three basic issues to which I have referred.

It is a sad and significant fact that at the moment, and this may apply for some time to come, there is not even the semblance of agreement between the Liberal and Country League and the Labor Party on these three basic issues. Nevertheless, I am sure that if they could be resolved between the Parties the argument over the franchise would wither and die like a dry leaf on the end of a strong branch.

The Hon. D. H. L. Banfield: The Premier already agrees with adult franchise.

The Hon. F. J. POTTER: I ask this question: am I justified in this conclusion about the argument over the franchise? Let us look at these three basic issues and see how the question of franchise is or becomes a factor which intimately affects the attitudes and conclusions of people. Regarding the first matter of the continued existence of the bicameral system, the two Parties at present are diametrically opposed on this issue. The Liberal and Country League holds it as a principle that the two-House system should remain, and I firmly believe that that principle is right. I was not elected as a Liberal member of this Council to preside over the liquidation of the Council. The Labor Party, on the other hand, is pledged to the abolition of the Council, and it comes forth with a tired reiteration of their old single-Chamber creed.

The factor, as I have described it, of the franchise immediately presents itself in the attitude of members. The Labor Party says, "We want universal franchise, as by having it we think we can fairly soon gain control of both Houses and so bring to fruition our policy to abolish the Council." In short, it is saying, "We want to reform the franchise in order to abolish the Council." The L.C.L., on the other hand, says, "We are pledged to retain this House and it may be that some conditions of franchise are the only way in which we can guarantee that pledge." In short, we may need only limited reform of the franchise in order to preserve this Council. Here, of course, the swords are completely and directly crossed.

The Hon. D. H. L. Banfield: No, there are three sides to it.

The Hon. F. J. POTTER: I cannot forecast what changes in the respective attitudes of the Parties the future will bring. I merely make the point at this time that if the Parties reconcile their attitudes on this basic question of abolition or non-abolition of the Council the question of franchise would not then loom so large in their minds, nor would there be any present need for the inclusion in a Bill such as we now have before us of a clause to entrench the bicameral system. I am not opposed to the provisions of clause 3. I would vote for the legal entrenchment as far as possible of the Legislative Council and leave its final fate subject to the will of the people, but I would sooner see the preservation of the Council entrenched in the hearts and minds of all members of Parliament and the community rather than on the Statute Book.

I turn now to the second issue, consideration of which presupposes to a large extent that the first issue (continuance of the bicameral system) has been satisfactorily solved. I should like to consider the question of what powers this House should hold or exercise within that Parliamentary system. It has always seemed to me that not enough attention has been given to this matter. People are strangely silent either because they do not wish to discuss it or because they find that it is too difficult. This is unfortunate, for of all the issues I think it is the most crucial when we come to consider and apply the franchise factor.

This Council has, in effect, co-equal powers with the House of Assembly. It has been claimed that it enjoys a unique position in this way, but I do not think it is so unique amongst Australian Parliaments. My attitude is: long may it continue to have co-equal powers, because I believe that any Upper House without real power is not worth much to a bicameral system. Shorn of effective power, we may provide a forum for debate on the legislation before us, and we shall probably continue to scrutinize Bills carefully and provide useful amendments, but our whole attitude will be coloured with the knowledge that when the chips are down we cannot really do anything, so important questions must be left to stay at the point of decision arrived at by the House of Assembly.

I say, therefore, that if we want an effective House of Review it has to be a House with some real power. Here, I think, lies the problem when we seek to apply the franchise factor. To put the question in a nutshell, if we want full and co-equal powers in the Legislative Council, can there be justification for having other than a full co-equal franchise? This House is part of the system of Government in this State. Once its Bills are passed into law, such law applies equally to all citizens, rich or poor, young or old, franchised or unenfranchised. Furthermore, it must not be forgotten that this House returns three Ministers of the Crown to the Executive Government of this State. Those Ministers have responsibilities in their office and voting rights in Cabinet which are not in any respect different from those of the Ministers in the House of Assembly.

I foreshadow that in the future when these difficult issues are solved (and unrelenting pressures from many directions will force a solution) this question of powers versus franchise will be at the heart of the matter. If we were prepared to limit our legislative powers, the emphasis would then be on how effectively we function as a Council under these limited powers, not on how representative we are. If full powers are to be held, in my judgment the argument will always centre not on what we do or even on why we do it but on whether or not we are fully representative. In saying that, I am not criticizing our existing powers (I have already said that these powers are vital), nor am I contending that they should be immediately altered. I am trying to be clear-sighted and as objective as I can and pointing out to all members, whatever their political allegiance may be, that here is an issue that cannot be shrugged off or clouded by emotional words. I conclude by again making the point that if this issue of power could be solved between the Parties the franchise question, as in the first issue of bicameral Parliaments, would largely disappear.

I proceed to consider the third great issue of balance of electoral interests, with which is tied up matters of numbers of seats and boundaries of electorates. These are more practical issues than idealogical ones. That does not mean that they are easier to solve, nor does it mean that the franchise factor plays any less important part in their ultimate solution, for it directly affects the matters of what electoral system is to be agreed upon and the determination of the electoral boundaries, and it must never be forgotten that electorates and their boundaries are the very lifeblood of politics, as they alone can make or break individual members and the Parties they support.

The debate and conference held this session on the Bill dealing with electoral boundaries for the House of Assembly showed how wide apart our political Parties are, even on these very practical issues of seats and boundaries for the Legislative Council. Therefore, I am not confident of any early breakthrough. I merely say again that, if an agreement was made that was considered fair and accommodated in the main the consensus of both Parties, the matter of franchise would not prove the stumbling block it is now.

And now, I suppose, I shall be expected to say where I stand on the vital clause in this Bill. I think this Bill is the wrong way to tackle these problems. I do not believe that radically to change this important factor of the franchise will mean that the main issues are solved. In fact, it may make the solution of those issues even more difficult. It is like a doctor tossing a bottle of fierce medicine to a patient without carefully diagnosing what is wrong with him and whether some carefully planned system of treatment would be more appropriate. In saying that, I know it may be argued, and eventually even proved, that a solution of the franchise factor in this radical way is the only thing that can bring about the solution of the basic questions, but I am not convinced at the present time that this is so.

I think that our two main political Parties have not even begun to explore the matters I have mentioned and that this Bill at this time

coming to us in the circumstances in which it did only nibbles at the edge of such problems. I think that to solve problems one has to go eventually to the centres of them, and not enough people have seen what the centres of these problems really are. In conclusion, I join with the Chief Secretary in his final remarks and say that I believe this Council is not opposed to necessary reform and changes for the benefit of the State, provided the future for an effective House of Review is assured as part of our democratic system.

The Hon. A. M. WHYTE secured the adjournment of the debate.

PHYLLOXERA ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

SUPREME COURT ACT AMENDMENT BILL

Read a third time and passed.

WEEDS ACT AMENDMENT BILL

Read a third time and passed.

DA COSTA SAMARITAN FUND (INCORPORATION OF TRUSTEES) ACT AMENDMENT BILL

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Trusts."

The Hon. A. J. SHARD (Leader of the Opposition): I do not want to let this clause pass without explaining my attitude in the light of what was said last week about proclamations and regulations. When I first examined the Bill I thought this should be done by regulation and not by proclamation. I was privileged to sit on the Select Committee, before which the whole matter was thoroughly canvassed with the help of the Parliamentary Draftsman. It was pointed out that this proclamation would be limited in its effect. Subclause (3) provides:

> The Governor may, from time to time, by proclamation, declare any hospital (being a public hospital within the meaning of the Hospitals Act, 1934-1967) to be a hospital to which this section applies, and may, from time to time, by proclamation revoke any such declaration.

It is not necessary to name all the public hospitals that may be proclaimed in the future, because the proclamation is limited to hospitals falling within the meaning of the Hospitals Act. I raise no objection to this, and I do not oppose the clause.

Clause passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

Later, the Bill was returned from the House of Assembly without amendment.

PACKAGES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 18. Page 3625.)

The Hon. JESSIE COOPER (Central No. 2): I support this Bill, which tightens the 1967 Act. I hope the Minister will insist on the strictest observation of the Act and that, in the framing of regulations and the making of Ministerial decisions, the consumer will at all times be given the maximum possible protection against misleading forms of packaging. That continual vigilance in this matter is necessary can be shown by one example alone: block chocolate. It is some years now since all block chocolate was marked, and people who at present talk about buying quarter-pound blocks of chocolate are not, in fact, buying quarter-pound blocks. If honourable members went along to purchase such blocks, they would find that they contained no more than 3½ oz. of chocolate. Manufacturers have been required to make up their blocks of more than 8 oz. in weight into standard sizes. However, it was decided that it was too difficult to do this for blocks of chocolate weighing less than 8 oz. Manufacturers are required, pursuant to the Packages Act, 1967, to mark the weight of block chocolate if it weighs more than 3½ oz.

At present one can go into a shop and buy chocolate manufactured in Tasmania, New South Wales or South Australia, as I have done today, but if one bought a 3½ oz. block, thinking it was a quarter-pound block, one would find that such a block was marked with nothing except the manufacturer's name; there is no mention of weight on the block. Manufacturers have until November 1 this year to conform to the Packages Act, 1967, and after that date they will be required to mark the weight of the package. The sellers will have a further six months (which will take them to May, 1970) to clear their stocks before any of these practices will be regarded as illegal. If this trend continues, it is obvious to me that the Government will have to take even sterner measures. This matter concerns so many people in the community that it deserves the attention of honourable members. I have great pleasure in supporting the Bill.

The Hon. C. R. STORY (Minister of Agriculture): I am pleased at the interest honourable members have taken in this important legislation. I said in the second reading explanation that I was only handling this Bill for the Minister of Lands. However, I assure the Hon. Mrs. Cooper that the Minister will carefully consider the matters she has raised. I know that all members have the greatest confidence in the warden, under whose jurisdiction these matters will fall. The specific matters raised by the honourable member regarding chocolate are important. The warden already has the facts, and I understand there will be no delay in acting if these things come to pass. I say that not as a threat but as a warning.

The Hon. Mr. Geddes raised several points with which I will deal *seriatim*. He asked first when this legislation would be implemented throughout Australia. A short reply to that question is that it has already been implemented in part throughout Australia. However, the honourable member will no doubt appreciate that it takes some time for large-volume packers to gear their packaging procedures to the provisions of the new Act and an even longer time for the articles packed before the legislation came into force to be finally cleared from shop shelves. Hence, the effects of the legislation will be only gradually felt, as we appreciate the difficulties of industry in this matter. In fact, May 1, 1970, has been fixed as the date when the legislation will be in full force and effect, both from the sellers' and packers' points of view. I appreciate the challenge that the honourable member has extended to packers to be honest with themselves, and I can assure him that our experience in this State is that the vast majority of packers are honest.

Regarding the proposal that the Warden of Standards instead of the Minister should approve the brand, it was a decision agreed upon by all the States that the approved brands would take the form of letters and/or numbers. This will be of great convenience to the packer and will also allow a systematic method of allocating brands in relation to plants situated in various areas of the State, and at the same time any conflict with this Act and the Trade Marks Act of the Commonwealth will be avoided. In short, before approving a brand in the sense used in this provision of the Act, it will not be necessary for the approving authority to make any inquiry whether that brand is a proprietary brand.

If the honourable member has any doubts about the degree of discretion, which is here vested in the Warden of Standards, I would suggest to him that the degree of discretion so vested is, to use a homely example, about the same as that which is vested in the Registrar of Motor Vehicles in the registration of motor vehicles. I can assure the honourable member that the brands approved by the Warden of Standards in South Australia will be recognized in every other State and Territory of the Commonwealth and it will not be necessary for approval to be sought anywhere else.

Finally, the honourable member has some difficulty with the provision relating to the practical exemptions from the branding conditions where an article is sold from the premises in which it is packed for immediate consumption. The word "consumption" here imports mere use. This provision, which is carried over from a substantially similar provision that was already in the Act in the section which is now proposed to be re-enacted, merely provides that the proprietor of the shop who packs his potatoes in a bag will not be compelled to place his name and address on the bag, as it is considered by the Government that to require the placing of the name and address in these circumstances is quite an unnecessary burden.

I can appreciate the honourable member's difficulties concerning the sale of packages of wool that have not been marked with a net weight, but I remind him that this provision regarding "net weight at standard conditions" is only now before the Council. For the reasons I mentioned earlier it will necessarily be some time before the packages are on sale, marked in accordance with these provisions. If honourable members have any other queries, I shall deal with them during the Committee stage. However, I think I have dealt with most of the queries raised so far.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—"Marking 'net weight at standard conditions'."

The Hon. R. A. GEDDES: I thank the Minister for the comprehensive replies he gave to the questions I raised yesterday. I can only presume that the Ministers concerned have given the necessary thought to all the avenues of packages, labelling and marketing. Can the Minister say whether oversea goods, particularly those with labels such as "King size" and "Big gallon", will be admitted into Australia? Now that the Commonwealth Government has entered into a free trade agreement with New Zealand, could it be that an unscrupulous Australian business man could

pack his products in New Zealand and then ship them back to Australia in order to avoid any problems in connection with this legislation?

The Hon. C. R. STORY (Minister of Agriculture): No; goods imported into Australia must conform to any standards that we may lay down. Australian exporters encounter a similar type of problem when they send goods overseas, because there may be some rule, perhaps in relation to health matters, that causes problems.

Clause passed.

Remaining clauses (10 to 12) and title passed.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL (No. 3)

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

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

That this Bill be now read a second time.

It is presented for consideration of Parliament in accordance with an election promise made by this Government and in accordance with the financial programme set out in the Budget presented during September last. The promise was that the Government would abolish the winning bets tax when the income to the Government from the operations of the Totalizator Agency Board equalled the return from the winning bets tax. The board commenced operations on March 29, 1967. The revenues from the winning bets tax for the 12 months to the end of March, 1967, were $1,007,000 and for the year ended June 30, 1967, were $1,010,000.

The income actually received by the Government from T.A.B. for the 12 months to the end of January, 1969, was a net $857,280 made up of ordinary commissions ($774,121), fractions ($162,792), unclaimed dividends ($70,677) and Broken Hill commission ($1,215), less the reimbursements paid to the clubs to the extent of $151,525 for the first year after they ceased to share in the reduced winning bets tax. However, now that the reimbursements to the clubs will cease, and as T.A.B. turnover is expanding, the income available to the Government will steadily be increased. In fact, T.A.B. turnover has been expanding this year at a rather greater rate than earlier anticipated. The best estimates which can be made by the Treasury indicate that for the 12 months to the end of May, 1969, the income available to the Government from T.A.B. will almost certainly fall a little short of the pre-T.A.B. revenues from the winning bets tax. For the 12 months to the end of June next the income may be very slightly above the pre-T.A.B. revenues, whilst it is almost certain that for the 12 months to the end of July next the income from T.A.B. will have clearly exceeded the pre-T.A.B. revenues from the winning bets tax. Accordingly, the appropriate as well as the convenient date for the complete removal of the winning bets tax is July 1, 1969.

Clause 5 of this Bill so provides by the simple expedient of limiting the incidence of the tax to bets made "prior to the first day of July, 1969". The recent Budget, in forecasting legislation for the removal of the winning bets tax, indicated that in that legislation the Government would also propose to secure authority from the same date to bring the levels of the tax on bookmakers' turnover and the stamp duty on betting tickets to the levels generally operating in the Eastern States. I believe all members agree that it is highly desirable in the interests of the development of the State that those taxes and charges which impinge upon industrial development should be kept, so far as practicable, below the comparable taxes and charges in other States. It follows that, for that policy to be implemented and maintained, this State must be prepared either to exercise greater economies in social expenditures than other States or to keep other taxes fully up to interstate levels, or both.

The bookmakers turnover tax in Melbourne is currently 2 per cent of which 1¾ per cent goes to the Government and ¼ per cent to the clubs. In Sydney the total of 2 per cent tax raised jointly by the Government and the clubs together is distributed in the proportion of 1½ per cent to the Government and ½ per cent to the clubs. In Brisbane a 1½ per cent turnover tax is distributed in the proportion of 1.2 per cent to the Government and 0.3 per cent to the clubs. In other centres the rate is generally 1½ per cent with the greater proportion going to the Government. It is now proposed that in South Australia the turnover tax shall from July 1 next become a standard 1.8 per cent instead of the existing 1½ per cent. Of this the share to the clubs is to remain 1¼ per cent of turnover on local events and ¼ per cent of turnover on interstate events whilst the Government's new share will be 0.55 per cent on local events and 1.55 per cent on interstate events.

The proposed new rate will be closely equal to the overall average in the Eastern States.

However, the new overall Government share in this State will be about 0.83 per cent which clearly will be lower than in any of the three Eastern States whilst the share of the clubs of about 0.97 per cent will continue to be much higher than elsewhere. With regard to the stamp duty on betting tickets the New South Wales provision is for two cents in the paddock and one cent elsewhere; in Victoria it is two cents in the grandstand enclosures on metropolitan courses and one cent elsewhere, and in Queensland it is two cents in the paddock on metropolitan courses and one cent elsewhere. For South Australia instead of the present two-fifths of a cent the Bill proposes the same rate as applies in Victoria, that is, two cents in the grandstand enclosures on metropolitan courses and one cent elsewhere.

There have been representations made to the Government that one-half of the revenues to be secured to the Government by the proposed increase in the bookmakers' turnover tax should be passed over to the racing and trotting clubs. However, in the light of the revenue necessities of the State and the fact that the clubs are already getting a far better proportion of total tax in South Australia than elsewhere, the Government has decided that the requests could not properly be granted in the present circumstances.

As from the next financial year, when the new rates come into effect, the Government will be receiving and setting aside in the Hospitals Fund rather more than $1,000,000 a year of T.A.B. revenues that were not available three years ago, but will be without just over $1,000,000 of winning bets tax that was earlier available for general revenue purposes. It will receive perhaps $140,000 from the additional turnover tax and about $75,000 extra from stamp duties, but against this the reduced betting with bookmakers and totalizators on-course will have reduced Government revenues by perhaps $75,000 per annum on present experience. The clubs likewise will be receiving rather less than formerly in their share of the turnover tax and from on-course totalizators because of the effect upon on-course betting of the operation of T.A.B., and they will in the future be without the $300,000 they used to received from the winning bets tax. The clubs will, however, be progressively better off as their T.A.B. revenues move upward significantly. In other words, the changes made in racing levies during the past two years may be expected to benefit the clubs relatively more than they will assist Government revenues.

Turning now to the specific clauses of the Bill, clause 1 contains purely formal provisions. Clause 2 amends section 40 of the principal Act by providing specifically for a continuation of the present turnover tax of 1½ per cent that applies on courses generally until July 1 next and thereafter at the rate of 1.8 per cent. The clause also provides that the existing 2 per cent tax applicable in registered premises shall continue unaltered. Clause 3 amends section 41 of the principal Act by likewise providing for the continuance of the existing proportionate distributions of commission to clubs until July 1 next and thereafter adjusting them so that the clubs receive the same proportion to betting turnover as previously, viz., 1¼ per cent of turnover or twenty-five thirty-sixths of the new tax on local events and ¼ per cent of turnover or five thirty-sixths of the new tax on interstate events. Clause 4 which amends section 44 of the principal Act likewise continues the existing rate of duty on betting tickets until July 1 next and thereafter provides for the requisite new rates of duty. Finally, clause 5, which amends section 44a of the principal Act, provides for the removal of the winning bets tax by simply limiting its application only to bets made prior to July 1, 1969.

The Hon. A. J. SHARD (Leader of the Opposition): I rise to support the Bill and to make one or two comments on it. I have always thought that the Government has taken too much out of the racing industry in this State, and to the best of my knowledge no other sport or entertainment is taxed. I am fearful that if we continue, or if the Government of the day continues, to take this amount of money from the racing industry, then that industry will go backwards. I make it perfectly clear that I am not saying this today merely because we are in Opposition, for I said the same thing when my Party was in Government. However, it fell on deaf ears then, as I expect it will fall on deaf ears today. I sound the warning that if the Government of the day, irrespective of what Party forms that Government, continues to take large amounts of money from an industry as big as the racing industry, it may eventually reach the stage where it kills the goose that lays the golden eggs.

Knowing, as I do, a little about the procedure in a matter such as this, I will watch with interest to see just how much the racing clubs will get in the future from the operations

of the T.A.B. To my mind, the main reason why racing is not so buoyant financially in this State as it has been in past years is the operation of the winning bets tax. It is idle to say that the return from the T.A.B. will reimburse the racing clubs of this State to the same extent as applies in other States. On the Chief Secretary's own admission, all the board will be doing this year is returning to the racing and trotting clubs amounts roughly equivalent to what they have been getting in the past as their share of the Government's revenue from the racing industry. This will be far different from the way the T.A.B. has worked in the other States, where the racing clubs have received a share of the T.A.B. revenue in addition to what they have already been receiving, and they have been able to increase the stakes on their races accordingly. The racing and trotting clubs in this State will not be in that fortunate position.

I have had some experience of attending race meetings, and I say after a good deal of thought that unless the stakes in this State for both racing and trotting meetings are increased the industry will not flourish. I read in today's newspaper that a South Australian horse will start in a mid-week race in Victoria for a stake of $5,000, and I point out that there are very few races in this State even on a Saturday that carry that amount of stake money. We are not going to encourage a good class horse to stay in this State or attract a horse from another State to compete here when our races carry such small stake money.

I sound the warning to the Government of the day, irrespective of Party, that if the racing clubs and racing generally in this State start to decline from the former very high standard, the Government as well as the racing community will suffer. I venture to say that if this or any other Government had an opportunity to bring to this State an industry of such magnitude as this it would go out of its way to provide concessions for that industry involving money that would make the amounts of money involved in this measure look very small.

This is a money Bill, and it is the prerogative and duty of the Government of the day to introduce such measures. Being a money Bill, it is very difficult to vote against or to amend it. I merely sound a warning publicly to the Government and its advisers on this matter. To my mind, they must soon take a broader view of this matter in order to see that the racing and trotting clubs get much more of the pudding from the turnover of income in the racing industry than they have been receiving in the past.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

LOTTERY AND GAMING ACT AMENDMENT BILL (No. 2)

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

The Hon. Sir NORMAN JUDE: Mr. President, I rise on a point of order. There are three Lottery and Gaming Act Amendment Bills before Parliament at the moment but we have not been told which one this is.

The PRESIDENT: That will be announced by the Chief Secretary when he moves the second reading.

Later:

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

That this Bill be now read a second time.

Its main object is to extend the powers of the Totalizator Agency Board to enable it:

(*a*) to conduct totalizator betting on any event scheduled to be held within or outside Australia, such as the English Derby;

and

(*b*) as the agent for any club licensed to operate a totalizator, to conduct and operate that totalizator on a racecourse.

The Bill also makes certain other necessary amendments that are incidental to or consequential on measures that have previously been approved by Parliament.

Clause 2 makes a formal amendment to section 2 of the Act. Clause 3 amends section 4 of the principal Act:

(*a*) by bringing up to date the reference to the Licensing Act in the definition of "public place";

and

(*b*) by defining "racecourse" to include the land and premises appurtenant to a place where a race meeting or trotting meeting is held or, in other words, to include betting rings, totalizator and grandstand and other enclosures.

Clause 4 amends section 22 of the principal Act, which requires permits for trotting races to be issued by the Executive Committee of the League. Subsection (2) provides that each permit shall be for one night only as regards a meeting to be held in the metropolitan area, and for either one day or one night meeting as regards a meeting to be held outside the

metropolitan area. The Lottery and Gaming Act Amendment Bill, 1968, which was considered by this House earlier in this session, provides for the use of the totalizator at not more than 10 trotting meetings to be held at Globe Derby Park, Bolivar, during the winter months, but when that Bill was drafted it was not clear to the draftsman that initially the trotting meetings to be held at Globe Derby Park would be day meetings. Clause 4, accordingly, amends the section to enable day meetings to be held there, notwithstanding that they are within the metropolitan area.

Clause 5 amends section 28, which deals with the mode of dealing with moneys paid into a totalizator conducted by a club. When section 28 was last re-enacted, it had regard to the fact that the Totalizator Agency Board's powers were limited to the conduct of off-course totalizator betting. In order to extend the board's powers to enable it, as agent of a club licensed to operate a totalizator, to conduct and operate that totalizator on a racecourse, it is necessary to draw a distinction between off-course totalizator betting conducted by the board and on-course totalizator betting conducted by the board for and on behalf of a club. Paragraphs (*a*) to (*g*) of the clause make the necessary amendments to achieve this result. Paragraph (*h*) strikes out subsection (6b), which was a transitional provision and has served its purpose. Paragraph (*i*) brings the reference in subsection (8) to the Stamp Duties Act up to date.

Clause 6 (paragraphs (*a*) and (*b*)) makes consequential amendments to section 29 of the principal Act and paragraph (*c*) removes from subsection (6) an obsolete reference to the Lottery and Gaming Act, 1917. Clause 7 makes a formal amendment to the heading of Part IIIa of the Act. Clause 8 re-enacts section 31a (2) and provides specifically for the board to conduct on-course totalizator betting at a race meeting or trotting meeting held by a club. Clause 9 brings up to date a referenec to the Licensing Act in section 31h.

Clause 10 (paragraphs (*a*) and (*b*)) amends section 31j of the principal Act by extending the powers of the board to enable it to conduct both off-course and on-course totalizator betting on any event scheduled to be held within or outside Australia. Paragraph (*c*) adds a new subsection (3), which provides that where the board, by arrangement with a licensed club, conducts a totalizator that that club is authorized to use the board is to be regarded as the club's agent and anything done by the board as agent of the club shall be lawful if it would have been lawful if done by the club itself. Clause 11 makes two consequential amendments to section 31ka. Clause 12 makes a consequential amendment to section 31m (1). Clauses 13, 14, 15 and 16 make consequential amendments to sections 31n, 31na, 31u and 31v of the principal Act. Clauses 17 and 19 bring the reference to the Licensing Act in sections 38 and 115 up to date. Clause 18 is consequential on the amendment to section 22 made by clause 4.

The Hon. A. J. SHARD (Leader of the Opposition): I am sure it was never the intention of Parliament that the Totalizator Agency Board should be set up as a sort of gambling casino (if I may use that expression). I thought the board was introduced to give the people of South Australia an opportunity to wager at race and trotting meetings within their own State and neighbouring interstate meetings. I doubt the wisdom of permitting the T.A.B. to conduct a totalizator on races anywhere it decides to do so. Personally, I do not think that is good. However, it is the Government's decision, and I can appreciate it.

When my Party was in Government, it said firmly that it did not want the Totalizator Agency Board to develop into anything like the old-fashioned betting shops. I am not a sanctimonious type of person, but I do not want to see T.A.B. betting shops developing into anything like those in Hobart and Perth. I am afraid that this is the first step in that direction. I do not want to delay this Bill now. I do not know where my Party stands on it, nor do I care; but I know where I stand on it. When this social legislation was introduced, we were challenged from several quarters, to the effect that we were helping to foster the gambling habits of the people of this State. Never did I visualize the activities of the T.A.B. being extended as they will be by this Bill. I do not like it. It is a step in the wrong direction. However, time is running out and I am not one unduly to antagonize the Government. While I support the Bill, I do not do so with much pride.

The Hon. Sir NORMAN JUDE secured the adjournment of the debate.

INDUSTRIAL CODE AMENDMENT BILL (No. 3)

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.

Its principal purpose is to provide for an office of Deputy President of the Industrial Court of South Australia. Up to 1966 provision was made for there to be two such

Deputy Presidents but, when legislation amending the Industrial Code, 1920-1965, to provide for an Industrial Commission was introduced, the provision for the office of Deputy President was then omitted. This situation was continued upon the re-enactment of the Industrial Code by the Industrial Code, 1967.

Honourable members will be aware that the position of Public Service Arbitrator has been, in the past, held by the then Deputy President of the Industrial Court and retained by him on his becoming President of the Industrial Court. The reason for this dual appointment was to ensure that there was a connection between the two systems of industrial jurisdiction in this State since this connection seemed desirable.

However, for some time, the Government has felt that the burden of these two offices has fallen too heavily on the shoulders of a single occupant particularly when that occupant has the responsibilities inherent in that of the President of the Industrial Court. Accordingly, on December 12 last, it was announced that is was proposed to revive the office of Deputy President of the Industrial Court and to appoint the present Public Service Arbitrator to that office. This should continue the desirable connection between the two systems of industrial law and, at the same time, strengthen the general industrial jurisdiction in this State by providing some assistance to the President of the Industrial Court.

It is intended that the Deputy President, as is at present the case with the President, will be required to have the same qualifications for appointment as a Judge of the Supreme Court has and that he will, again like the President, have the status of a Judge of the Industrial Court. He will also *ex officio* be the Deputy President of the Industrial Commission and hence will be able to play a part in this aspect of the general industrial jurisdiction. I emphasize that this measure in no other way affects the general industrial jurisdiction picture in the State and, in particular, the position and jurisdiction of the commissioners of the Industrial Commission is not affected. I would now like to consider the measure in some detail.

Clause 1 is formal. Clause 2 makes necessary amendments to the interpretation section, consequent on the creation of the office of Deputy President. Clause 3 provides for the Deputy President to act as the President in the absence from office of the President, and in the absence of the Deputy President provision is made for an appointment of a suitably qualified person to act; payment of a suitable allowance for the acting appointee is provided for. Clause 4 formally provides for the appointment of a Deputy President. Clause 5 confers on the Deputy President the status and tenure of a judge of the Industrial Court. Clause 6 provides a salary of $11,400 a year for the Deputy President. Clause 7 provides for the Deputy President to be entitled to hold office until he is 65 years of age. Clauses 8, 9, 10 and 11 provide for the contribution for and receipts of pension benefits by the Deputy President and his dependents.

Clause 12 provides for the Deputy President to be Deputy President of the Industrial Commission of South Australia. Clause 13 sets out the position of the Deputy President in relation to the constitution of the Industrial Commission. Clause 14 will enable appeals against decisions or orders of a board of reference to be heard as the President directs by the President or the Deputy President. Clause 15 will enable the Deputy President to undertake mediation in an industrial dispute. Clause 16 gives the Deputy President similar powers to the President in the summoning of compulsory conferences.

Clause 17 allows the Deputy President to approve witness expenses. Clause 18 is one of two provisions of the Bill not directly related to the creation of the office of Deputy President. It clarifies the meaning of a provision of the Code relating to the variation of awards or orders in relation to which a period of operation has been fixed. Clause 19 provides that the Industrial Commission constituted for the purpose of the recovery of amounts due under awards and agreements may be constituted by the Deputy President.

Clause 20 recognizes the newly created office of Deputy President in relation to the powers of entry and search provided under the Act. Clause 21 strikes out the reference to the Registrar constituting the commission in appeal session since that officer will on the creation of the office of Deputy President no longer constitute the commission in appeal session. Clause 22 gives to the Deputy President of the Industrial Commission the same protection and immunity as is given to the President of the Industrial Commission.

Clause 23 gives to the Deputy President the same jurisdiction in interlocutory matters as the President. Clause 24 again gives the Deputy President in the absence of the President the same jurisdiction as the President to issue

orders for the taking of evidence on behalf of the commission. Clause 25 again gives the Deputy President the same powers as the President relating to the dispensing with personal service of summonses. Clause 26 recognizes the office of Deputy President in relation to the granting of adjournments by the Registrar.

Clause 27 recognizes the office of Deputy President in relation to summonses. Clause 28 enables the Deputy President to state a case for opinion of the Supreme Court, in the same way as the President may state a case. Clause 29 enables the Deputy President to dispense with a quorum at a meeting of a conciliation committee in the same way as the President may exercise this power. Clause 30 enables the Deputy President to hear an appeal from a decision of the Registrar varying the terms of an award or industrial agreement in accordance with the equal pay for women provisions.

Clause 31 enables the Deputy President to hear appeals from decisions of the Secretary for Labour and Industry in relation to the granting of permission to work for less than award wages in the case of aged, slow, inexperienced or infirm workers. Clause 32 recognizes the position of the Deputy President in relation to references to the Full Commission of matters before the Industrial Commission. Clause 33 enables the Deputy President as well as the President to refer industrial agreements to the Industrial Commission. Clause 34 recognizes the office of Deputy President in relation to contempt proceedings.

Clause 35 provides for the appointment of an industrial magistrate who will be a person knowledgeable in industrial matters and who will be a special magistrate able to form a court of summary jurisdiction to hear and determine quasi-industrial matters which are cognizable by such a court. Clause 36 empowers the Deputy President to hear appeals against the decision of the Industrial Registrar in relation to registration of associations.

Clause 37 is consequential on clause 35. Clause 38 grants the Deputy President the same powers as the President in relation to the ordering of any persons to cease to be members of a registered association. Clause 39 recognizes the position of Deputy President in relation to rules and procedure in respect of matters dealt with under the Code.

The Hon. A. F. KNEEBONE (Central No. 1): I thank the Minister for supplying me earlier with a copy of the second reading explanation so that I could examine it. I support the second reading. As the Minister has said, until 1966 provision was made for the appointment of up to two Deputy Presidents of the Industrial Court. The last Deputy President to be appointed was Mr. Lindsay H. Williams, who subsequently became the President. He did a fine job carrying on as he did the position of President of the court and also that of Public Service Arbitrator until he relinquished those positions to move to the Commonwealth industrial field. His job was particularly heavy from the time of his appointment as President until some assistance was given to him by the previous Government in 1966, when the Industrial Commission was brought into being.

When I was Minister of Labour and Industry in that Government I was of the opinion that perhaps it would not be necessary, because of the assistance given to the President by the establishment of the Industrial Commission, to appoint a Deputy President. However, in view of the Minister's emphasizing that this measure will in no way affect the position and jurisdiction of the commissioners, I am not now opposed to the provision regarding the appointment of the Deputy President. Although I do not propose to go through all the clauses referred to in the second reading explanation, I should like to refer to one or two of them. Clause 21 strikes out the reference to the Registrar's constituting the commission in appeal sessions. He was included as the third member of the appeal court at that time so that one of the commissioners, whose decision was being appealed against, would not have to sit on the appeal session.

The Hon. F. J. Potter: There really wasn't anyone else.

The Hon. A. F. KNEEBONE: That is right; there was no-one else to do it. Now that there is to be a Deputy President, he will be the logical person to make up an appeal bench. I agree with this, too.

Clause 35 calls for some comment. It provides for the appointment of an industrial magistrate who will be a person knowledgeable in industrial matters and who will be a special magistrate able to form a court of summary jurisdiction to hear and determine quasi-industrial matters which are cognizable by such a court. I agree to this provision, particularly in view of the statement of the Minister of Labour and Industry that the present Industrial Registrar will be available and will be most suitable for appointment to this position. I believe that at one stage in another place an amendment to this Bill was sought

to provide that the Industrial Registrar would be appointed a magistrate in these circumstances. However, although the present Industrial Registrar may be eminently suitable for appointment as an industrial magistrate, it was explained by the Minister in another place that a future occupant of the position of Industrial Registrar might not have such qualifications. I believe the present Industrial Registrar would make a most suitable industrial magistrate.

This appointment will assist the other courts by relieving them of some duties in regard to industrial matters. I agree that the person appointed should have some knowledge of industrial matters. My own experience in this regard confirms this opinion, because I was involved in a case where provision was made in an award that in certain circumstances work could be done only by an apprentice or by a person over 21 years of age. One employer did not honour his obligations in this regard on several occasions; boys who were not apprentices were brought in, and they worked for two or three years in an apprentice trade without being apprenticed. They were fobbed off when their wages became a little too high and some other unsuspecting youths who did not know the award provisions were taken on. It was decided to prosecute this employer, and he was fined £1 for treating youths in this way!

The Hon. C. R. Story: Did that occur a long while ago?

The Hon. A. F. KNEEBONE: Yes.

The Hon. C. R. Story: Before the Second World War?

The Hon. A. F. KNEEBONE: No. In my opinion, this case shows that the magistrate did not know the seriousness of the case from an industrial viewpoint. To have someone with industrial knowledge will be very acceptable to people in the industrial field. I have pleasure in supporting the second reading.

The Hon. F. J. POTTER secured the adjournment of the debate.

[*Sitting suspended from* 4.5 *to* 5.18 *p.m.*]

LOTTERY AND GAMING ACT AMENDMENT BILL

The House of Assembly intimated that it insisted on its amendment to which the Legislative Council had disagreed.

Consideration in Committee.

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

That the Legislative Council insist on its disagreement to the House of Assembly's amendment.

When the Bill was introduced into this Chamber it dealt with one matter only, and that was the question of allowing a certain number of trotting meetings to be held at the new Globe Derby Park course at Bolivar. When the Bill was returned from the House of Assembly it contained another matter altogether concerning arbitration in disputes between bookmakers and racing clubs.

The Hon. A. J. SHARD: I rise on a point of procedure. I seek your guidance, Mr. Chairman, on this. If this Committee insists on its disagreement, does that mean that the Bill will be laid aside or, following that insistence, do we then ask for a conference or has it to be done now?

The CHAIRMAN: I take it that the question of the Hon. Mr. Shard is: what will happen if this motion is carried?

The Hon. A. J. Shard: That is right.

The CHAIRMAN: A conference is a matter of a further resolution of the Committee.

The Hon. A. J. Shard: Very well, as long as I know where I am going.

The Hon. Sir NORMAN JUDE: Honourable members will recall that this Bill was the subject of some controversy a considerable time ago. Therefore, it is desirable that honourable members' memories be refreshed now, to some extent. I preface my remarks by saying that this was our Bill; it was introduced by the Minister in charge of the legislation in this Council. That is an important point.

The Hon. D. H. L. Banfield: It has since been reviewed.

The Hon. Sir NORMAN JUDE: The House of Assembly has insisted on an amendment moved and passed under a contingent notice of motion, which I venture to suggest, in view of all the precedents I have known, this Council would not even have admitted, for the amendment was completely extraneous to the Bill that all honourable members, including my friends in the Opposition, were prepared to pass.

The Hon. S. C. Bevan: We had no alternative; you had the numbers.

The Hon. Sir NORMAN JUDE: Despite this buffoonery, did the honourable member support the Bill for facilities at Bolivar or not?

The Hon. S. C. Bevan: I supported the amendment. You can see that if you look up *Hansard*.

The Hon. Sir NORMAN JUDE: Did the honourable member support the Bill for trotting in the first instance, before there was any amendment on the file? If we keep to the point we shall get along much faster.

The Hon. A. F. Kneebone: Why the rush?

The Hon. Sir NORMAN JUDE: I again point out that this Bill was agreed to unanimously in this Chamber and then went to another place where, on a contingent notice of motion, an amendment dealing with an extraneous matter, "aggrieved bookmakers", was inserted in the Bill. That arose from an argument between certain bookmakers and certain executives of racing clubs, involving a purely internal matter of disagreement, something that on a previous occasion (which was referred to, apparently, in argument against those who disagreed with this amendment) had been done, also. Of course, the answer was that on one occasion Sir Thomas Playford and on another the Betting Control Board said, "Look here, if you fellows will get together and put your case before somebody, we shall suggest that somebody will arbitrate between you. Will you accept it?" and the answer was "Yes". However, there was never anything in the Statutes about it. Before we know where we are we shall have something on the Statute Book to the effect that an aggrieved billiard player who fouls the red will be able to appeal to the Auditor-General on his rights. What if a bookmaker does not like his stand because he finds he is in the sun for most of the afternoon? He is aggrieved and therefore can take his case to the Auditor-General, under the amendment agreed to by the Hon. Mr. Bevan.

The Hon. A. J. Shard: He cannot do that; you should read the amendment.

The Hon. Sir NORMAN JUDE: I am well aware of the amendment.

The Hon. A. J. Shard: It deals only with fees. That is all he can take to an arbitrator.

The Hon. Sir NORMAN JUDE: The amendment was debated in another place and the press reported that, although the Premier spoke against it, it was carried on the voices. The amendment was debated again in the other House only yesterday and report has it that many members insisted that that House had been unanimous in its voting on the previous occasion. Every thinking honourable member who does his homework knows that that statement is not correct. There was no division—it was carried on the voices; honourable members know that that is a frequent procedure here. The suggestion that it was unanimous is ridiculous. It was put to the test last night. This highly nation-rocking matter was carried on the casting vote of the Speaker! Those are the facts. It is somewhat different from this "unanimous vote" we have heard claimed by members of the Opposition recently.

Following that, I discussed this matter with the secretary of a trotting club and pointed out that, by a heavy if not unanimous majority, even in this Council they were in favour of the original Bill for trotting at Bolivar but that the extraneous amendment would endanger the Bill that Parliament had virtually unanimously agreed to for the club's trotting. The Council in its wisdom had fully considered the position and had resolved to support the original Government Bill. My friends of the Opposition would agree, too, that that was a major instance of agreeing to the original Bill on which they had already voted.

The Hon. D. H. L. Banfield: The members of the Opposition had agreed to the amendment too.

The Hon. Sir NORMAN JUDE: I am talking about the original Bill. I suggested that we delete the amendment, as we did, about the aggrieved bookmakers, which was entirely outside the scope and interests of the Bill. Now we have received a message that another place has insisted on its extraneous amendment—not on the voices, as previously, but, as I have already said, by a majority of a casting vote. I ask honourable members to appreciate what the trotting people will think because, after all, there are plenty of informed members among the trotting public and the trotting executives. They will soon find out about this matter, that, for reasons they probably will not be able to understand, the members of the Opposition turned around and decided that, if they could not insert a clause about aggrieved bookmakers, the trotting people would have to do without their Bill. Let us face it: that is what it means. We have heard much talk about a pistol being held at people's heads and about the dominance of the Legislative Council in certain matters. This was our Bill, and it was entirely for the good of the trotting people, and they know it. Furthermore, it had the Opposition's full support. The amendment has nothing to do with trotting, so it should be in a separate Bill, which could well be introduced next session.

There is no dispute between a racing club and bookmakers at present. At any rate, that is an internal matter and should not be the subject of legislation. Bookmakers are private operators for whom I have the greatest respect, and I do not believe the majority of bookmakers want their business interfered with. I probably know as many bookmakers as does any other honourable member. However, for the sake of politics and to embarrass this

Council we were subjected last night to a vituperative attack that should not be acceptable to honourable members of this Council. I should think some members of another place, on recalling their remarks, will be somewhat ashamed of themselves. It was not a credit to this Parliament, and I am thankful to say that I believe my friends of the Opposition in this Council would not be parties to it.

I understand from press reports that a member of another place was forced to withdraw his degrading and insulting remarks. What an interesting situation, that members of another place should suggest that we might climb down in regard to their amendment, not our Bill! That is a wonderful way to get legislation through! If it is thought that it is worthwhile to provide for a conference with the other place in order to give it a final opportunity to see the common sense of the original Bill and to give it an opportunity to submit the other proposition in a different form later, I am prepared to go along with that idea. However, I hope the conference will be conducted in a much better tone than was a certain debate last night of which I heard reports.

The Hon. S. C. BEVAN: I oppose the motion. The Hon. Sir Norman Jude pointed out that the original Bill was introduced in this Council. I do not deny that, nor do I deny that I supported it. However, this only bears out my argument that this Council is not purely a House of Review: it is also a House of initiation. The honourable member said that this was a Council Bill and that the amendment was inserted in another place. He implied that the other place had no right to amend a Bill that had come from this Council, yet he wants to amend any legislation that has come from another place to this Council. He cannot have it both ways.

I do not deny that the other place was within its rights in amending this legislation, but the honourable member does deny it. He then drew attention to the fact that last night the motion was carried in another place on the casting vote of the Speaker. I assume from his remarks that he objects to a motion being passed on the casting vote of the Speaker. However, I remind the honourable member of the amount of legislation this session—legislation far more important than this Bill—passed on the casting vote of the Speaker in another place. That is all right, but it is wrong in this instance!

The Hon. A. M. WHYTE: In supporting the motion I point out that I believe that if people squabble they should ask for another opinion; in other words, they should seek arbitration. However, it is entirely wrong that a Bill providing for extra trotting meetings for a certain club should be jeopardized by an amendment providing for arbitration in respect of disputes between bookmakers and racing clubs. If we have to legislate for arbitration for aggrieved bookmakers, perhaps we should do so, too, for aggrieved punters. I support the motion and I sincerely hope that the conference will arrive at a decision suitable to both parties and, particularly, to those trotting people who in the first place asked that the Bill be introduced.

Motion carried.

A message was sent to the House of Assembly requesting a conference, at which the Legislative Council would be represented by the Hons. R. C. DeGaris, L. R. Hart, Sir Norman Jude, A. F. Kneebone and A. J. Shard.

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 8 p.m.

At 7.58 p.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 10.42 p.m.

The Hon. R. C. DeGARIS (Chief Secretary): I have to report that the managers have been to the conference, but no agreement was reached. I realize that in this situation there is no question now before this Council and my duty is briefly to report to the Council upon the conference.

The conference was conducted amicably but the question before it was one on which any compromise was practically impossible to find. The managers of this Council did explore, I believe, every possible avenue available to them, though at all times fully supporting the overwhelming view of the Council. As I have already said, no agreement was reached.

Later:

The House of Assembly intimated that it did not further insist on its amendment to which the Legislative Council had disagreed.

WHYALLA HOSPITAL (VESTING) BILL

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

POULTRY PROCESSING BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 10.44 p.m. the Council adjourned until Thursday, February 20, at 2.15 p.m.