

LEGISLATIVE COUNCIL

Tuesday, March 30, 1971

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

LOTTERY AND GAMING ACT

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

That the Hon. R. C. DeGaris be given leave to appear and give evidence before the Joint Committee on Subordinate Legislation in respect of regulations under the Lottery and Gaming Act dealing with lotteries.

Motion carried.

QUESTIONS

SOUTH-EAST DRAINAGE

The Hon. R. C. DeGARIS: Last week I directed some questions to the Minister of Lands about South-East drainage. Has he replies to those questions?

The Hon. A. F. KNEEBONE: The honourable member asked six different questions, the answers to which are as follows:

(1) The area is defined on a plan, which I shall seek the permission of the President to have placed on the notice board.

(2) The western, southern and eastern boundaries of the defined area follow closely the boundaries of the land previously assessed and currently rated for drainage improvement. The northern boundary was defined as a reasonable extension of the cut-off value resulting from drainage construction to the south.

(3) There are extensive areas of land receiving indirect advantage from drainage, such as the ability to be more economically used, improvement of access and other factors. Such land is, therefore, included within the defined area.

(4) Land adjacent to the western, southern or eastern boundaries excluded from the defined area is not regarded as receiving either direct or indirect benefit from drainage. However, areas north of the northern boundary of the defined area receiving an indirect benefit from the cut-off value of the drains to the south are still subject to the run-off of water from the land north of the drainage system and, in the absence of an outlet to the sea, the advantage arising from the cut-off value of the drains is largely nullified. In addition, the saline nature of the country must be taken into account when determining drainage benefit.

(5) and (6) For the purposes of preparing the proposal that has been put before settlers, estimates of the unimproved values were made. More precise figures are being obtained from the Valuation Department and I will advise the honourable member of these in due course.

The PRESIDENT: The Minister mentioned a plan being placed on the notice board. It is necessary that we have a resolution to that effect before leave can be granted.

The Hon. A. F. KNEEBONE moved:

That permission be granted to exhibit the relevant plan of the South-East drainage area upon the notice board in this Chamber.

Motion carried.

MARGARINE

The Hon. A. M. WHYTE: I ask leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: I understand the present quota for table margarine distributed in South Australia is just over 500 tons. Is it likely that the Government will increase this quota, and if so is it true that the quantity will be raised to 1,000 tons?

The Hon. T. M. CASEY: The Government has not decided to take any action along these lines at present. It is quite correct that we produce 528 tons of table margarine as our quota in South Australia, but we also import more than 500 tons from the Eastern States. It seems rather foolish to import when we can manufacture in this State, and I indicated to the Agricultural Council last year that I thought it would be in the interests of South Australian industry to produce our own table margarine rather than to import it from other States. This matter will have to be discussed further at the Agricultural Council if any move is made, because that would be the ethical thing to do.

MEAT EXPORT

The Hon. Sir NORMAN JUDE: I desire approval, with the concurrence of the Council, to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. Sir NORMAN JUDE: On January 12 last, among other matters, the Minister replied to a question I asked on December 3, 1970, and the final paragraph of his reply, and I certainly do not want to take it out of context, was as follows:

I might add that I made a detailed inspection of the Gepps Cross establishment earlier this month, and was most impressed with the

generally high standard of the facilities and the operational methods at the works. The new pig hall, in particular, is outstanding in this respect, and in my opinion would compare favourably with any similar plant in Australia. This hall is now in operation; and it is a matter for regret that at the time the last inspection was made by the United States veterinary officer the old premises were in use. I shall be surprised if, after a further inspection by the U.S. authorities, the export licence of Gepps Cross is not reinstated.

On Friday, March 26, the *Advertiser* carried two articles referring to some relaxation of export controls on meat to the United States, one dealing more particularly with mutton. They were of a diplomatic nature, and suggested that co-operation was becoming more harmonious between the two countries. It was further stated that it was expected that of the abattoirs inspected throughout the Commonwealth some 50 per cent would be reinstated in relation to their ability to export meat to the United States. There followed a short statement by the Minister, also a diplomatic one, advising the eating of more mutton. Following these articles in the *Advertiser*, has the Metropolitan Abattoirs again been inspected by the United States authority; if so, what is the result of that inspection; and can we expect in South Australia that our standard, which, according to the Minister, is very high, will be acceptable to the United States authorities for the export of meat?

The Hon. T. M. CASEY: The answer to both questions is "No". The situation is that the Commonwealth Primary Industry Department will take over the inspection of export abattoirs throughout the country. In the past the American authorities have made their own inspections. However, there is now more co-operation between those authorities and the Primary Industry Department. I am very pleased to know that that department will now carry out the inspections but, of course, those inspections will necessarily be subject to the American Agricultural Department and its inspectors, who are veterinary scientists. The Gepps Cross abattoirs, like any other abattoirs, must pass these inspections, the requirements for which are rigidly laid down. Only yesterday I received a copy of the regulations from Dr. Pevic; those regulations set out specifically the standards that any Australian abattoirs must attain before it is granted a licence.

NOARLUNGA FREEWAY

The Hon. C. M. HILL: Has the Minister of Lands obtained from the Minister of Roads and Transport a reply to my question of March

23 about the petition, signed by 5,679 electors, objecting to the route of the Noarlunga Freeway through Marion?

The Hon. A. F. KNEEBONE: My colleague reports:

The petition is the property of the House of Assembly, to which it was presented in pursuance of the Standing Orders of that House on September 19, 1968. The petition would, I understand, be made available for perusal by the honourable member, but patently it could not be re-presented in another House.

ABDUCTION

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. C. M. HILL: In today's press an article dealing with a child that had been abducted from the Adelaide Childrens Hospital says that the child's parents lived at Ascot Park, which is in the electoral district that I and some other honourable members represent. Will the Chief Secretary investigate the question of security at the Adelaide Childrens Hospital so that a similar unfortunate incident will not occur?

The Hon. A. J. SHARD: I read the article this morning and I think all honourable members would have extreme sympathy for the parents of the child abducted. Although the South Australian Government supports the Adelaide Childrens Hospital, I doubt whether it has jurisdiction over the matter raised by the honourable member. However, I am willing to bring the honourable member's question before the Adelaide Childrens Hospital Board, at least to show that some interest has been taken in the matter, and to request, in effect, that all possible security measures be taken.

SITTINGS AND BUSINESS

The Hon. R. C. DeGARIS: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: As honourable members can see from the Notice Paper, we have very little work before the Council. However, there are, as we know, a number of complex Bills to come from the other House. Can the Chief Secretary say whether it is expected that the Council will rise on April 8, as originally indicated?

The Hon. A. J. SHARD: The Government expects to conclude its business when we meet on Wednesday of next week. If the Bills that the Government considers are important and

should be dealt with this session have not been passed, we may be asked to sit for a day or two after Easter to clean up the business. Only yesterday we had a thorough examination of the matters on the Notice Paper of the other House, and it is confidently expected that we will dispose of the necessary measures by Wednesday of next week.

FAUNA CONSERVATION

The Hon. C. R. STORY: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: I think I am in order in addressing my question to the Minister of Agriculture, because I believe that no action has yet been taken with regard to the Ministerial allocation of certain aspects of conservation. I have read several newspaper articles regarding the possible export of fauna from South Australia, and last night the television programme *This Day Tonight*, which I witnessed, also dealt with this topic. It was pointed out that much fauna was being illegally exported to other States, and the point was made that it was thought it would be very much better to allow some of what many people might call pest' types of fauna to be exported, with some of the proceeds being placed in the hands of the Minister for Conservation for further conservation of our rarer species. Has the Minister of Agriculture considered a report that was submitted to me, as Minister, by the Director of Fisheries and Fauna Conservation? I had studied this report and had come to some fairly firm views on it. Has the Minister had an opportunity to peruse that report, and does he intend to take any action on it?

The Hon. T. M. CASEY: I must confess that I have not perused the report. Now that the honourable member has raised the matter (and in view of the discussion that took place on *This Day Tonight* last night), I will certainly make it my business to have a look at the report to see exactly what it suggests and to consider what are likely to be the future repercussions. This matter could be looked at in depth. It is easy to say that we have much natural fauna that could be exported, but the export of fauna overseas is a Commonwealth Government matter. Regarding exports to other States, we must get the other States on our side because some of them may not wish to have certain of our problem species to become a problem in their own State. Perhaps we can agree on how this problem should

be tackled. Some species of birds are put in suitcases and smuggled out of the country illegally, to the detriment of the birds. I am prepared to see what can be done.

ROSEWORTHY AGRICULTURAL COLLEGE

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the alterations in progress at the Roseworthy Agricultural College. I understand that the college has about 150 students this year, which is more than it has ever had before, although I believe there is still room for an additional 10 students. I understand that a new building will be erected at the rear of the college, some of the existing older buildings will be demolished, and portion of the main building will be reconstructed, particularly the dining-room and kitchen. Can the Minister say when these alterations will be completed and when the college will be able to accommodate the optimum number of almost 200 students?

The Hon. T. M. CASEY: I will obtain the information as soon as possible.

AGRICULTURE DEPARTMENT

The Hon. C. R. STORY: I seek leave to make a statement prior to asking a question of the Minister representing the Minister of Works.

Leave granted.

The Hon. C. R. STORY: My question concerns the new Agriculture Department headquarters to be located at Northfield. As I understand that this project has been reported on favourably by the Public Works Committee, can the Minister say whether funds will be made available to enable this work to proceed in the next financial year?

The Hon. T. M. CASEY: I will obtain the information as soon as possible.

WANBI TO YINKANIE RAILWAY LINE

The PRESIDENT laid on the table the interim report by the Parliamentary Standing Committee on Public Works, on Wanbi to Yinkanie Railway Line.

LOTTERY AND GAMING ACT AMENDMENT BILL (TROTGING)

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Lottery and Gaming Act, 1936, as amended. Read a first time.

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

That this Bill be now read a second time.

The administration and control of the sport of trotting have been subject to extensive criticism for a number of years, with the result that, since 1965, a lot of thought and effort has been put into finding a way to overcome the conflicts so apparent in the management of the sport. The committee of inquiry, which was chaired by Mr. W. A. N. Wells, Q.C. (as he then was) and which reported in 1967, was just one aspect of the general review that has taken place. This Bill is the end result of an agreement reached by the Government and the various trotting interests in this State, and the Government believes that, as all interested parties endorse the principal objects of the Bill, the amendments contained therein, will, for that reason alone, go a long way to placing the general organization of the sport on a better footing.

The Bill aims to establish a seven-member Trotting Control Board, comprising an independent chairman, two members nominated by the South Australian Trotting Club (the city interests), three members nominated by all other trotting clubs (the country interests) and one member nominated by the South Australian Breeders', Owners', Trainers' and Reinsmen's Association (which I shall refer to as "Botra"). The board will take over from the South Australian Trotting League on a day to be appointed for that purpose, whereupon the league and the executive committee of the league will cease to exist. Under the Act as it now stands, it is the nine-member executive committee that has the greater power of control over the sport of trotting. Five members represent country interests, three represent city interests and one member comes from "Botra". There is no independent chairman, as the latter is merely chosen by the members out of their own numbers. Thus, at the moment country representation completely swamps city representation, and this is one present source of conflict.

The powers, functions and duties of the proposed board are substantially the same as those now exercised and carried out by the league, but the Bill seeks to clarify them and provide a more comprehensively stated basis for the board's control of the sport. As at present, the members will be remunerated out of the funds of the board. The Bill also provides for the conduct of two more trotting meetings each year by the South Australian Trotting Club, at Globe Derby Park, Bolivar. The league approved the request for these

extra meetings and the Government endorses that approval. Thus, the South Australian Trotting Club will be able to apply for totalizator licences for an aggregate of 12 meetings a year instead of 10 in respect of meetings to be held at Bolivar in the months of June, July and August.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 amends the arrangement section of the principal Act. Clause 3 amends section 4 of the principal Act by inserting a definition of the Trotting Control Board. Clause 4 amends section 21 of the principal Act, which deals with the use of the totalizator at trotting meetings, by substituting the word "twelve" for the word "ten", so allowing the South Australian Trotting Club the two extra meetings at Globe Derby Park. Clause 5 effects certain consequential amendments to section 22 of the principal Act. Clause 6 amends section 22a of the principal Act, which deals with the constitution of the South Australian Trotting League. Subsection (8), now redundant, which provides for appeals from the league to the Betting Control Board, is deleted. A new subsection (10) is added, which provides that on the appointed day the whole section shall have no force or effect. This provision is necessary so that the league can continue to function after the commencement of this amending Bill and until the appointed day when the board takes over.

Clause 7 inserts a new Part IIIb in the principal Act, which Part contains all the provisions regarding the Trotting Control Board. New section 31n contains all the necessary definitions of the board, etc. The appointed day is a day to be fixed by the Governor by proclamation. New section 31x deals with the constitution of the board, which is given all the usual attributes of a body corporate. The seven members shall be appointed by the Governor: one shall be the chairman nominated by the Minister, one shall be nominated by "Botra", two shall be nominated by the South Australian Trotting Club, and three shall be nominated by a resolution passed at a meeting of delegates of all other registered clubs. The latter meeting shall be attended by one delegate from each such club, and the Minister is given the power to direct the method of convening the meeting, thereby removing a possible source of conflict and delay. When any required nomination is not forwarded and a request, therefore, is not complied with, the Governor may, on the recommendation of the Minister, appoint a suitable person to be a

member of the board. The chairman's term of office is four years and other members' one year. All members including the chairman are eligible for reappointment, except a member filling a casual vacancy. A person cannot be chairman if he is a member of a registered club or of an association representing breeders, owners, trainers or reinsmen of trotting horses. No person can be a member (including chairman) if he is the holder of a trainer's or a reinsman's licence or is registered as a stable hand. A majority of the members forms a quorum of the board, and there must be a quorum at every meeting.

All members (including the chairman) can appoint a proxy. If the chairman is absent, the members present can elect an acting chairman. The chairman or acting chairman has a deliberative and a casting vote. The Governor may remove a member from office on the grounds of misconduct or incapacity. The board's functions include the control, promotion, fostering and encouragement of trotting. The members shall be remunerated out of the board's funds at rates fixed by the Governor, and the board can fix and pay members' other expenses and allowances. The board is given full control of its own affairs and of all trotting races and trotting meetings. New section 31xa provides for the abolition of the league, the executive committee and any other committee of the league on the appointed day. On the same day, all property held by or vested in the league and all rights, powers, liabilities, etc., become the property and the rights, powers and liabilities of the board. This section also contains extensive savings provisions, ensuring that nothing shall be affected or prejudiced in any way by the board's take-over of the league. Provision is made for the cancellation of the league's incorporation under the Associations Incorporation Act.

New section 31xb provides for the appointment of an appeal committee to hear appeals from decisions of stewards. Any appeal committee appointed by the league may continue after the appointed day for the purpose of disposing of part-heard appeals. New section 31xc provides for the powers of the board. The board may do anything to improve the quality and breeding of trotting horses; may subsidize training tracks; may do anything to achieve effective control and better administration of the sport; may do anything to promote and foster the sport; may establish funds for any purpose, including giving prize money and assistance to registered clubs outside the metro-

politan area and to any body conducting approved trotting meetings or races; may expend its moneys in any manner, including assisting registered clubs; may contribute to charities; may deal with real and personal property in all ways as a natural person may invest, borrow and lend money; may undertake or guarantee liabilities of registered clubs, board officers and servants or officers and servants of registered clubs; may exercise powers that a registered club should have exercised with respect to corrupt practices or otherwise; may enter into reciprocal arrangements with any other trotting, horse-racing or dog-racing body or person having powers the same as or similar to those of the board; may affiliate with any other body controlling trotting or any type of horse- or dog-racing; may give effect to any disqualifications, etc., that a reciprocal body has imposed; may establish any type of funds for the benefit of officers and servants of the board or of the registered clubs and may grant pensions, etc.; may take over all trusts and funds vested in the league and may alter, by resolution, the constitution of any such trust or fund; may appoint and remunerate auditors and officers and servants; may hold inquiries into the affairs of clubs or the conduct of any person in connection with trotting and make any order in respect thereto and may, by instrument under the hand of the chairman, delegate such powers of inquiry to any person or committee; may require any of its officers or servants (for example, stewards) to attend any trotting meeting or any event at which trotting races are held and make charges in respect thereto.

New section 31xd provides that the board shall do anything necessary to ensure that relevant decisions of the Betting Control Board are complied with by board officers and servants and by registered clubs and their officers and servants. New section 31xe provides that no trotting races may be conducted at any event such as an agricultural show unless the board gives written permission. Provision is made for applications, fees, etc., relating to such permission. New section 31xf provides that no person or association (including a registered club) can conduct a trotting meeting without the approval of the board. Trotting programmes must also be approved by the board. New section 31xg provides that notices, etc., may be sent to the board by post. New section 31xh provides for the headquarters and other offices of the board. New section 31xi gives immunity to members of the board in respect of acts done in good

faith in the course of duty. New section 31xj provides that the funds of the board shall consist of moneys formerly held by the league, all fees and subscriptions, etc., all fines and deposits, income from investments and any other moneys paid to the board under the principal Act (for example, moneys allocated to the board by T.A.B.).

New section 31xk provides that the board may make rules, to take effect on or after the appointed day, for the effective control and for the promotion of the sport of trotting. In particular, rules may be made to regulate procedure at board meetings; to make the exercise of the board's powers effective; to provide for all such matters as the conduct of and dates for trotting races and trotting meetings; to provide for all fees, subscriptions, etc.; to provide for all penalties; to prescribe matters relating to moneys held on trust; to provide for all matters relating to the issue, refusal, etc., of all licences, permits, registrations, etc.; to provide for rights of appeal to the board by registered clubs against the decisions of board officers and by any person in relation to the affairs or decisions of registered clubs and their officers; to prescribe all matters relating to the fixing of dates and programmes for trotting meetings; to provide for the keeping of all necessary registers, for the payment of fees in connection therewith and to prescribe all matters relating to applications and conditions of entry in a register.

The rules of the league as in force immediately before the appointed day are to be kept alive for 12 months after the appointed day unless revoked earlier. This is to give the board ample time in which to draw up a new set of rules, as the existing rules are not quite satisfactory. If the board wants extra time, it will have to seek the Government's permission. Clause 8 amends section 48 of the principal Act, which deals with trotting races at which bookmakers operate. Two consequential amendments are made to this section.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill. I am prepared at this stage to proceed, although it has only just been introduced into this Chamber, because of my close knowledge of this legislation. Let me briefly go back over some of its history. In 1969, a deputation of people concerned for the well-being of trotting in South Australia waited on me, as Chief Secretary. It asked me immediately to implement the Wells report, which has been referred to in the second read-

ing explanation. I should have liked time to give the Council full details of the concept of the Wells report, which dealt with the control of trotting in South Australia. That report was really a compromise between the various groups involved in the trotting industry in South Australia; it was a compromise in an attempt to overcome many of the then existing administrative difficulties in trotting in this State. On examination, I found that the implementation by legislation of the full recommendations of the Wells report was not a practical way out of the difficulties, because there was still much opposition to those recommendations by many people involved in trotting. It appeared to me at that stage that the implementation of the recommendations of that report might well add to the difficulties already encountered in the administration of trotting.

I came up with a further compromise that I put to those people involved in trotting in South Australia; I believed it was a better solution than that offered by the Wells report. One suggestion I put forward was that the board should either be completely independent with no representation from the trotting interests at all or have representation from the trotting interests but be presided over by an independent chairman. I believed that this move was in the best interests of trotting in South Australia.

When I left office as Chief Secretary, final agreement had not been reached on the various compromises I had suggested to the people involved in trotting. I am pleased that we now have this Bill before us. No doubt, it reflects the wish of the various people connected with trotting in South Australia. I have heard that there is some opposition to this change from certain areas or trotting interests in this State. Perhaps, in winding up the debate, the Chief Secretary will inform me whether the provisions of this Bill represent the unanimous decision of the various groups involved in trotting or whether any group is opposed to this change in administration—not that that would greatly or unduly worry me because, if there is not a change in the administration of trotting, the industry in this State will suffer.

The administration of racing is, of course, different from the administration of trotting. The South Australian Jockey Club acts virtually as the administrative body for racing throughout the State. This has worked reasonably satisfactorily, but I think the racing industry, too, will in time have to consider changes in its administration. I am not saying

that we, as Parliamentarians, should dictate the terms of that industry's administration but, if this new administrative idea for trotting is implemented, it should be a success and we may see the racing industry examining the new method of trotting administration and possibly arriving at some change of administration in its own sport. I will leave it at that. I hope the Chief Secretary, in reply, will tell me whether the Bill complies with the unanimous decision of all those people involved in the trotting industry and whether there is any group in the industry that does not fully agree with this change in administration.

The second part of the Bill deals with extending the number of days on which trotting will be conducted at Bolivar. I think the original Bill that was introduced in my time as Chief Secretary—

The Hon. A. J. Shard: You introduced it.

The Hon. R. C. DeGARIS: Yes, that is right—was for 10 meetings a year at Bolivar.

The Hon. A. J. Shard: In June, July and August.

The Hon. R. C. DeGARIS: Yes. I remember that, when this move to Globe Derby Park at Bolivar was mooted, there was considerable opposition and pessimism among some groups in the trotting industry; they said it would not work. In other words, they were opposed to the move to Bolivar, but that move has benefited the trotting industry of South Australia.

The Hon. A. J. Shard: Undoubtedly, that is true.

The Hon. R. C. DeGARIS: Yes. This Bill increases the number of meetings to be conducted at Bolivar from 10 to 12, the idea being to ensure some continuity of trotting between the two areas of the State where the city horses trot. I see no objection to that extension. Indeed, the success that Bolivar has achieved warrants the extension to 12 meetings a year. With those two questions I have asked the Chief Secretary, I support the second reading.

The Hon. Sir NORMAN JUDE (Southern): Two honourable members more knowledgeable than I on this matter have spoken; I shall occupy the time of the Council to make a few points. I am glad that after many years we have got something very close to unanimity among the people interested in trotting in this State. It has always been a vexed question that the headquarters of trotting at Wayville had only a minimum representation on the executive committee. Those members were heavily outnumbered by the members from many country tracks. I am glad to have

the assurance from the Chief Secretary that that difficulty has been overcome by mutual and harmonious agreement between the interested parties.

I agree with the Hon. Mr. DeGaris that the move to Bolivar from Wayville was sound. Sooner or later it would have happened, anyway. Trotting undoubtedly benefited considerably by the move, ceasing to be tied up with too many other matters, and particularly programming, at the Wayville grounds. As to the additional number of meetings, I regard this factor in the Bill as one for the time being, one that can be altered in the future. I have been here long enough to see the number of racing days for the various courses throughout the State altered to the point that we have metropolitan racing every Saturday, when I thought at one time—and I think you did, too, Sir—that we would never see mid-week racing in the metropolitan area, apart from on festive days. However, it is here, and I believe it is here to stay. I say that in the context that it might be necessary for certain clubs which virtually run their own show, to use the vernacular (in the South-East, for example), to request the main board to alter their programme. If this is so I trust that, as on previous occasions, Parliament will take cognizance of the requirements of these people and be willing to amend the Act accordingly. After all, in such cases, it is virtually their own business, and their own business almost entirely.

I want to press the Chief Secretary on the point I made at the beginning of the session in discussing the Lottery and Gaming Act. It was reprinted in 1954, and again in 1959 as a loose print, and I think 10 amending Bills have been passed since then. We have one before us today, we had one recently regarding the totalizator and the T.A.B., and another is on the House of Assembly Notice Paper, and I ask the Chief Secretary to assure the Council that when the amendments have gone through in this session he will order the consolidation of the Act and see that it is reprinted as a new Act in totality. It becomes almost impossible for anyone to follow the ramifications of the Lottery and Gaming Act as it stands at the moment with about eight loose-leaf amendments. Having said that, I support the second reading.

The Hon. L. R. HART (Midland): I wish to make it clear that I believe it is rather unfortunate that we are being asked to put through this Bill this afternoon. I know the Chief Secretary wishes that it should not be

held up for any length of time, and I agree that perhaps there should be no delay, but we have only received the Bill in the last few minutes. We have not had time to read it, so on that aspect alone I hope it is correctly drafted. If not, there is some possibility we may get it back shortly.

Secondly, after having received the Bill and having had very little time to absorb the second reading explanation, and because other matters on the Notice Paper today were of more importance, it has been practically impossible to discuss this measure with people affected by it and to obtain their views. I do not intend to obstruct the passage of the Bill, but we have not had time to look at it properly, so if it contains any mistakes I hope the Council will not be criticized for passing a Bill that should have been more closely scrutinized.

There is much one could say on this aspect of the Act, but I do not intend to do that today. I will deal with the Bill clause by clause. Clause 4 sets out the increased number of days on which the South Australian Trotting Club may hold meetings at Bolivar. Trotting meetings there have been very successful, and I understand the 10 day-time meetings held at Bolivar bring more profit to the South Australian Trotting Club than all 37 of the meetings held at Wayville during the year. I do not think there is any quarrel about extending from 10 to 12 the number of meetings held at Bolivar. Legislation providing for those meetings to be held was assented to in 1969.

Clause 7 provides for the setting up of a board consisting of a chairman and six other members, the chairman to be appointed for a period of four years. I hope the Government will appoint an administrator competent in trotting matters. This is very important. It is an important board and should be composed of people who know something about running trotting fixtures and the inside administration of such matters. We have seen cases where ex-politicians have been appointed to boards, and I hope this will not be a case where a person is appointed because of his affiliation with any political Party. It should be an appointment carrying with it a fair amount of expertise in these matters.

The Hon. A. J. Shard: Yes, I agree.

The Hon. L. R. HART: I thank the Chief Secretary for his assurance that this appointment will be that of a man very competent in these matters.

The Hon. A. J. Shard: He would not get it otherwise.

The Hon. L. R. HART: The other six board members will be appointed from nominations by certain organizations—three from nominations by registered clubs outside the metropolitan area and the remaining three by the South Australian Trotting Club, which is required to nominate two, and the governing body of the South Australian Breeders', Owners', Trainers', and Reinsmen's Association Incorporated, which is required to nominate one. Will these bodies be required to submit a panel of names from which the Governor will appoint nominees, or will they merely nominate one person, making it obligatory upon the Governor to appoint that person?

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

The Hon. L. R. HART: I am assured by the Chief Secretary that that is the situation. Subclause (6) of clause 7 deals with the term of appointment. The chairman will be appointed for a term not exceeding four years, and the members other than the chairman for terms not exceeding 12 months. I am a little concerned about this. In many Acts we find members of a board are appointed for a stipulated term and retirements are staggered so that it is not possible to replace all board members at any one time. This is very important, and I trust that the Government will look closely at this clause. If we are to have a board with any stability I believe the term of office should exceed 12 months.

The ideal term of office would be three years, and the retirement of board members could be staggered. I know it will be said that the bodies named in this Bill will virtually select the board members, but I do not think it is satisfactory that a nominating authority should be able to dictate to its nominee on the board the decisions he should make. The board member, once appointed to the board, should be given a certain amount of freedom in the decisions he makes, but that may not apply if he knows he could be replaced in 12 months' time or an even shorter time. I do not wish to be obstructive, but I believe there is room for an amendment in connection with this matter. New section 31x (11) provides:

A member of the board may authorize any person to act as his proxy at a meeting of the board . . .

A board member himself must hold certain qualifications before being appointed. New section 31x (7) provides:

A person shall not be eligible—

(a) to hold the office of the chairman if he is a member of a registered club or of an association representing breeders, owners, trainers or reinsmen of trotting horses;

or
(b) to hold the office of a member of the board if he is the holder of a current reinsman's licence or permit or a trainer's licence granted by the league or the board or if he is registered as a stable hand by the league or the board.

A board member must have qualifications, but a board member may nominate as a proxy "any person". I should like the Chief Secretary to make it clear whether a proxy must have the qualifications that a board member must have. Regarding new section 31xb, I do not think the term of office of the appeal committees is set out sufficiently clearly. It appears to me that the term of office is only the period necessary for the committees to hear and dispose of a particular appeal. I should like the Chief Secretary to explain what the actual term of office is. New section 31xe deals with trotting races at agricultural shows. The clause provides that a show society may provide trotting meetings with the board's approval. The only problem from the show society's viewpoint is that the society would have to seek approval eight or nine months before holding the trotting races, because it would be necessary for the society to draw up its prize schedule a considerable time before the show was held.

To summarize, I ask the Chief Secretary to consider the question of the term of office of board members. I believe that their terms of office should be arranged so that their retirements are staggered, to give continuity to the board's operations. Any board member would require a certain amount of time to understand the implications of trotting administration. I also ask that the Chief Secretary further explain the questions of the qualifications of proxy members and the term of office of appeal committees. I support the second reading.

The Hon. A. M. WHYTE (Northern): I, too, support the second reading. For a long time the trotting fraternity squabbled over various matters, mainly the question of promoting country trotting, because some people thought that country trotting was not getting a fair deal. I am pleased to see that this worthwhile industry has reached a measure of agreement. The seven-member board will handle many of the matters that previously had to be thrashed out at lengthy conferences (and even then they were sometimes not completely resolved).

Like the Hon. Mr. Hart, I think it is a great pity that we have to pass this Bill in such a

hurry, because I am almost certain that there are some country clubs which, though agreeing with the general principle of amalgamation, do not know the precise contents of the Bill. I would have liked to consider the Bill more carefully. Although I know full well that the Chief Secretary's assurance on these matters is well worth having, I wonder whether he himself has had time to peruse thoroughly the contents of the Bill. The purpose of the Bill is acceptable to me and to all honourable members who have had any actual contact with the trotting industry. However, since the opportunity does not arise for us to have this debate adjourned so that we can have a further look at the Bill, I can only accept the Chief Secretary's assurance.

Clause 7 enacts new section 31x, which spells out the power of the board. From the quick glance I have had at the Bill, this seems to cover most of the requirements of the trotting industry. It specifies that the functions of the board shall include the control, promotion, fostering and encouragement of the sport of trotting. I think the real need of the trotting people today is to have some centralized power to handle the various disputes and contentious matters that arise and to see that country clubs as well as metropolitan clubs have a fair share of the money raised for the promotion, fostering and encouragement of the sport. I notice that there is to be an increase for the Bolivar circuit from 10 to 12 meetings. I would have been quite pleased if this figure had been 20, because the more meetings that can be held the more opportunities trainers have of preparing horses, and this results in bigger fields and a bigger following.

The Hon. A. J. SHARD: This merely enables 52 meetings to be held a year, and the club is quite happy with the provision.

The Hon. A. M. WHYTE: Although I accept that it is quite happy with that, I would have been happy to grant more if that had been requested. Although I consider that I am leaving some of this Bill to chance to some extent, I am prepared to accept the Chief Secretary's assurance that the Bill complies with the wishes of the trotting fraternity and the trotting industry and that it will do all the things for which they have been asking for some years, as a result of having a central board. I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for supporting this Bill. This has been a very touchy question over the years. I was not wholly to blame

for the Bill's having to be dealt with this afternoon. I have nothing to hide in this matter. My officers, certain other people and I have done a tremendous amount of work in this field over the last six or seven months.

The Leader asked whether there was complete agreement between the racing fraternity and the various bodies over this Bill. The answer is "Yes" as far as the executive of the S.A. Trotting League is concerned. There is complete unanimity among the league, the South Australian Breeders, Owners, Trainers and Reinsmen's Association Incorporation, and the Adelaide Trotting Club. The league contacted every country club. I am not sure whether it received a reply from every country club, but I believe that it did. Two clubs in the South-East agreed with the provisions of the Bill in every detail, except that they thought the State should be divided into three and that there should be one representative from their area. However, I am told that over many years the league has elected its representatives at its annual meetings and that it wanted that position to remain. I think that is fair enough, although perhaps it will be altered at some time in the future. A club in the northern area wanted to insist on the overloading of the control board similar to the trotting league, but that idea received no support. Therefore, out of all the clubs that replied (and I think they all did), two raised only a minor objection and one raised an objection that could not be considered.

In reply to the question raised by the Hon. Sir Norman Jude, the only reason why another Bill has been introduced in the other House is that the Parliamentary Counsel is anxious to consolidate the Lottery and Gaming Act, and the legislation will mean, in effect, that when a small country club is conducting at its race meeting a totalizator on the metropolitan meeting there will be a common pool and a common dividend instead of two separate dividends. The Parliamentary Counsel wishes that to be put through because all parties have agreed to it, and when it goes through he can go on with the consolidation of the Act.

The Hon. Mr. Hart raised a query regarding the term of appointment, and in principle I agree with what he said. It has been the habit for both the S.A. Trotting League and the country clubs to meet annually and elect their delegates, and they desire to continue that procedure. I like the idea where it is possible (and I think it ought to be) of members retiring at different periods. This was

seriously considered, but those bodies requested that initially the period be kept at 12 months. I consider that, if the Trotting Control Board functions as everyone hopes it will function, within a short period we may be able to have an amendment to extend the term of these people on the board. It was pointed out to me that these bodies were happy with that because they have always contended that people they have appointed to the executive of the league are the same people year in and year out, and so long as they continue to do the job they will go back. I hope that explanation satisfies the honourable member. New section 31x (11) states:

A member of the board may authorize any person to act as his proxy at a meeting of the board at which the member is not present and a person so authorized may do all things at the meeting which the member could do if he were present.

I think that means that the person appointed shall have the same qualifications as the man he has replaced. I assure honourable members that if that does not work out satisfactorily we will promptly introduce an amendment to correct the position. However, I have no worries on that point.

Speaking from memory, I think that over the years the S.A. Trotting League has appointed an appeals committee, the personnel of which have continued to sit on the committee. I do not know whether the appointment has been for 12 months, but I understand that there has been very little alteration in the composition of the committee. The essence of the Bill was supplied by the league. The appeals committee has functioned to everyone's satisfaction, and I have heard no complaints against its decisions. The committee is composed of a body of well-respected men. I have no doubt that the same happy set-up will continue when the Trotting Control Board is functioning. I thank honourable members for their interest in the Bill and for the expeditious way in which it has been treated. I am happy to see the last of this Bill, because it has been a problem to me for some months.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Enactment of Part IIIB of principal Act."

The Hon. L. R. HART: In the second reading debate I raised one or two queries, which the Chief Secretary endeavoured to answer, but in each case he said, "I think this is the situation." Will the Chief Secretary report progress so that these matters can be sorted

out correctly? If this were done, and the Council were satisfied with the Chief Secretary's explanations, there would be no further delay in another place. However, if this is not done, the Bill may be amended in another place, and that could cause some delay. Regarding the board's term of office, the people involved should be approached again because they may not have understood the actual position.

The Hon. A. J. Shard: Yes, they did.

The Hon. L. R. HART: I join issue with the Chief Secretary, as a person to whom I spoke agreed with the statements I made in the second reading debate. A definite term should be stated for the appointment of the board.

The Hon. A. J. Shard: Members are appointed for 12 months.

The Hon. L. R. HART: The qualifications of the proxy in new section 31x (11) should be cleared up. If these matters were clarified to my satisfaction, I would vote for the third reading of the Bill.

The Hon. A. J. SHARD: The chairman shall be appointed for four years and a member shall be appointed for not more than 12 months. A member of the board may authorize any person to act as his proxy; this could mean that the proxy must have the same qualifications as the person he is replacing. To enable me to consider the matters raised, I ask that progress be reported.

Progress reported; Committee to sit again.

AGE OF MAJORITY (REDUCTION) BILL

Adjourned debate on third reading.

(Continued from March 25. Page 4379.)

The Hon. R. C. DeGARIS (Leader of the Opposition): When I sought leave to continue my remarks I explained to the Council why the Bill was being debated at the third reading stage. I briefly reiterate what I then said. We are faced with two Bills, both dealing with the age of majority, and I believe that before a decision is reached on one we should wait until a firm decision has been made on the other. I am prepared to support the third reading on that basis, and I do so.

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

CAPITAL AND CORPORAL PUNISHMENT ABOLITION BILL

In Committee.

(Continued from March 11. Page 3984.)

Clause 1 passed.

Clause 2—"Abolition of capital and corporal punishment."

The Hon. V. G. SPRINGETT: The Bill as drafted seeks to remove the death penalty from people committing a crime which until now has inherited that penalty. It also seeks to remove all forms of corporal punishment. Because of your ruling on March 11 (a ruling which I do not dispute in any way) the amendments I have on file were held, in accordance with Erskine May, to be out of order. Those amendments were drawn with the intention of leaving capital punishment on the Statute Book, but removing corporal punishment.

I am still anxious that a similar aim should be achieved, and I still wish that capital punishment shall be available in certain carefully selected cases. As I see the situation, I have no option but to oppose all such clauses as would negate my intention. This is the first clause to which I object. I originally intended to move to insert "except murder" after "offence" in this clause. I now ask that honourable members consider opposing the clause, which I oppose *in toto*. Some people say that capital punishment is callous, but I have been struck by the fact that since the second reading debate several cold-blooded murders have occurred and have been reported in the daily press.

On March 11 a picture was published with the caption "Two hired guns on their way to kill". The press report described how two gunmen had deliberately and cold-bloodedly sought to kill two Americans. The article described how those gunmen had been concerned with rackets in connection with prostitution, the black market and currency manipulation. The next day there was a press report of a Western Australian murderer who was being freed after having spent a few years in gaol. There were other cases, too. Yet the abolitionists still say that capital punishment is not a deterrent to the crime of murder. Perhaps not, but the Hon. Mrs. Cooper produced striking figures on this matter during the second reading debate. Retaining this form of punishment does not mean the routine use of it in any and every case, but retaining it does mean the recognition by society that life is not held lightly and cannot be taken with impunity. For that reason, I ask honourable members to oppose the clause. If this clause is not passed, perhaps some other clauses will have little effect, because it essentially deals with the abolition of capital punishment.

The Hon. A. J. SHARD (Chief Secretary): In my second reading explanation I said:

Clause 2 is the key provision of the Bill and provides for the abolition of the sentence of death and the sentences of whipping, solitary confinement and all other forms of corporal punishment, notwithstanding any provision in any other Act.

This matter comes down to whether we believe in capital punishment, and I certainly do not believe in it. If this clause is not passed the real teeth of the Bill will have been removed. We have had a very lengthy and good debate on this matter and no good purpose can be served by my repeating all that I said during the second reading debate. I ask the Committee to pass the clause.

The Hon. Sir ARTHUR RYMILL: During the second reading debate I said that I was not altogether happy with the parts of the Bill dealing with capital punishment and that I wanted to hear the views of other honourable members. Having heard that debate, I have concluded that we should retain capital punishment. That form of punishment is rarely carried out. We must remember that there is the power of mercy in the Governor-in-Council. In the second reading debate I said there had been only two or three executions of murderers in the last 10 or 20 years but there had been many convictions for capital offences. I still consider that there is a deterrent of some sort in the fact that there is the possibility of capital punishment being carried out. I have since been fortified in my view by expressions of opinion by certain eminent people.

During the second reading debate I said that vast differences in the approach to the subject occurred among the clergy at all levels and among the legal profession, judges, and the public. I also said that statistics, such as they were, did not necessarily bear out the claim that the threat of capital punishment was a deterrent. However, I cannot help thinking that it must be a deterrent, in certain cases at least, and, if it deters only a few potential murderers, why should we not retain it, when either of the major Parties may exercise the prerogative of mercy? The Evans case has been mentioned as a horrible example of someone having been executed who might have been innocent. Recently there was another case in a similar category but it was not so well publicised. In both cases the confession of murder was made by people who themselves had already been condemned to death and who therefore had nothing to lose by their confessions. There was a big investigation into the Evans case but nothing could

be found that was wrong with the court hearing.

In these enlightened times one should be able to trust successive Governments of either Party to exercise the power of mercy if there is the slightest doubt. Indeed, one can trust juries to recommend mercy and, if they do not, one can trust the judges to do so. In this Bill we are dispensing with a deterrent of some sort, for no good reason that I can see. You, Mr. Chairman, on various precedents ruled that we could not amend this Bill, and it would not be for me to challenge your ruling. Indeed, if you said that I could move that your ruling be disagreed to, I would be very foolish to accept such an invitation. However, it seems to me that it is a pity that the Committee cannot be in complete control of its own procedures. I am not reflecting on your ruling, Sir, in saying that. I do not know how the vote will go, but it could be that those of us who share the views of the Hon. Mr. Springett would be obliged to vote against a number of clauses which included corporal punishment as well as capital punishment.

The Hon. A. J. Shard: Isn't this clause the real essence of the Bill? If this is defeated, there is nothing left.

The Hon. Sir ARTHUR RYMILL: Yes, this clause is the real essence of the Bill, and if it were possible for me to do so I would vote for an amendment to the clause excluding portion of the capital punishment powers. It may be that capital punishment exists in these days for crimes for which there might no longer be a call for capital punishment. However, in common with many other people, I consider that capital punishment should remain at least as a threat, anyhow, to people murdering warders or policemen. I believe that should be an essential part of our law, because if this were not so a man who was in prison for life could murder someone virtually with impunity. He may get an extra term of imprisonment; we know that people sentenced for life do not normally remain in prison for life. I would be terribly reluctant to see the abolition of capital punishment for these particular crimes.

Unfortunately, it now seems to me that those members of this Committee who feel as I do will have to vote against the totality of these clauses, which I think is a pity, because if the people that I mentioned are in the majority (although they may not be in the majority) we will be sending a funny looking Bill back to the other House, and I do not

think that is a good thing. I think we should be in charge of our own proceedings to the extent whereby we can make some sense of amending this Bill without sending a seemingly emasculated Bill back to the other House. As the initiating House, the House of Assembly would then have to try to lick it into shape or call for a conference.

Those who hold my views on this matter would have to vote against all the clauses *in toto* relating to both capital and corporal punishment. As honourable members know, any clause agreed to by both Houses cannot again be raised in a conference. Unless a clause is challenged, it has been assented to by both Houses and therefore even a conference could not revive parts of the clause. Therefore, I advise honourable members who feel the same way as the Hon. Mr. Springett and I do (that the capital punishment part should be retained) that they should vote against all clauses relating to capital punishment in the hope that either the other place will accept the deletion of corporal punishment or that a conference will be able to reach some compromise on those clauses.

In conclusion, Mr. Chairman, I ask you whether there is any procedure that could be adopted, whether by suspension of Standing Orders or otherwise, whereby this Committee could make the amendments that I think some of us would like to make.

The CHAIRMAN: I am afraid that I cannot suggest any action that would overcome the problem. As I intimated previously, May's *Parliamentary Practice* at page 534 makes it quite definite that the Committee is bound by the decision of the House given on the second reading in favour of the principle of the Bill, and should not, therefore, amend the Bill in a manner destructive of this principle. The principle of the Bill is the abolition of capital and corporal punishment, and such an amendment would be varying that principle.

The Hon. Sir ARTHUR RYMILL: I thank you, Mr. Chairman, for that ruling, which I do not intend to dispute. I bow to your superior knowledge of this matter, but I make it clear that in voting as I intend to vote I am not voting against the totality of these clauses: I am voting against portion of the clauses in the hope that the other place can do something about it or that a conference may be able to sort it out.

The Hon. M. B. DAWKINS: I think the Chief Secretary indicated earlier that those who did not believe in capital punishment

would vote for this clause and those who believed in capital punishment would vote against it. With due respect to the honourable gentleman, I believe that this is an over-simplification of the position. For my own part, I refute the suggestion that I believe in capital punishment, because I do not believe in capital punishment for general use; but neither do I believe in its complete abolition and its removal from the Statute Book.

I agree with the Hon. Sir Arthur Rymill that capital punishment is still something of a deterrent and that it should be retained for the occasional use when it is considered that it is absolutely necessary. Like yourself, Mr. Chairman, I have been to Cadell and I have seen murderers who have committed unpremeditated murder being rehabilitated. In fact, I met a man on the steps of Parliament House after he had been discharged from that institution.

Where the circumstances warrant it, I believe that clemency should apply. On the other hand, I think we should all cast our minds back to the three or four occasions in the last 15 or 20 years when a dreadful crime has been committed and some of us have thought in those cases the law of the land should be allowed to take its course, and that this particular law is to some extent a deterrent. Therefore, I refute the Chief Secretary's implication (possibly he did not say this directly) that those of us who vote against this clause must therefore believe in the regular use of capital punishment as such. I believe the correct thing is to say that while we do not believe in capital punishment in many instances we believe that the provision should remain on the Statute Book.

The Hon. A. J. SHARD: I do not want to get into a personal quarrel over this question, but honourable members cannot have it both ways. Honourable members who want capital punishment retained for use in some cases, such as those mentioned by the Hon. Mr. Dawkins, believe in capital punishment. Any honourable member who does not believe in capital punishment should vote to retain the clause. I have no quarrel with honourable members' personal views but, if they vote against the clause, they should not tell me that they do not believe in capital punishment; it is as simple as that.

The Hon. M. B. Dawkins: That's over-simplifying the position.

The Hon. A. J. SHARD: It is not. It is the plain truth. I can understand an honourable member saying that he does not believe in capital punishment, but he should not

say in the next breath that in the case of a terrible crime it should be used. I do not quarrel with any honourable member over a social question of this magnitude, but anyone who votes against the clause believes in capital punishment in some cases.

The Hon. M. B. Dawkins: In some cases!

The Hon. A. J. SHARD: The honourable member said he did not believe in capital punishment.

The Hon. R. C. DeGaris: Not in all cases.

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

The Hon. M. B. Dawkins: I said that I did not believe in it in general terms.

The Hon. A. J. SHARD: Yes, but you do in some cases. I do not want to be taken as someone who does not understand plain English. I do not believe in capital punishment. I was convinced of this because I was recently in a certain city where it was admitted later that a person had been wrongfully hanged. Recently in Australia there was a case of a convicted murderer being released, and most people thought he was innocent.

The Hon. R. C. DeGaris: It has never been proved, though the case has been investigated several times.

The Hon. A. J. SHARD: That is so, but the Government of the day released him because there was a doubt.

The Hon. C. R. STORY: I believe in capital punishment when administered in the way in which it has been administered in this State and I want to see it remain on the Statute Book.

The Committee divided on the clause:

Ayes (5)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, F. J. Potter, and A. J. Shard (teller).

Noes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp,

E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 9 for the Noes.

Clause thus negated.

The Hon. A. J. SHARD: In view of the vote that has just been recorded, I ask that progress be reported.

Progress reported; Committee to sit again.

[*Sitting suspended from 4.18 to 4.52 p.m.*]

BUILDING BILL

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council granted a conference, to be held in the Legislative Council conference room at 2.30 p.m. on Wednesday, March 31, at which it would be represented by the Hons. T. M. Casey, R. A. Geddes, G. J. Gilfillan, L. R. Hart, and A. F. Kneebone.

FRUIT FLY (COMPENSATION) BILL (SEATON)

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

CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council granted a conference, to be held in the Legislative Council committee room No. 2 at 2.30 p.m. on Wednesday, March 31, at which it would be represented by the Hons. D. H. L. Banfield, M. B. Dawkins, R. C. DeGaris, A. J. Shard, and V. G. Springett.

ADJOURNMENT

At 5.12 p.m. the Council adjourned until Wednesday, March 31, at 2.15 p.m.