LEGISLATIVE COUNCIL

Tuesday 17 November 1981

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

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

Appropriation (No. 2),

Public Parks Act Amendment.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin):

Pursuant to Statute—

Superannuation Act, 1974-1981—Regulations—Various.

By the Minister of Local Government (Hon. C. M. Hill):

Pursuant to Statute—

Further Education Act, 1975-1980—Regulations—College Councils.

By the Minister of Arts (Hon. C. M. Hill)—

Pursuant to Statute—

South Australian Film Corporation—Report, 1980-81.

By the Minister of Community Welfare (Hon. J. C. Burdett):

By Command—

The Committee Appointed to Examine and Report on Abortions Notified in South Australia—Report, 1980.

Pursuant to Statute—

Citrus Organization Committee of South Australia—Report for year ended 30 April 1981.

Poultry Farmer Licensing Committee—Report on Operations and Activities, 1981-81.

QUESTIONS

FIRE RISK

The Hon. C. J. SUMNER: Has the Minister of Local Government a reply to the question I asked on 30 September referring to fire risk?

The Hon. C. M. HILL: Many factors influence the effectiveness of fire-fighting operations and evacuation in a high-rise building. These include the fire resistance of the structure; the height and floor area of the fire floor; the fire loading of the area involved; whether the building has automatic fire sprinklers; the integral fire-fighting equipment installed (for example: water supplies; smoke and heat ventilation facilities; smoke protection for stairwells); the number of occupants at the time of the fire; preplanned evacuation procedures; and evacuation communication facilities within the building.

The decision for the standard of fire safety facilities provided in a high-rise building in South Australia is vested with the Building Surveyor for the council area concerned, based on his interpretation of the building regulations. Consultation with the brigade on fire safety features for any building is not mandatory in South Australia. In view of the above, it is difficult to accurately assess the effectiveness of fire-fighting and evacuation potential in a high-rise incident. It is highly likely that the results will vary depending on the building.

As to the existing facilities and equipment for high-rise fires, the South Australian Fire Brigade has the following resources: 34 officers; 10 senior firemen; 90 fire fighters per shift (these figures include relief numbers and are approximate only); 22 general purpose pumps, (this figure does not include seven reserve pumpers); three sky jets; two aerial ladders; one snorkel; one breathing apparatus tender; two salvage appliances; and three pump escapes.

The above men and equipment are deployed throughout the metropolitan area, including Gawler. For high-rise buildings, facilities exist such as automatic fire sprinklers (for buildings in excess of 42 metres); fire resistant stairs (partially protected from smoke contamination); fire hydrant services (50-300 g.p.m. flow rates); fire hose reels; air conditioning shut down facilities or control; fire mains lift facility; emergency power; emergency lighting, and exit signs. Many of Adelaide's older buildings do not necessarily provide all these features. Many larger, modern buildings have emergency warning and intercommunication systems installed to assist evacuation during an emergency.

In answer to the final question relating to what additional facilities are required to fight fires in high-rise buildings, I am advised that there are many aspects that could be looked at in this regard.

The Hon. C. J. Sumner: That's a straight answer, isn't it?

The Hon. C. M. HILL: Well, it is coming. Consideration is being given to establishing a suitable forum with personnel who have the expertise to technically analyse building components and equipment currently installed, to ensure that standards achieved are practical, efficient and cost effective.

RYE GRASS TOXICITY

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question regarding rye grass toxicity.

Leave granted.

The Hon. M. B. DAWKINS: The time of the season is now approaching (in some districts it has already arrived) when rye grass toxicity will rear its ugly head. It is unfortunately spreading in the State, although that spread has been minimised somewhat by precautionary measures taken by primary producers. Will the Minister of Community Welfare obtain from the Minister of Agriculture an assurance that every opportunity is being taken to alert primary producers to the dangers of this problem and of measures that may be taken to minimise its effects?

The Hon. J. C. BURDETT: I will refer the honourable member's question to the Minister of Agriculture and bring back a reply.

DEPARTMENT OF AGRICULTURE

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about the central region headquarters of the Department of Agriculture.

Leave granted.

The Hon. B. A. CHATTERTON: The Minister has decided to move the headquarters of the central region of the Department of Agriculture out of the Grenfell Street building to other office accommodation in Franklin Street. I have been contacted by a number of officers within the department who believe that this will create considerable confusion in the mind of the public, particularly the farming

public, about where to go to get advice on agricultural matters. They also believe that it will create considerable duplication, because there will be information—fact sheets, bulletins and other extension material—available in Grenfell Street and there will also have to be a counter service provided in the regional headquarters in Franklin Street in addition to those facilities.

It is somewhat ironical that this decision should have been taken because, in 1975, the department was scattered over a number of buildings; its accommodation was not in a single office block and, at that time, the department felt that this was impinging on the efficient operations of the department. In 1976, it was possible for the then Government to amalgamate all the various sections, divisions and branches of the department that were scattered around Adelaide into a single office building, and it is rather ironical that it should now be dissipated again to a number of sites. Has the Minister of Agriculture examined the possible confusion in the mind of the public about where people should go to obtain agricultural advice? Did he examine the possible duplication of counter staff at these two different locations before making this decision? If he has not examined these matters, will he reconsider the situation and perhaps the decision?

The Hon. J. C. BURDETT: I will refer the question to the Minister of Agriculture and bring down a reply.

ETHNIC BROADCASTING

The Hon. C. J. SUMNER: I seek leave to make a brief statement before asking the Minister Assisting the Premier in Ethnic Affairs a question about ethnic radio.

Leave granted.

The Hon. C. J. SUMNER: I have recently received correspondence from the station manager of radio 5EBI-FM, Mr Walenczykiewicz, regarding funding for public broadcasting and, in particular, ethnic broadcasting. The correspondence points out that ethnic broadcasting is expanding rapidly in this State and elsewhere. It also states that Ethnic Broadcasters Inc. believes that recommendation 51 of the 1978 Galbally Report into Migrant Services has been forgotten. That recommendation provides:

> The extension of ethnic radio should be phased over the next three years to cover all capital cities and provincial centres with large numbers of migrants . . .

The point made in the correspondence is that that recommendation is not being implemented by the Government. Two Government-sponsored ethnic radio stations exist in the Eastern States—one in Sydney and one in Melbourne—and they broadcast under the auspices of the Special Broadcasting Service for 270 hours. Their funding from the Commonwealth Government is $4 000 000. There are 13 other public broadcasting stations broadcasting a total of 350 hours and they receive in all $450 000. This year the allocation for public broadcasting stations is only $400 000, a reduction of 25 per cent.

It is estimated that the finance to public broadcasting stations that are community-based falls short by about $120 000 of what is needed to maintain services. Of course, that sort of cutback means that there can be no expansion in ethnic radio through the public broadcasting network, which includes Ethnic Broadcasters Inc. in South Australia.

The point is made that public ethnic broadcasting is an extremely cost-effective way of producing this essential ethnic service. The present system discriminates heavily against all ethnic communities outside Sydney and Melbourne. Without ethnic broadcasters these ethnic communities would have no service at all. As I have said, public broadcasters got $450 000 last year, compared with $4 000 000 to two stations in Sydney and Melbourne run by SBS. Does the Government believe that more funds should be made available for public broadcasting, in particular, ethnic radio? If so, what steps is the Government taking to ensure that adequate funding is made available from Federal or State sources? Has the State Government made any contribution this financial year to Ethnic Broadcasters Inc.? If not, does it intend to do so?

The Hon. C. M. HILL: I join with the honourable member in expressing regret that there has been a reduction in Federal allocation of funds for ethnic broadcasting. The Federal Government's constraints are in line with its general cutbacks right across the board in allocations to groups and institutions in this State. At the regular Ministers' meeting in regard to ethnic affairs, I expressed the State's regret that this appeared to be the case (we did not know at that stage officially that it would be the case). I am sorry that the Commonwealth cannot see its way clear to maintain its rate of funding for ethnic radio in this State.

However, the State Government has done its best to assist 5EBI. About six to eight weeks ago, at the formal opening of the station by the Premier, the Premier announced that, despite the Budget difficulties in this State, we were able to find an extra $8 000 as a special grant to station 5EBI because of its new equipment, and the high establishment cost that it was facing. Apart from the special grant of $8 000, there is, in the Budget lines, a sum of $60 000 for community radio. The grants for community radio are a special initiative of the present Government, having been in existence only over the past two years. We have established a public radio committee which makes recommendations to me in relation to the provision of that money. There are other community radio stations, such as 5AA at Norwood, and some others in country areas which are in various stages of establishment, and we have to split up the available funds equitably.

However, it is evident that 5EBI will get some of that $60 000, although the recommendations have not yet been brought to me from that committee. The Chairman of that committee is Mr Philip Satchell, a well-known ABC commentator. I am pleased that he has been prepared to give his time to assist community radio by such a voluntary effort. So, we will be giving to 5EBI some funds from this $60 000 line for community radio. Because of the difficulties with which it was confronted, at the opening about six or eight weeks ago we were able to find a special grant of $8 000 for it. I will continue to make every endeavour to obtain more money from the Federal authorities for it. If, as the present financial year continues, it finds its financial situation becoming even worse, the Government will be quite prepared to look at the financial situation to see whether it is possible to obtain further funds for it.

The Hon. C. J. SUMNER: I wish to ask a supplementary question. Will the Minister advise the Council as soon as he has received some indication from the Federal Government about its attitude to his request?

The Hon. C. M. HILL: I will report further to the Council on the matter.

DRUG INQUIRY

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Attorney-General a question about drug trafficking and the drug inquiry.

Leave granted.

The Hon. N. K. FOSTER: The Attorney-General will realise that I have persisted in this matter because I consider that the present inquiry undertaken by the Government falls far short of allowing public, proper and protected

access. I am at a complete and absolute loss to understand, having regard to the gravity of the situation and the Adelaide connection in relation to other inquiries, both interstate and, in fact, overseas in some respects (and I refer to the court action in another country), why the Attorney-General has resiled from giving any form of direct reply to my previous questions as to why the State Government has failed to see the value of the exchange of information that must and would flow from the South Australian Government's directly becoming associated with the Stewart Royal Commission into drugs, which is being conducted on behalf of the Federal Government and the three Eastern coastal States of Queensland, New South Wales and Victoria.

The Government's involvement would produce an exchange of information, and it would affect the situation with the present inquiry, whereby individuals are not protected and are thus reluctant to give evidence. It would allow a full flow on of information from the State to that almost completely Federal body. One can almost disregard Western Australia and the Northern Territory in matters involving such attitudes and responsibilities. I am at a loss to understand why the Government has not acted earlier in respect of this inquiry. I feel quite sure that the Attorney-General, because he meets frequently with other Attorneys-General, the national Attorney-General and the State Attorneys-General, must be aware that a great deal of information is being given to that Royal Commission at this stage, some of which has been reported in the press.

I would like to conclude my explanation by saying that the Attorney-General could not possibly be ignorant of the fact that there is a direct Adelaide connection with both international and interstate drug trafficking, not only in regard to marihuana, as the Attorney-General may leap to inform me, but also in respect of hard drugs. This morning and yesterday it was reported that someone has been trafficking in about $1 000 000-worth of hard drugs in this State, or has been before the courts of this State. There is no doubt in my mind that, if there should be any further lead from that source and if prosecution and evidence followed, that is more likely to bear fruit if the knowledge involved was made available to a national body, such as the Royal Commission. I point out that it is the suspicion of a former Prime Minister that marihuana that is received by police is returned to the drug street market.

Will the Attorney-General once more consider directly involving the South Australian Government in the Stewart Royal Commission into drugs of the Federal, Queensland, New South Wales and Victorian Governments? Does the Attorney-General agree that such identification by the State will benefit South Australia in its present restricted inquiries and lead to a greater exchange of information and awareness of the problems, particularly in relation to hard drugs? Is the Minister prepared to accept the necessity of the State's joining the Stewart Royal Commission in view of the alleged Adelaide connection with interstate and international drug trafficking? Does the Attorney-General consider that if South Australia joins the Stewart Royal Commission that will remove the police and a Crown Law officer from being solely identified with such an inquiry?

The Hon. K. T. GRIFFIN: The honourable member raised this question about a week ago. At that stage I indicated that if there was a request for South Australia to become involved we would certainly carefully consider it, just as we would carefully consider any other request to become involved in co-operative activities with the Commonwealth or with other States. That is still the position. The answer to the honourable member's second, third and fourth questions is 'No'.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. Apart from the fact that the Attorney-General should accept his responsibilities, the responsibility for this matter is his and the Government's, that is, Cabinet's. I do not include the back-benchers, because the only Government in this State is the Cabinet. The Attorney-General should recognise that fact. Will the Attorney inform the Council which Government initiated the Stewart Royal Commission (I think it was the New South Wales Government)?

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: Just a moment, Mr Lawyer from Mannum; just keep quiet. This is a supplementary question, so I do not want any cross talk with someone who has a degree in law but an inability to expound it. Were the present participating Governments invited to become involved by the Royal Commissioner? If not, will the Attorney inform the Council how the Federal, Queensland and Victorian Governments (assuming that the New South Wales Government initiated this Commission) became directly involved with this Commission? If the Attorney's reply is that it was by invitation, I further ask him what became of the invitation to this State—to which waste paper basket did he relegate that invitation?

The Hon. K. T. GRIFFIN: The honourable member can ascertain from the library which Government established this Royal Commission. In answer to the honourable member's last question, I have no knowledge of any invitation to the South Australian Government.

The Hon. N. K. FOSTER: I desire to ask a further supplementary question. Members of the Government or the Opposition are quite capable of researching a great number of matters in the library. However, even though they may have researched their questions in the library one would think that they still had a right to receive an official reply from the Government of the day. That is one of the avenues open to an Opposition. The present Government most certainly used it when it was in Opposition, and no-one ever questioned its credibility in doing so. Does the Attorney-General consider that questions are not worthy of reply if they can be answered by using the Parliamentary research service?

The Hon. K. T. GRIFFIN: Any member can ask whatever question he likes. On this occasion, as with some other questions, one needs to determine within whose jurisdiction the questions fall.

The Hon. N. K. Foster: I have asked you the question. You determine—

The PRESIDENT: Order! The honourable member is receiving an answer.

The Hon. K. T. GRIFFIN: This matter relates to a Royal Commission which was not established by the State of South Australia. Therefore, it does not fall within my area of responsibility or that of any other State Minister. The honourable member can obtain the information he seeks from the library.

The Hon. N. K. FOSTER: I desire to ask a further and final supplementary question. Does the Attorney-General have the courage and fortitude on behalf of the citizens of this State to request in writing an exchange of information to identify those areas of drug trafficking in Adelaide that have already been the subject of discussion and/or evidence in open court in other States and the Commonwealth?

The Hon. K. T. GRIFFIN: Notwithstanding that I have courage and fortitude, the answer is 'No'.

HOSPITAL MORTALITY

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to asking a question of the Minister

of Community Welfare, representing the Minister of Health, concerning hospital mortality review committees.

Leave granted.

The Hon. J. R. CORNWALL: On the night of Sunday 6 September, I received a telephone call from a constituent concerning the late Mr Gustav Hage, formerly of Clarence Street, Hilton. The constituent is well known to me and is a person of high standing in the community. I have no reason whatsoever to doubt that the information he gave me was entirely accurate. He complained that on the evening of Friday 4 September Mr Hage became suddenly ill with acute chest pain. A general practitioner, who was called in, immediately called an ambulance and sent Mr Hage to the Royal Adelaide Hospital. He was conveyed there by ambulance urgently at the direction of his general practitioner. I wrote to the Minister concerning this case and stated:

It is not clear what examinations or treatment Mr Hage received at the hospital or what diagnosis or tentative diagnosis was made. After being detained for some time Mr Hage was allowed to go home. He died in the early hours of Saturday morning.

That was a few short hours after his examination in the Casualty Department of the Royal Adelaide Hospital and his discharge. I went on to say:

It is not surprising however that some suggestions of the gravest kind are being made concerning levels of competence and patient care at the hospital. I would be pleased if you would have Mr Hage's case history, treatment and diagnosis investigated as a matter of very great urgency. On what I have been told it seems amazing that he was not at least admitted for observation.

A month later, the Minister replied to me, stating:

I understand that Mr Hage attended on the above night complaining of back and abdominal pain.

The information from his general practitioner was that he was complaining of acute chest pain, and that is why he was sent by ambulance to the hospital as a case of acute emergency. According to the Minister:

When assessed in casualty, he was completely asymptomatic and there were no specific clinical or diagnostic indications present as to the cause of his pain. Precautionary abdominal X-rays and consultation with the Senior Surgical Registrar occurred—

there was no e.c.g. done, you might note—

and after 90 minutes of symptom free observation in casualty, the option of admission for further precautionary observation or discharge was discussed with Mr Hage.

Mr Hage happened to be a man of 79 years, so I do not really think he would have been in any real position to make that decision. According to the version given by the Minister, he decided to go home and there was no reasonable clinical contra-indication to his doing so. The Minister stated:

I also understand that the hospital was notified of Mr Hage's death at 0415 hours by Dr Odlum.

That raises several very interesting points. Clearly, there will be a coronial inquiry, but, as everyone would know, coronial inquiries in medical matters of this nature are often unsatisfactory, because it is very frequently not within the coroner's technical expertise to adequately assess the evidence. That is not intended in any way, nor should it be taken in any way, as a slur on the coroner or the procedure of coronial inquiries. The fact is, as I have told this Council over several weeks, that tradition encourages doctors, by their silence, to protect the interests of their colleagues, and it is often extremely difficult for any coroner to actually get to the truth of the matter.

What is needed, quite clearly, is some form of hospital mortality review committee, comprising independent members of the medical profession who are adequately placed to specifically examine such cases as this, where clinical procedures may have been wrong or inadequate. Will the Minister urgently consider establishing some form of hospital mortality review committee that will examine these cases and, further, publish the results of its inquiries?

The Hon. J. C. BURDETT: I think that the coroner is perfectly capable of assessing medical or, indeed, any other evidence, but I will refer the question to my colleague and bring back a reply.

ADELAIDE LOCAL COURT

The Hon. FRANK BLEVINS: I seek leave to make a statement before directing a question about the Adelaide Local Court to the Attorney-General.

Leave granted.

The Hon. FRANK BLEVINS: On 24 September, I asked the Attorney-General a question regarding a case in the Adelaide Local Court. This involved a Mr Wally Sulzasyk. I will quote briefly from the *Hansard* report of the question to more clearly explain the matter to the Council, as follows:

The case involved Mr Wally Sulzasyk and a person who I understand is an employee of the local court. The claim relates to property damage caused in an accident between a motor vehicle driven by the other party and Mr Sulzasyk, who was wheeling his bicycle across the road. Mr Nick Alexandrides, the Secretary of the South Australian Railways Union, accompanied Mr Sulzasyk to the court to assist him.

When the case was called on, Mr Sulzasyk and Mr Alexandrides entered the magistrate's chambers and found the plaintiff, who it is alleged is an employee of the court, already sitting in the magistrate's chambers on the same side of the desk as the magistrate. Mr Alexandrides was ordered to leave the chambers, the case took about three minutes and the employee of the court won the case.

On 27 October, the Attorney-General gave me a reply to that question, and I quote briefly from it, as follows:

Mr Brown—

the magistrate against whom the allegations were made—

refutes the suggestion that he ordered Mr Alexandrides from his chambers. He also refutes the suggestion that the plaintiff was in his chambers prior to the matter being called and, in particular, prior to the defendant entering those chambers. The Senior Magistrate has advised that it was not uncommon for small claims to be heard in chambers as in court.

The parties sat at the table fronting the magistrate's desk. The evidence in the matter was taken in the normal way after parties were sworn. There is no recollection that either the defendant or his companion (Mr Alexandrides) indicated that the defendant had any difficulty with the English language.

That is a quotation from the Attorney-General's answer given in the Council on 27 October. This reply was sent to Mr Alexandrides by the Leader of the Opposition, and Mr Alexandrides has responded, as follows:

This is to acknowledge receipt of your note of 30th ultimo together with the reply given by the Attorney-General regarding the conduct of magistrate Brown. In reply, I wish to state that the reply is far from the truth and I would ask that a proper inquiry take place with evidence given under oath by both sides. It is laughable, perhaps unbelievable, and definitely unforgiveable for persons who are expected to administer justice on true evidence if they can not themselves be truthful when their actions are challenged.

For your information I wish to confirm that:

1. The plaintiff did enter the magistrate's chambers by a side door prior to Mr Sulzasyk being called.

2. When Mr Sulzasyk was called and both him and myself entered the chamber the plaintiff was seated on the magistrate's desk same side as himself but further to the end.

3. After we were seated the magistrate asked who Mr Sulzasyk was and when that was answered, he asked me what I was doing there. I explained my position but I was told to go out and the wire will soon come through the wall. I had no option but to get out and leave Mr Sulzasyk on his own to be mauled.

I do not know whether Mr Sulzasyk wants to appeal but if he does he has run out of time and therefore the suggestion of the Attorney-General does neither give comfort or justice to the complainant. The only thing the Attorney-General could do is for himself to reopen the case and appoint another Magistrate to hear the case. Unless he does, I can only say that he is trying to cover up for his magistrate. Personally I am not pleased with the Attor-

ney-General's reply and therefore I would request you seek an inquiry into this matter so that the truth can be established.

What we have here are two completely conflicting statements. The magistrate, Mr Brown, says one thing and Mr Nick Alexandrides says something totally different. If we accept the account of Mr Alexandrides, as outlined in my original question to the Attorney-General, we could say that the magistrate had been foolish in conducting the case in that manner. Probably that is all you could say: that he had been foolish. But the accusation has now gone much further: what Mr Alexandrides claims is that the magistrate, Mr Brown, lied to the Attorney-General and that the Attorney-General, in turn, probably inadvertently has misled the Council.

The Hon. K. T. Griffin: I have not misled the Council.

The Hon. FRANK BLEVINS: I said 'probably inadvertently', because you got the contents of your reply from the magistrate, Mr Brown. According to Mr Alexandrides, the magistrate is lying. It certainly goes much further than just a possible foolish act on the part of the magistrate. It now comes to a question of the magistrate's possibly lying to the Attorney-General and the Attorney-General, in turn, misleading the Council. In his letter, it is interesting to note that Mr Alexandrides stated quite clearly that he is prepared to give evidence on oath as to the events that took place around that particular court case. I take that as a very fair offer and wonder whether the magistrate concerned would be prepared to do the same. However, there is really only one way to find out. To accuse a magistrate of lying to the Attorney-General is a very serious charge, and I do not think that it is something that can be brushed off by saying that a defendant has a right to appeal. In the interests of clearing up what is a very serious charge, will the Attorney-General establish an independent inquiry so that the facts of the matter can be brought out and that the truth can be arrived at?

The Hon. K. T. GRIFFIN: Let me refute immediately that I have even inadvertently misled the Council. I have provided the Council with information given to me, and as far as I am concerned I have not misled the Council, nor do I have any brief to cover up for any magistrate or other officer. I believe it is important that the facts be known. If the facts as alleged by Mr Alexandrides are correct, then I would certainly want to see that established. I cannot give the honourable member an undertaking that I will establish the sort of independent inquiry he has indicated, but I will have the matter further examined. In due course I will let him know the nature of the means by which I had that examination undertaken and hopefully I will let him and the Council have a more comprehensive report in the light of Mr Alexandrides's letter.

I am as anxious as anybody else to ensure justice is done and seen to be done. If there has been any irregularity, I would want to see it uncovered, as I would in any other aspect of the Public Service. I will certainly do my utmost to get the evidence and assess the facts and bring back a reply to the Council at the earliest opportunity.

NAME PREFIXES

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General a question on the topic of name prefixes.

Leave granted.

The Hon. ANNE LEVY: The Attorney-General may be aware of the matter I am raising, but I will explain it for your benefit, Mr President, and that of other members of the Chamber.

The Hon. K. T. Griffin: And to refresh my memory, also.

The Hon. ANNE LEVY: To refresh your memory, also, Mr Attorney. In April I wrote to the Attorney on behalf of a constituent who had problems in issuing a summons for recovery of a debt through the Adelaide Local Court. The debtor in this particular case was a woman, and the local court refused to issue a summons with the prefix 'Ms' and insisted either 'Miss' or 'Mrs' must be used. My constituent did not know which of these latter applied, as the debtor concerned always called herself 'Ms', as she has the right to do. Obviously, the prefix, be it 'Mr', 'Miss', 'Mrs' or 'Ms', is not part of a person's name. The Attorney-General will recall that I wrote to him regarding this matter as to whether a prefix was necessary. On 17 August I received a reply from him discussing the matter of the use of the prefix 'Ms' in issuing a summons.

An honourable member: When did you send the letter?

The Hon. ANNE LEVY: In April. The Attorney-General explained that section 80 (1) of the Local and District Criminal Courts Act provides that where a plaintiff is acquainted with the defendant's Christian name or first name, the summons should contain the name, and also the place of residence or business of both parties, and that it is not necessary to include any prefix in these circumstances. However, section 80 (2) refers to instances where the plaintiff is not acquainted with the defendant's first name and provides that the description of the defendant must be prefaced in each case by 'Mr', 'Mrs' or 'Miss'. Therefore, according to the Local and District Criminal Courts Act, 'Ms' cannot be used.

The Attorney-General further suggested that a prefix 'Ms' would be of no assistance to a bailiff at a household where there were two females with the same surname and one of them was married. Subsequently I inquired of the Attorney-General regarding the frequency on which prefixes were used.

The Hon. N. K. Foster: Get the grin off your face, Commodore.

The PRESIDENT: Order!

The Hon. ANNE LEVY: I am not complaining. I am explaining to refresh the Attorney-General's memory and for the benefit of the President, through whom all questions are asked. I inquired of the Attorney-General the relative frequency with which prefixes are used in issuing summonses, and with what frequency the different prefixes are used. I received full co-operation from the Attorney-General and received an analysis of a random sample of 1 000 summonses issued from the Adelaide Local Court. A sample of 1 000 was chosen, rather than analysing the complete data, as about 45 000 such summonses are issued each year. A sample of 1 000 would obviously give fairly accurate information.

The Hon. B. A. Chatterton: A random sample?

The Hon. ANNE LEVY: Yes, a random sample. The information I received from the Attorney-General shows that nearly 70 per cent of summonses are issued to males anyway, where obviously marital status is never indicated. In these cases, marital status is no bar to identification of the person concerned, seeing that it is not indicated in the prefix. Of the remaining summonses issued to females—about 30 per cent—10 per cent are issued anyway without prefix as the full name of the female is apparently known to the plaintiff. This leaves only a small number of summonses which are issued to females using a prefix. In view of these facts it is obviously possible for a large number of males to be served with summonses without any indication of their marital status, and I ask the Attorney whether he would be prepared to amend the Local and District Criminal Courts Act so that the prefix 'Ms' can be used by women who choose to do so without thereby causing difficulties in identification, as it would seem to me that it

is no more difficult to identify females without knowing their marital status than it is to identify males without knowing their marital status.

The Hon. K. T. GRIFFIN: This is obviously a matter of some importance to the honourable member, and I am prepared to further consider it. It is possible that, as a result of the committee to which I referred when I introduced the Statutes Amendment (Jurisdiction of Courts) Bill last week, that committee in reviewing the Local and District Criminal Courts Act might well deal with this in a civil procedure Bill.

I am perfectly happy to reconsider the matter as it is of such importance to the honourable member, but it may be that no amendment would occur in the current session. I did indicate last week, when I introduced the Bill to which I have referred, that I would hope to have some comprehensive legislation for next session in about the middle of July next year. It is possible that, within the comprehensive review, that is one matter that we will introduce.

The Hon. ANNE LEVY: I desire to ask a supplementary question. Is the Attorney willing to pass on my question to the review committee so that this matter is drawn to its attention for consideration?

The Hon. K. T. GRIFFIN: There is no doubt that that will be done.

SCRIPTWRITER'S REMUNERATION

The Hon. K. L. MILNE: I seek leave to make a brief statement before asking the Minister of Arts a question about remuneration for an author preparing a script for the South Australian Film Corporation.

Leave granted.

The Hon. K. L. MILNE: There appears to have been some misunderstanding or injustice in regard to a Ms Christobel Mattingley, an author who was commissioned by the South Australian Film Corporation to write a script for the film *Women Artists*. In a letter of 13 November 1981 Miss Mattingley wrote to Mr John Morris, Managing Director of the corporation, and stated:

I regret I am unable to accept your invitation to attend the World Premiere screening of the film *Women Artists* on 19 November, as I am in dispute with the South Australian Film Corporation concerning their treatment of me and my work for that film.

You should know that I was commissioned to research and write the script of a 50-minute film on women artists of Australia. The research and writing of this script occupied me fully for a year and for this work I was paid $1 800. Through my own connections and commitments as an author I was able to research artists and works in Western Australia, Tasmania, North Queensland, Northern Territory and Pitjantjatjara homeland in South Australia, at minimal expense, or none in the case of the Northern Territory and Ernabella, to the S.A.F.C. This work gave the film a truly national scope and has added immeasurably to its credibility and importance.

I now find that the script has been dropped and five films totalling some 100 minutes have been produced from my research. This has been done without even the courtesy of advising me. Nor has any further payment been offered in recompense for the doubled film length.

I refer you to the letter of 10 November 1981 of Hugh Stuckey, Chairman of the Disputes Committee, Australian Writers Guild, a copy of which is enclosed, and await an apology for the gross discourtesy and a redress of the injustice done me.

It would be obvious to people involved in this area that, if a contract was varied in such a way and if use of work was made in that way, more remuneration would normally be made. Ms Mattingley undertook to write a script for a 50-minute film, but it has been made into five films totalling 100 minutes. In a letter from Ms Mattingley to Ms Angela Wales of the Australian Writers Guild, she states:

The commission was for a script for a 50-minute film. However, on viewing the completed film last week, I found that my script, including title, had been abandoned, and that the film now runs for some 100 minutes, in five segments of approximately 20 minutes each. The whole five segments are based on my research. All but two of the artists were originally researched, interviewed and included in my script. Several others I researched and scripted were not included in the film, I found.

The S.A.F.C. Executive Producer, Lesley Hammond, has not contacted me at all since filming was completed in August 1980. Her assistant told me when I arrived at the corporation studio to see the film that I had not been given a credit for the script, but had been credited with research. This was the first I had heard of it.

There is a clause 9 *(a)* in the contract (and I can leave it for the Minister to examine) which could be read to say that the corporation need do nothing more than that. I gather that the matter is urgent, and I have not had an opportunity to discuss it with the corporation but it certainly looks to me as though an injustice has been done. On 10 November the Australian Writers Guild wrote to Mr Morris and amongst other things the guild stated:

The contract was for one film of 50 minutes but developed into five films of 20 minutes, doubling the time to 100 minutes. We believe our member is entitled to further remuneration in proportion to her contribution to this project.

It goes on to talk about drawing attention to the draft of the new guild documentary contract in place of this most unsatisfactory contract which writers have been asked to sign in the past. As a matter of urgency, will the Minister take up with Mr John Morris, Managing Director, South Australian Film Corporation, the question of the contribution made by Ms Mattingley to the film *Women Artists* and endeavour to negotiate proper remuneration to her for that work?

The Hon. C. M. HILL: I will do exactly as the honourable member asks.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Read a third time and passed.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 12 November. Page 1892.)

The Hon. D. H. LAIDLAW: As the law stands at present, a person employed in the private sector who is employed under a South Australian award and who becomes ill whilst on annual leave cannot use any sick leave credit which may be due to him. In contrast, since 1973, Commonwealth and State public servants who become ill whilst on annual leave can use their sick leave credit up to 10 days and accrue the same amount of annual leave to use at some future period. This concept is not commonly used in Australia but it is included in a number of awards. While perusing the exhibits submitted by the United Trades and Labor Council to the State Industrial Commission, I noticed that they list 85 Federal awards where such a provision exists. These are concentrated mainly in the aircraft, motor vehicle and municipal officers awards and Federal awards in the Northern Territory and the A.C.T. A similar provision has been incorporated in several Western Australian awards.

This Bill provides that a person may make use of his sick leave credits so long as his sickness extends for a period of not less than three consecutive days during his annual leave. This is a sensible provision because most annual leave is

taken during the Christmas and New Year period. One can imagine that many employees, through self-infliction, would be far too sick to work if called upon to do so on Boxing Day or 2 January.

The Hon. Frank Blevins: That's a bit rough.

The Hon. D. H. LAIDLAW: What is rough about that? Think of yourself. This amending Bill has been introduced to overcome an anomaly in the present Act.

The Hon. Frank Blevins interjecting:

The Hon. D. H. LAIDLAW: We do not want precedents. Earlier this year application was made to vary the clerks award to allow use of sick leave during annual leave. The employers opposed this application and then approached the Full Court of the State Industrial Court to seek an interpretation of section 80 of the Act. The court found that, as worded, an employee is entitled to a grant of sick leave only if he is unable to attend or remain at his place of employment. Hence the court could not approve the application to take sick leave whilst on annual leave.

To overcome this anomaly in the Act, the unions amended the application seeking an extension of annual leave of up to 10 days if an employee became sick whilst on annual leave. If the court approved this application, an employee could get up to 10 days more annual leave and still retain his sick leave credits. Such a decision would have created a precedent in industrial awards unique in Australia. In my opinion South Australian industry cannot afford to be a pacesetter in advance of the rest of Australia.

The Hon. Frank Blevins: Should we be behind?

The Hon. D. H. LAIDLAW: I am not saying 'behind'—we should not be a pacesetter. One member of the Industrial Commission suggested that an amendment to section 80 was probably the best solution. The employers acted in accordance with this advice. They spoke with the unions and with the Minister, who agreed to introduce amending legislation without delay.

This has been done and I commend the Government for taking action. The Deputy Leader of the Opposition (when speaking in another place) and the Hon. Frank Blevins accused the Government of being a lackey to the demands of employer organisations. I regard those comments as quite unreasonable and I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Sick leave.'

The Hon. G. L. BRUCE: Will any indication be given as to why the Government saw fit to provide for a period of not less than three consecutive days in new subsection (1) *(b)*? The Government is saying that if a person (not on annual leave) has an illness of 24 hours duration he can get sick leave but whilst on annual leave he must be sick for three days before he can start qualifying for sick leave. What was the rationale behind that and why was it so obviously out of step with the situation when one is at work?

The Hon. J. C. BURDETT: I think it is fairly obvious that there is a difference between taking sick while at work and taking sick while on annual leave.

The Hon. J. E. Dunford: Do you get sicker?

The Hon. J. C. BURDETT: Of course not. There is a difference between the two. When an employee is on annual leave, it is harder to assess whether sick leave is warranted, because the employee would be at home in any case. The Hon. Mr Laidlaw has pointed out that this is somewhat a pacesetting exercise. He has also agreed with what the Government is doing and with what the unions are seeking. It seems that there obviously is a difference: if an employee is not on annual leave, he would attend work if he was not sick. Therefore, the employer can easily ascertain that the employee is sick, because he is not there. That is the difference between that situation and the other situation where he is taken sick while on annual leave.

The Hon. G. L. BRUCE: I do not really accept the explanation. The Minister is aware that a person must have a statutory declaration or a doctor's certificate to say that he has been ill. Surely those circumstances could be extended to take in sickness while a person is on annual leave. I am not looking for any more or less than a worker's entitlement. I am not looking to extend the provision to weekends. If, while on leave, a person is sick on days which would normally be working days, I do not see why the period has to be three days. This Bill gives people a chance to get at accumulated sick leave. The way in which sick leave is geared makes a person dishonest; he finishes up having long weekends and sickies during the year to cut down his sick leave entitlement.

The Bill should not provide for three days. A person should not have to go to the trouble of producing a doctor's certificate or other evidence, usually a statutory declaration, to say that he is sick. I cannot see why there is a difference. I do not intend to move an amendment and I do not want to change the Bill, but I cannot see the rationale.

The Hon. D. H. LAIDLAW: I was interested to hear the Hon. Mr Bruce say that he does not wish to extend this concept to include weekends, or those two days of the seven on which a person is not at work. I suggest that a lot of workers or unions may well wish to extend this concept to include sickness on weekends. For that reason, I believe it is sensible that a minimum of three days be set.

The Hon. J. E. DUNFORD: Being on the industrial committee, I support this Bill. I believe that this clause was agreed to by the unions and the employers because it is a step in the right direction. Some years ago I was able to negotiate an industrial agreement in this State with a large employer, who was concerned about workers taking sick leave when he, as the employer, knew that they were not sick. He brought this matter to my notice on several occasions.

I told him that, when I was a worker in industry, I was entitled to five days leave. Before I left an employer, I made sure that I got those five days sick leave, even though I was not sick. It seems to me that a lot of workers believe that sick leave is something that is freely given by the boss; actually, it has been fought for by the trade unions on behalf of workers, and it is an entitlement. When I was Secretary of the Australian Workers Union, the union set aside a sum from its income, as an employer would set aside a sum from his profit. This money was put into a suspense account and it gained interest. If workers did not take their sick leave, the finances of the organisation were certainly enhanced.

In regard to the agreement of 10 years ago, I asked the employer what a days work was worth to him, and he said that it was worth a lot more than a days work. He said that the best thing to do was to pay people for any sick leave not taken; if employees knew that this would happen, they might not take sick leave. Written into the industrial agreement no less than 10 years ago was the provision that each employee of that firm, after two years, could take the previous years sick leave at Christmas and would be paid. The workers always kept five days in the bank. If sick leave was not taken, an employee was credited for it and saw the result in his pay packet after the first year. The sooner the employers wake up to the fact that they are only making liars of the workers, the better.

One person told me that he had to go to the doctor for a certificate because he had been sick for one day. I told him that he did not need a certificate for one day's sick leave. However, he said that he did not want his boss to

think that he was taking a day's sick leave when he was not sick. Employees are afraid that employers will dismiss them. The decision that was made 10 years ago relieved that situation.

I support the Bill, because people cannot organise their sick days. However, when people know their entitlement, they do what I did and make sure that the boss does not keep the money in his bank account. My boss made me and other workers dishonest: we took sick leave when we were not sick. My conscience was eased because I believed that it was much better my having the money in my pocket and being dishonest than my employer having the money in his pocket. It was something that did not belong to him, because the entitlement was negotiated under the award.

If the unions persist in the Industrial Court in seeking to increase the period of sick leave while a person would otherwise be on annual leave, they will get a better deal than what is provided in the Bill. This Bill is only a guide for the court. I feel very sorry for the commissioners, because the Minister can interfere. This is only the start. We must be more realistic in regard to workers' leave. If a person is entitled to 10 days sick leave and if he does not get sick and wants to take the money, he should be able to do that. I support the Bill.

The Hon. G. L. BRUCE: I refute what the Hon. Mr Laidlaw said. He said that sick leave should not be extended to weekends; the Bill does not seek to do that, and neither do I. New subsection (1) *(a)* states:

> a full-time employee is unable to attend or remain at his place of employment by reason of illness;

That means that a person gets sick leave only for the days on which he should be working. New subsection (1) *(b)* states:

> a full-time employee is ill while on annual leave and the illness is such as would, if he were not on annual leave, have rendered him unable to attend at his place of employment for a period of not less than three consecutive days,

I believe that this is rather nit picking and penny pinching. I support the Bill. It is an improvement on what we have, which is nothing, but I cannot understand the rationale of not bringing paragraph *(b)* into line with paragraph *(a)* so that it is uniform.

Clause passed.

Title passed.

Bill read a third time and passed.

STATUTE REVISION (FRUIT PESTS) BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 1773.)

The Hon. B. A. CHATTERTON: I support this short Bill, which makes a few administrative changes to legislation that has now become outdated. The first part of the Bill simplifies the procedure for compensation payments made under the fruit fly eradication programme. This is necessary because of the new techniques that are used in that programme. The Bill also abolishes a number of statutory authorities that have been involved in the control of certain horticultural pests. Those authorities are no longer relevant in the present situation. The move to wind up these particular statutory authorities has been in the pipeline for some time. I am pleased that the Government has taken action to tidy up this area, although it is not terribly significant. This move will add to the Government's tally of authorities which have been wound up. However, I do not believe that it is a very significant reduction in the number or effectiveness of Government statutory organisations.

In his second reading speech the Minister said that the Waikerie red scale committee would continue to operate on a non-statutory basis and that the Government would ensure that it retained its assets. Will the Minister provide information, either at the end of this debate or during Committee, about the assets of the Waikerie committee? Further, will he provide information about how that committee will operate in future? If it is a non-statutory committee, will it be levied funds, or will the Government provide it with a continuing grant to operate on a non-statutory basis? I do not think that the Minister's second reading explanation adequately explains how the committee will continue to operate. The Opposition supports this Bill.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the honourable member for his contribution. I will obtain replies to his questions and forward them to him.

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

LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 1819.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition will not vote against this Bill. It is a part of the Budget, since it implements the intentions of the Government as announced by the Premier in his financial statement. It does that by increasing the fee to be paid for a licence to sell liquor under the Licensing Act. It increases the fee from the present 8 per cent on the value of sales, excluding sales tax, to 9 per cent on the total value of sales, and it now includes sales tax. The other aspect of the imposition of a fee on the sale of liquor is that the fee for the sale of low-alcohol beverages is reduced from the present rate of 8 per cent to 2 per cent, starting from 1 January 1982. Therefore, in future, there will be a substantial differential of 7 per cent on the fee that is paid on low-alcohol beverages as opposed to beverages containing a regular alcohol content.

A lower fee for low-alcohol content beverages has been discussed in the community in recent times. It was recommended by the Select Committee which looked into random breath tests. It has been introduced in Victoria and it has been supported in South Australia by, for instance, Mr Cooper of Cooper & Sons brewery, and by many other members of the community. I believe that this proposal deserves support. If the consumption of low-alcohol beverages, as opposed to beverages containing regular alcohol content, can be encouraged, that is desirable. In so far as this Bill makes that differential, it deserves support. However, there is no doubt that this Bill increases taxation quite substantially.

This Bill will produce revenue for the State Treasury. I make the preliminary point that it is slightly unusual that it has been introduced in this Chamber. The Bill clearly deals with taxation, although it is taxation in the form of a fee for a licence. After reading the Constitution Act, I think that the Government is technically in order in introducing this Bill in this Chamber. Although, in general terms, I believe that this is a money Bill, the Constitution Act excludes from the definition of a money Bill, a Bill which imposes a fee for a licence on service. Therefore, technically, the Government is in order in introducing this Bill in this Chamber. However, given the paramountcy of the House of Assembly in relation to financial matters, given that this measure was announced in another place,

and given that it deals with taxation, as a matter of political principle as opposed to strict legality it should have been introduced in another place.

However, I am not taking any point under the Constitution Act on that. I think it is clearly within section 60 of that Act, but there can be no doubt that it is also taxation and I believe that, within the general principles that operate in this Parliament, the Bill probably should have been introduced and dealt with in the Lower House in the first instance. There is no doubt that this Bill represents part of the Government's attempt to improve its revenue position and it is doing it by increasing, first, taxation and, secondly, a number of charges. It is interesting to see what the Tonkin Government's initial position was on taxation in its policy speech in 1979. The present Premier, as Leader of the Opposition, said:

> I am totally opposed to higher taxes and I am sure you are, too. The Liberal Party would not impose double taxation. We have no plans for a new State tax. More tax will not make this State great again. It will destroy it. A Liberal Government will cut State taxation and we can afford to do it. Our tax cuts have been carefully costed.

I think everyone in South Australia realises now what a lot of bunkum that was, that a Liberal Government would cut State taxation, that the Liberal Government could afford to do it, and that that Party had had its tax cuts carefully costed. That costing has left this State having to transfer from loan account to revenue account $81 000 000 in two years. In other words, it has had to use its mortgage money to pay for the groceries, to the tune of $81 000 000. That was supposed to have been careful costing of tax promises. The promise is even more shallow because it is clear that taxes have been increased in the recent Budget, and this increase is just one of those.

If we look at the 1981-82 Budget, we will see that $600 000 will be raised from higher stamp duties on cheques. From the measure before us, $700 000 will be raised. From the increase in the business franchise for tobacco sales, $2 800 000 will be raised. Drivers' licence fees have increased by $1 100 000 and motor registration fees have increased by $3 400 000. From the petrol business franchise, there will be $2 300 000 extra revenue this year. From the electricity levy, there will be an extra $2 500 000, and the increases in other regulatory fees amount to $1 700 000.

It is estimated that this year an extra $15 100 000 will be raised from tax increases, and that is exactly what they are. I cannot see how the present Government can maintain, as it did in the policy speech, that there would not be any increases in State taxation. The simple fact is that there have been quite substantial increases (and the State Budget presumably would be in an even worse position than it is now if those taxes had not been increased). Be under no misapprehension: they are tax increases.

In the statement provided by the Premier and Treasurer regarding the Budget, on page 8 under the heading 'Taxation', there is reference to the Business Franchise (Tobacco) Act increases, the increase in stamp duty on cheques, and the increase in fees for licences under the Licensing Act with which we are dealing in this Bill. Those three increases in taxation were foreshadowed by the Premier and Treasurer in his speech on the Budget. It is estimated that they would produce $6 000 000 in a full year and about $4 000 000 this financial year. Overall, the increases in tax this financial year will produce $15 100 000 in revenue.

The other area in which the Government has had to impose increases is in the area of State charges. The Government, when in Opposition, tried to say that the Labor Government was involved in a subterfuge by saying that it would not increase taxes, but by increasing charges in a number of areas. That is exactly what has happened under the present Government. This Government has increased State charges to an enormous extent and it is estimated that this financial year $23 200 000 will come into revenue account as a result of increased charges. The increased charges on harbors will be $2 400 000. The increase in the Engineering and Water Supply Department water and sewerage rates will be $14 700 000, the increase in port charges will be $1 400 000, the increase in fees under public and consumer affairs will be $800 000, and the increases in land charges will be $1 100 000. That makes a total of $20 000 000, and then there is a saving, on account of a lower public transport deficit owing to higher fares, of $3 200 000.

By increased State charges, there is, in effect, coming into revenue over $23 000 000. By that means also, charges have been increased and, in effect, a tax imposed on some aspects of activity in South Australia that impinge on all people equally. They are not based on any concept of need or means to pay. These State charges that have been increased and taxes that have been imposed are imposed on the community on an equal basis. There is no progressive nature about them.

Clearly, the Government, despite its previous attitude on this issue and its firm commitment not to increase taxation, has this year increased taxes by $15 100 000. If we take into account taxes and charges, we get $38 300 000. Since the beginning of last financial year, there have been increases in no fewer than 72 State charges. For boat haven fees, for instance, there have been increases of from 50 per cent to 80 per cent. For boat registration, there has been a 71 per cent increase. For hairdressers licences there has been a 40 per cent increase, and for driving instructors licences a 150 per cent increase. One can proceed through a whole list of increased fees in a little over 12 months that amount to 72 in number, and many of the increases are more than 100 per cent.

Despite the fact that the Liberal Government, when in Opposition, complained about the increased charges that the Labor Government was imposing and the fact that the Premier accused the Labor Government of having broken promises about the imposition of State charges, the Liberal Government is now increasing its revenue by imposing taxation in complete and utter contradiction of the promises it made to the people before the 1979 election.

On 19 September 1978, in the Budget debate, the now Premier talked about the question of taxation charges and increases. The *Hansard* report is as follows:

> I now refer to the question of no tax increases, which we heard about in this Budget document. As has been the practice in the past, much play has been made by the Government of the fact that no increases in the rate of State taxation were contained in the Budget.
>
> **Mr Mathwin:** It's like a hardy annual.
>
> **Mr TONKIN:** Yes, and technically it is quite correct, but increases in State taxes have been announced before the Budget in previous years. Increases in State charges have been announced and made before this Budget, including increased harbor charges, which will ensure that the port of Melbourne still retains a definite advantage over South Australia; increased water charges, which will bear heavily on house owners; increased car registration fees, which will affect everyone in the community; and increased electricity tariffs, which will include a proportion paid to general revenue and a special levy that can be classed only as a tax. The increases have all greatly outstripped the current inflation rate, and must be regarded as hidden increases in State taxation.

That is the Premier talking in 1978 about what the increases were in State charges at that time. In the *News* of 12 September 1978, under the heading, 'Power station levy "broke a promise" ', Mr Tonkin again accused the then State Government of having broken a pre-Budget promise by increasing taxes. Mr Tonkin said that the electicity tariff

increase that the Government had announced 'is a tax rise'. The now Premier said in 1978:

The Government classes electricity tariffs as charges, not taxes.

The argument to my mind is pedantic and does not take the issue much further. If taxes are lifted in one area, then charges or taxes must be imposed in another area. That is exactly what this Liberal Government is now finding out. After having made its grandiose promises before the last election and saying that it would not impose increased taxation, it has now clearly broken that promise and has, in addition to increasing charges, substantially increased fees, which can properly be characterised as a tax. These include the licensing fees, along with the tobacco franchise and stamp duty on cheques.

The Hon. R. C. DeGaris: Do you believe that there should be some reorientation of our system of taxation so that the user pays more in some instances?

The Hon. C. J. SUMNER: The problem with the user-pays principle is that it does not take into account the problems of the less well-off people in the community. There needs to be some progression in the taxes and charges paid so that those in the community who can afford to pay more do pay more. That of course is the principle behind progressive income tax and the like.

There is some merit in looking at increases in charges in terms of the user-pays principle. If you totally ignored that principle, then you would have absolutely no guideline to go by. I do not believe that it is a principle that can be absolutely adhered to. For instance, what would the Government have done about the case of the State Transport Authority, or the railways, when it was in Government? In other words, there has been in South Australia, and throughout Australia, a departure from the user-pays principle. Revenue needs to be looked at from that point of view, but neither in South Australia nor Australia do I think that principle needs to be slavishly followed. It may be that one needs to raise revenue in a progressive way, so that taxes do not fall on all sections of the community equally, thus affecting those who cannot afford to pay most severely.

Despite all the complaints about increased charges by the Premier before the last election, there have been no fewer than 72 individual increases in the past 12 or 18 months. These increases include bus, tram and train fares, which are up by an average 25 per cent; water rates, which are up 12 per cent; irrigation charges, which are up 12½ per cent; electricity tariffs, which are up 12½ per cent; and motor vehicle registration fees, which in January 1981 were up between 12 per cent and 20 per cent.

There was one complaint and one promise. The complaint was that fees were rising under the Labor Government, and that this should not be done. The promise was that there would be no further taxes imposed, and there were specific promises made about the reduction in taxation. What the Government has done is reduce taxation by doing away with succession duties and providing some concession on stamp duty. On the other hand, the Government has increased charges quite substantially, and has gone back on its promise not to increase taxation. I point out that the Government has not been able to maintain its commitment in this area of licensing fees, but as this is a revenue measure, I do not believe that the Opposition in the Upper House should vote against it.

There are a number of matters I wish to refer to, and I would like the Minister in charge of the Bill to answer questions I raise. My first question relates to the differential in price that there will be at the retail level after this Bill becomes law, when a different fee will apply to low-alcohol beer and regular-alcohol content beer. It has been estimated that the differential will be 5 cents on the price of a bottle of beer, 2 cents on a butcher, 3 cents on a schooner, and 4 cents on a pint. Can the Minister say what action the Government will take to monitor the situation as a result of the passage of this Bill? What attitude will the Government take, as far as its price control powers are concerned, to ensure that there is a differential that flows through to the retail price? Will price control be imposed or will the matter be left to the individual retailers?

In other words, although the wholesale price may be adjusted as a result of this change in the licensing fee system, what action does the Government intend to take at the wholesale and retail level to ensure that the price differential flows through to the customer? I have received from the Australian Hotels Association an indication that the differential in price will be the differential that I have indicated to the Chamber. Does the Government agree with that, and what steps will it take to monitor the price differential to see that is flowing through?

Another matter that I wish to raise is that the Bill now includes sales tax in the wholesale price on which the fee is based. The fee for next year will be based on the turnover for the financial year ended 30 June 1981. I understand that the Licensing Branch has sent out to vendors of alcoholic beverages, including clubs and hotels and the like, a statement requesting information on their gross purchases in the financial year ended 30 June 1981. In some cases there is no difficulty, because wholesalers have full and complete records and are able to provide to retailers full details of the breakdown between the low-alcohol beer or beverage that was provided and the sales tax components in those sales.

However, it has been pointed out to me, particularly in the cases of some small retailers, that there will be a considerable amount of difficulty in ascertaining in the past financial year what the component of the sales was low-alcohol beverages and what component of sales tax was in goods supplied to the retailers. Some of the wholesalers have indicated that there would be a considerable amount of extra work required, involving extra staff, in order to sort out this administrative problem. Has the Minister received any information about this? If he has, can the Government accommodate any difficulties that either retailers or wholesalers may have in this respect?

Incidentally, it does seem somewhat ironical that the present Government, which purported to lead the charge in South Australia against any increase in wine excise in the Federal Budget and which was successful in conjunction with the South Australian community, because there was no increase, several weeks later has now imposed, in effect, an increase of its own, a tax of its own, on wine in South Australia. I find that somewhat ironical if not hypocritical on the part of the Government.

The final point I wish to make relates to an amendment which I foreshadow in relation to another matter but which still relates to the Licensing Act. The amendment concerns the retiring age of the Licensing Court judge. My amendment would increase the retiring age from 65 to 70 years. I understand that the present Licensing Court judge (Judge Grubb) is due to retire shortly. He also has an appointment as a judge of the Local and District Criminal Court and at the age of 65 will transfer to that court, leaving the Licensing Court open to another appointment.

Judge Grubb is a person of much experience in the industry. I believe he is well regarded by all the parties who appear before the Licensing Court, and it would be a pity if his experience were lost to the industry and the Government.

The Hon. R. C. DeGaris: What is the retiring age in other courts?

The Hon. C. J. SUMNER: It is 70 in the Supreme Court and the Local and District Criminal Court. Judge Grubb has an appointment in the Local and District Criminal Court: he is a judge in that court.

The Hon. R. C. DeGaris: Why was it 65 in the first place?

The Hon. C. J. SUMNER: I think it was thought that there ought to be fixed retiring ages. The retiring age for the Licensing Court judge was introduced when large amendments were made to the Act in 1967, and it was fixed at 65 years. At that time there was no retiring age for Supreme Court judges and, when District Court judges were first appointed, the retiring age was determined to be 70 years. Subsequently, Supreme Court judges also had a retiring age of 70 years. Therefore, for the Supreme Court and the Local and District Criminal Court the retiring age is 70, and for the Licensing Court it is 65, which was established in 1967 and which has not been altered. We now have a situation where the judge of the Licensing Court is not only a judge of that court but is also a judge of the Local and District Criminal Court.

The Hon. D. H. Laidlaw: Is he nearly 65?

The Hon. C. J. SUMNER: Apparently.

The Hon. D. H. Laidlaw: But he was admitted at the same time as Don Dunstan and I.

The Hon. C. J. SUMNER: He must have done something useful before going to university. My point is that this judge has considerable experience and will continue to work in another jurisdiction until he is 70. I cannot see any reason why he should not be able to continue, especially with his experience, in the Licensing Court until he is 70. If his work in the Licensing Court is not sufficient, he is able to work in the Local and District Criminal Court, and he has done so on a number of occasions.

I have a further amendment which, if the Council accepts my contingent notice of motion, asks that this measure be considered. I will be moving an amendment to allow the Licensing Court judge to retire at 70 years, in line with the Supreme Court and Local Court judges. It is disappointing that the Government has seen fit to breach its pre-election promises on the question of taxation as it has done in this Bill and in a number of other areas but, as a Government revenue measure, while objecting to its provisions, the Opposition will not be voting against the Bill.

The Hon. M. B. CAMERON: One might think that the Leader and I are speaking on two entirely different Bills. I wish to congratulate the Government on this move. It is time that this whole matter was brought back to reality, and now this Government has taken what I regard as a most responsible step in reducing the level of licensing fees on low-alcohol beverages. I draw the attention of the Council to a recommendation of the Select Committee on Random Breath Testing, which could perhaps claim some responsibility for this move. The Leader of the Opposition, the Hon. Mr Bruce and I sat on that committee. The recommendation was as follows:

> A lower level of State taxes should apply for L.A. beverages to encourage lower B.A. levels for the same amount of liquid consumed.

I believe that at the time that was a very responsible recommendation. It was outside our terms of reference but we believed that, if the Government was stepping into an area regarded as a deprivation of people's total freedom, the Government could also say that it was interested in the problem to the extent of trying to reduce the amount of alcohol that people consumed in casual visits to hotels or other places. From experience in Darwin and since then, I believe that there is little doubt that people are moving towards the consumption of low-alcohol beverages in hotels. That, in my view, is a good thing. It is something for which the Government ought to be commended. It is at least looking at the problem and doing something about it. It is trying to encourage people to consume low-alcohol beverages.

Although it is far too early to say that random breath testing is having a long-term effect, the figures show that deaths on the roads for the month of October in comparison to October in the previous year have halved. The number of accidents has also gone down drastically. An editorial in the *Advertiser* stated that the number of people being caught drink-driving is one-third of the number expected. The figures on which that is based were taken before random breath testing was introduced. Those figures will be used at a later stage to give an indication of the effect of random breath testing. It is clear that there certainly has not been an increase since random breath testing was introduced and it would appear quite clearly that there has been a decrease in the number of drink-drivers on the road. One hopes that the measure taken by the Government will lead to a further decrease.

One of the great problems with people going to hotels is peer group pressure. Once one round of drinks has been bought one feels an obligation to also buy a round. Therefore, people going to a hotel with the firm intention of having one or two drinks find that they leave having had five or six. There is also the difficulty of arriving home by taxi and explaining to one's wife not only that you have disobeyed the general family rule of not drinking too much after work but also that you have spent extra money on a taxi. One way of overcoming it is to have low-alcohol beer on tap to encourage people to drink it. I believe that, far from the attack that the Leader and his Opposition have put on this matter, it should be looked at in the context that the Government has taken a step to put into effect a recommendation of a committee of this Chamber. The Government should be commended. I trust that this measure will have some effect overall on drink driving.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for their contributions to this debate. The Leader of the Opposition referred to the effect of this legislation being similar to that of the recently-passed Victorian legislation. In fact, it is identical. He then went on to attack the Government in regard to taxation. I point out that the motives of the South Australian Government in introducing this legislation were identical to the motives of the Victorian Government. Those motives were outlined by the Hon. Martin Cameron. The motives were certainly not a matter of taxation. The motive was to reduce the consumption of strong alcoholic liquor. The Government is concerned about carnage on the road and other problems which occur through the drinking of strong liquor. The motive in introducing this Bill is to encourage people to drink less alcohol.

The Hon. N. K. Foster: Provide employment for them and they won't drink so much.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: The motive was to encourage people to drink less alcoholic beer and wine and, if they wish to drink those liquors, to drink low-alcohol beer and wine in lieu thereof. The motive was not taxation at all.

The Hon. J. R. Cornwall: It is just coincidental that you picked up a bit on the way.

The Hon. J. C. BURDETT: That may be so. We did what was done in Victoria, and for the same motive.

The Hon. C. J. Sumner: You are going to get some money out of it.

The Hon. J. C. BURDETT: It is certain that there will be some additional revenue, but all predictions are based

on present drinking habits, and that is just what we are trying to change. If we used the figures based on present drinking habits, there would be a substantial increase to the Government. The motive for this is not to increase revenue but to change drinking habits. The Leader of the Opposition, whilst acknowledging that it is not technically a money Bill, thought that it ought to have been more properly introduced in the House of Assembly. I disagree with him on that point because section 60 of the Constitution Act clearly excludes Bills which are money Bills. The definition of money Bills as contained in section 60 of the Constitution Act ought to be strictly construed. It is not saying that it is technically not a money Bill—it is not a money Bill at all.

I believe it was perfectly proper for me to introduce the Bill in the Council, because I am the Minister responsible for the administration of the Act in question and, while it is true that the Leader of the Opposition said that the Premier announced this matter in his Budget speech, it is also true that I have previously announced in public my intention to introduce this Bill. The Leader asked whether I agreed with the suggested figures of the A.H.A. All I can say is that I do not disagree. The association would know better than I would, because it would know the likely costs, and it will have to make the move that will be monitored by my department.

The Leader asked what action would be taken to ensure that reduction in price for low-alcohol beer and wine flows on. It is certainly the intention of the Government that it will flow on. From discussions I have had with the A.H.A., the clear indication is that it will flow on. The answer to the question is that we will take the same justification and monitoring procedures that we have taken in the past to ensure that liquor prices reasonably reflect the costs, both at the wholesale level and the retail level. Certainly, if the reduction in regard to low-alcohol beer and wine does not flow on, we will take steps to ensure that it does flow on. I made clear at the outset when the Government first made the changes in regard to price control that, if industry does not take note of the monitoring and justification procedures and the messages that it gets from my department, the ultimate sanction will be a return to formal price control. If the flow-on cannot be produced in any other way, those steps will be taken. I would hasten to add that, particularly at the retail level of the liquor industry, we have had the utmost co-operation and that is what we are talking about. I do not anticipate any difficulty.

The Leader also asked a question in regard to the communications that had been sent from the department to licensees and the difficulty that licensees, particularly small licensees, may have in providing the necessary information. All we are asking is that the licensees do the best they can to provide the information we need. Obviously, when a measure such as this is introduced, this sort of information is required. We are trying to get as much information as we can in the best way possible. Clearly, the information is best obtained from the licensees and all we ask is that we get the best possible co-operation.

Bill read a second time.

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

That it be an instruction to the Committee of the Whole that it have power to consider a new clause to limit the retiring age of the judges of the Licensing Court.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J. C. BURDETT: The Leader of the Opposition gave notice earlier today of his amendment about an entirely different aspect of the Licensing Act, namely, the retirement of judges. That was the first information I had received in this regard, and I do not blame the honourable member at all. However, I wish to take the opportunity to have some research done into the matter and to consult with my department. Therefore, I ask that progress be reported.

Progress reported; Committee to sit again.

RACING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 1892.)

The Hon. D. H. LAIDLAW: I wish to comment on two matters relating to this Bill: first, the right to enforce gambling debts and, secondly, after-race off-course pay-outs by the T.A.B. Two committees have been established in recent years to inquire into racing in South Australia. The first committee was set up in 1974 under the chairmanship of Professor Keith Hancock, and the second in 1980, under the chairmanship of Mr Byrne. The Byrne Committee pointed out that in other Australian States, and I stress that it did not refer to all other States, bookmakers and their clients can take action to recover their gambling debts. That committee recommended an amendment to the Lottery and Gaming Act, which since 1875 has made gambling contracts void. This amendment will bring South Australia into line with other States and the Government has acted on this recommendation.

Clause 30 of this Bill creates a new section 149a, which provides that any bet made lawfully with and accepted by a bookmaker, an authorised racing club or the T.A.B. shall be valid and enforceable, notwithstanding any Act or law to the contrary. For this purpose, it purports to over-rule section 50 of the Lottery and Gaming Act. Contrary to popular belief, under Common Law a person can sue for the recovery of gambling debts, but under ancient English Statute such contracts were made unenforceable. Similar provisions were introduced in this State in 1875 in the Lottery and Gaming Act.

The situation in other States in relation to the enforceability of gambling debts is as follows: in New South Wales, under section 16 of the Gaming and Betting Act, 1912-1980, all wagering contracts generally are void. However, that section does not apply to a bet made on a licensed racecourse with a bookmaker. As a result, a bookmaker or his client can sue or be sued under common law. In Victoria, under section 15 of the Lotteries, Gaming and Betting Act of 1966, all wagering contracts are void. However, this section does not apply to any bet made by a bookmaker registered under Part IV of the Racing Act of 1958. Once again, a bookmaker or his client can be sued under common law in Victoria. In Queensland, under section 248 of the Racing and Betting Act of 1980, all wagering contracts are void. However, under section 249 of that Act a person who on any racing venue or athletic ground whilst lawfully engaging in bookmaking enters into a betting contract may sue or be sued. In this instance, he can sue pursuant to Statute.

In Western Australia, under section 5 of the Betting Control Act, 1954-1978, no betting contract shall be enforceable. In Tasmania, under section 114 of the Racing and Gaming Act, 1952-1980, wagering contracts are void, but this section does not apply to bets made with a licensed bookmaker. To summarise, in Queensland, New South Wales, Victoria and Tasmania, a bookmaker or his client,

and this is only recently, may sue to recover a gambling debt, whether by Statute or by common law. However, in Western Australia and up until now in South Australia all gambling contracts have been unenforceable.

I have listened to the Hon. Dr Cornwall and the Hon. Mr DeGaris speak in this debate. They both argued against enforceability of gambling debts on the grounds that bookmakers could induce the unwary or the young to bet and lose beyond their means on credit terms and then sue to recover those debts. On the other hand, it can be argued just as forcibly, if betting debts are enforceable, that the innocent may be more careful as to how heavily they gamble. The Hon. Mr DeGaris said that, if bookmakers' betting contracts are recoverable, this will extend to betting debts incurred in a casino. However, I remind him that the four Eastern States specifically distinguish between gambling contracts generally and those made with a bookmaker.

The Hon. R. C. DeGaris: How do you distinguish between them?

The Hon. D. H. LAIDLAW: The other States have done that very simply by saying that all debts are void except those incurred with a bookmaker.

The Hon. J. R. Cornwall: How would you feel if you had a 19-year-old son who was a compulsive punter and he was allowed credit because of your good name and reputation?

The Hon. D. H. LAIDLAW: Perhaps one should be more concerned if the debts are unenforceable; it can be put both ways. Bookmakers in South Australia have been forced to lodge bonds with the Betting Control Board. This bond money is paid into a fund which is used to settle gambling disputes. It can be argued that, if bookmakers have to lodge this bond to protect the public, they in turn should be allowed to sue to recover their debts. It should be noted that this Bill enables any betting contract made lawfully with a licensed bookmaker or with the T.A.B., either on-course or off-course, to be enforced. This Bill goes beyond the law as recently amended and introduced in the four Eastern States, which is confined to contracts with bookmakers.

The recovery of gambling debts is an issue which could affect a large section of the community. After contemplating this matter I think it is an issue where uniformity between the States is desirable. Therefore, I support the proposal to make gambling debts made with bookmakers enforceable, but I have no strong views about whether this measure should extend to contracts with the T.A.B.

The second matter that I wish to comment on relates to clause 20, which amends section 62 and provides that the T.A.B. shall pay the dividend on every off-course totalisator bet as soon as practicable after the completion of the race on which the bet was made. A system of off-course after-race payments from the T.A.B. or its equivalent exists in each State except South Australia and Victoria. The Hancock Committee of Inquiry recommended such a change in 1974 but the proposal was not accepted at that time. The Attorney-General said that off-course cash customers of the T.A.B. should be afforded the same privileges as customers using telephone accounts whose winnings are available after each race.

It has been argued that after-race pay-outs would increase the volume of betting by regular off-course T.A.B. customers, and would attract some business presently going to illegal bookmakers. The Byrne Committee estimated that illegal bookmakers in this State handle between $50 000 000 and $200 000 000 in bets per year compared with a turnover of $111 000 000 by the T.A.B. in 1980. Frankly, I doubt whether this change to off-course after-race pay-outs will divert many customers away from illegal bookmakers apart from S.P. bookmakers, because they state the odds, which is attractive to many bettors.

Amendments made to the Racing Act at the end of last year may stop some illegal bookmaking. Honourable members will recall that bookmakers' agents, who hitherto were immune, may be prosecuted for illegal betting in the same way as their principals. Furthermore, the penalty for this activity has been increased to a maximum fine of $5 000 or three months imprisonment for a first offence and a $10 000 fine or 12 months imprisonment for second and subsequent offences.

The committee of the South Australian Jockey Club is concerned that this system of after-race pay-outs by the T.A.B. off-course will affect attendances at race meetings. On-course patrons can be paid after races, whether they bet with the bookmakers or on the T.A.B., and this is seen as an attraction. The committee has reason to be concerned, because it has recently borrowed about $5 000 000 to build the new grandstand at Morphettville, and it is being forced to increase stakes substantially in order to attract good quality horses. It needs to collect as much entrance money, etc., as possible.

I am advised that, when after after-race pay-outs by the T.A.B. were introduced off-course in New South Wales, attendances at race meetings did drop off but the increased share of T.A.B. profit paid to the racing clubs more than countered the loss from reduced entrance money, and so on. Moreover, regular racegoers welcomed reduced attendances, because the facilities were less crowded.

I support this proposal. If this measure does embarrass the racing clubs financially, the Government can quite easily give more of the T.A.B. profits to the three racing codes and somewhat less to the Hospital Fund, which is the joint beneficiary of the T.A.B. profits.

The Hon. N. K. FOSTER: I reluctantly speak on this matter. I must confess that I am not a punter—

The PRESIDENT: Order! I think conversation at a place between the Chair and the honourable member should stop.

The Hon. N. K. FOSTER: I can put up with that, Mr President.

The PRESIDENT: I cannot.

The Hon. N. K. FOSTER: Not long after the Second World War, not too many battlers went up the gangways of ships to go overseas, but many bagmen did, so I felt that punting was not my scene. I am concerned about bookmakers having the right to sue. I am not concerned about people being sued but I am concerned about the backdoor method regarding a bookmaker's right to sue a punter. It is all very well for the Hon. Mr Laidlaw, with a greater knowledge of the industry than I have, to refer to a number of Acts in other States, excluding Western Australia and, to some extent, Tasmania. He has to put in brackets the matter of the existence of suing there.

I will take my last point first. That is the matter of after-race pay-outs. I agree with the Hon. Mr Laidlaw. If I heard him correctly, he has an open mind on the matter and does not think that that will have any great effect on the racing industry. I sometimes wonder whether we have not had this matter put before us because of some of the over-indulgences of the racing fraternity, and I refer here to Morphettville Racecourse. I had people take out the cost per seat in the new grandstand there. Unfortunately, I have not the figures with me, but they would be higher than the cost per seat at the Festival Centre. I do not think that the Liberal Party had its conference at the Morphettville Racecourse at the weekend because the racing fraternity was going broke so quickly, but that possibly had something to do with it.

I understand that $4 000 000 is owed on Morphettville and that the course is not paying interest. If that were so, more attendances would be sought. To suggest that the

Government attempt to put into practice a system that makes it necessary to give the bookmakers a right to sue is no way to go about the matter. The Hon. Mr Laidlaw says that, if people who over-indulged were sued, they might be more careful in future. However, that was said of hire purchase at the end of the First World War and has been said since that time. The banking Bills introduced by Menzies were introduced to protect the banks so that they could charge higher interest rates.

That exploded in the 1950s, as the Hon. Mr Laidlaw, who is experienced at board and managerial level, would know. In the 1950s people did not want to admit that they were getting money on the 'glad and sorry'. They may have admitted it in a few hotels in the western districts, but they would not in the eastern districts. However, there has been a general acceptance later.

The Hon. Mr Dunford has mentioned the betting shops in Port Pirie. I think that they should remain. That community is isolated enough and the shops should remain on the basis that they are looked at each two years. We will wait and see whether they are retained. I would not go through the political charade that members of the Liberal Party went through in the other House a few weeks ago to hoodwink the electors on that matter.

I also share the concern that the Hon. Mr DeGaris has in respect of casinos. Betting is betting and gambling is gambling. The Stock Exchange is a form of gambling, although it is said to be highly respected. It is for the brokers, not the battlers. One has to be in the right place at the right time to get one's name etched in the scrolls of the place to be able to practise brokerage, but that is clearly a form of gambling. It is a form of false gambling. In this city, in respect of John Martins, there is a full-scale movement—

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I can see your point, Mr President. John Martins is divesting itself of the assets of the company, and the company will be ripe for take-over. That is a form of gambling. The whispered interjection by the Attorney-General that parents were to blame was a foolish statement and one that he could not repeat unless he was a person who absolutely misunderstood the situation. Has he forgotten that a private member's Bill was introduced by a member of this Council that reduced the age of consent to 14 years? Is he not aware that the policy of some political Parties now is that that age should be 16 years for some matters, particularly medical matters? I do not want to say more about that, because you, Mr President, would say that it had nothing to do with the Bill, and you would be quite right.

For the Attorney-General to suggest that parents are to blame is ridiculous. When his lads or lasses reach the age of 17, and think that that age lasts forever (and we have all reached that stage), he might have a parental problem more difficult to handle than he could ever have imagined. This is not a parental problem. A child under the age of 18 years can get property on hire purchase whether he has a guarantor or not, because there are ways and means in the free enterprise system in the retailing industry to get over that. There are ways and means of getting around this particular matter also, should it be carried into practice.

Regarding telephone betting, that will always go on. I want to draw the attention of the Council to the fact that telephones may not necessarily always be owned by statutory or semi-government authorities, because this particular Minister we have now, this rogue Sinclair—

The PRESIDENT: Order!

The Hon. N. K. FOSTER: What is wrong?

The PRESIDENT: You know exactly what is wrong.

The Hon. N. K. FOSTER: He is an unconvicted rogue.

The Hon. K. T. Griffin: Withdraw it.

The Hon. N. K. FOSTER: I will withdraw that and say that his rightful place is not to be allowed to go free where he is able to delude people into losing their rightful belongings and money. Get me to withdraw that, too. Do you want me to put anything else in *Hansard* regarding the robber?

The PRESIDENT: Order!

The Hon. N. K. FOSTER: What is the game play now, Mr President?

The PRESIDENT: I ask you to withdraw that.

The Hon. N. K. FOSTER: I withdraw it.

The PRESIDENT: I ask you now to continue with the debate.

The Hon. N. K. FOSTER: It would take a long time to talk about that particular matter. I know who belongs to the Mafia and the Country Party and I will deal with that in my own way on another day. The big three: Nixon, Anthony, and his mates—

An honourable member: What about Dawkins?

The Hon. N. K. FOSTER: The Hon. Mr Dawkins would not fall into that category. With respect, he would not want to be in that.

The PRESIDENT: Does the honourable member wish to continue with his comments on this Bill? If he does, I now ask him to do so.

The Hon. N. K. FOSTER: I conclude on the note that telephones are the most manipulated form of communication today. They can fall into the hands of free enterprise and also into the hands of syndicates, bookmakers, scoundrels, and what have you. Thus, the situation should be contained, rather than broadened, especially when one considers what might happen if control fell to the hands of private enterprise. I respect you, Mr President, for your latitude towards me in allowing the Council to hear the truth.

The Hon. K. T. GRIFFIN (Attorney-General): Over the past few days it has been amply demonstrated how extensive is the involvement of some members of the Council in a sport about which I freely admit I know very little. I have been grateful for the enlightenment which some members have been able to throw on the racing industry and on some of the practices which they say go on in the area of betting. As most matters raised by honourable members are more appropriately answered during the Committee stage, I propose dealing with them then. I thank honourable members for their support of the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Constitution of board.'

The Hon. J. R. CORNWALL: I move:

Page 2, lines 32 and 33—Leave out 'nominated by the Minister from a panel of three persons'.

What I will say in relation to this amendment applies equally to the subsequent amendments I will move to this clause. Clause 5 provides that the new board shall consist of five members appointed by the Governor. We agree with the decision that there should be five members. This will make the board tighter and, in my submission, will make it a more constructive and easily managed committee. It is significant that two members shall be appointed on the recommendation of the Minister, one as Chairman and the other as Deputy Chairman. We do not contest that the Minister should have the right, with the concurrence of the Governor, to appoint the Chairman and Deputy Chairman: this is not a bad bite of the cherry. The clause then goes on to provide that there will be one representative from the Breeders, Owners, Trainers and Reinsmens Association, one

from the country trotting clubs, and one from the South Australian Trotting Club. The Government requires that each of these three persons be selected from a panel of three persons submitted to the Minister by these organisations. The Opposition has had very strong representations from each of those organisations, saying that they believe that they should have the right to nominate one person. That one person will then be the very best person, in the opinion of each of those organisations, to represent them on the board. There are philosophical arguments on both sides. This question often arises in legislation where boards are to be appointed, and there certainly were indications in the past when we were in Government, as there have been in the time of this Government (and it has been written into the legislation and accepted by the Parties on both sides of the Chamber), that it is desirable to have a panel from which the Minister makes a selection.

In this case we do not believe that that is appropriate, because the number of persons available from each of these organisations who would have the time to serve on the board would be reasonably limited. There is no question at all but that it is well within the ability of the persons associated with each of these organisations to nominate a person whom they know would be the very best one to represent their interests. The submissions these bodies made to the Opposition and the Government are perfectly reasonable. I submit very strongly that the Breeders, Owners, Trainers and Reinsmens Association, the country trotting clubs and the S.A.T.C. should be given the opportunity to nominate a particular person to the board.

We reject the idea that they should have to, in this particular instance, nominate a panel of three in each instance, from which the Minister will select one. By no means is there any guarantee that that will necessarily be the best nominee, whereas if each of those organisations can put forward their own nominee, picked by themselves after due consideration, then we can have a guarantee that the very best person from each of those organisations will go on to the board. For that reason we are moving these amendments.

The Hon. FRANK BLEVINS: I want to support what the Hon. Dr Cornwall has said. The procedure of saying to an organisation that it is entitled to representation on a board and then saying that the person nominated must be suitable to the Government is offensive. If the organisation is worthy of a board representative, that organisation should have the right to decide on the representative. It is not right for the Minister to say that, in the final analysis, he will make the choice. That is wrong and offensive to the organisation concerned.

Also, there is one point that I would like to mention, although I am not sufficiently disturbed by it to do anything about the situation. My comment is in regard to clause 5 (1) *(d)*. Previously, country clubs had two representatives on the seven-member board. Under this Bill, the board will comprise five members, and country clubs will have only one delegate. This represents a considerable reduction for country clubs. I have been contacted by a person who is interested in this area, and I want that protest to be noted. I understand that the board wanted two country delegates, one from northern clubs and one from southern clubs, although apparently the Government has rejected that recommendation, which is regrettable.

Many people are involved in country racing. They put in much time and effort, although it is not a glamorous area. Country race meetings do not rate alongside Flemington in November as a focus of national attention, yet many people still put in much effort and now feel that they will not be represented adequately on the board. This is especially regrettable, as the board believed there should be two country delegates. Now, although country representation will be reduced by half, the Minister is saying that he will pick the delegate, which adds insult to injury. Country clubs should not have to provide three names to the Minister so he can choose. The Minister has a big say, probably quite properly, in the board, anyway, and it seems offensive to clubs to have to give three names to the Minister so that he can select the delegate.

The Hon. K. T. GRIFFIN: I find the difference between the Hon. Dr Cornwall and the Hon. Frank Blevins interesting. At least the Hon. Dr Cornwall did concede that both in the time of the previous Government and during the course of this Government there has been legislation presented to and passed by Parliament which provided for membership of a committee to be drawn from a panel of names submitted by particular authorities. It is not an unacceptable practice, nor do I find it offensive. The Hon. Dr Cornwall will appreciate that there are reasons why one should treat this area differently from others, but I suggest that this body is no different from any other where a panel of names is required by Statute to be presented to the Minister, who will then recommend to the Governor-in-Council one of those three to be appointed to the board.

Honourable members must remember that the panel of names should comprise people who are acceptable to the nominating body. It is not as though one is any better than any other; it is a question of identifying three persons who are acceptable to the particular body and then allowing the Minister to make the recommendation to the Governor-in-Council as to which one is the most suited to the task in the light of the other nominations by the other bodies and those proposed to be nominated by the Minister.

We have to remember that the persons who are nominated by these bodies are not representatives or delegates. Representatives or delegates ordinarily vote according to the directions which are given to them by the nominating body. This is a matter covered by the Committee of Inquiry into the Racing Industry. In the past, persons have been nominated to respective boards and have acted as if they were delegates or representatives of the body who nominated them, without taking the broader view of what is in the best interests of the industry at large.

The Hon. J. R. Cornwall: Are you speaking to clause 29?

The Hon. K. T. GRIFFIN: No, I think it is applicable to the panel. I am just drawing attention to the reasons why a panel is proposed, and why we should not have the situation provided in the amendment which the Hon. Dr Cornwall has moved. These nominees will not be representatives of particular bodies who nominate them: they are there to bring their own expertise to bear on particular problems for the good of the industry as a whole. It is important, as on other occasions when it has been provided in a Statute for the selection of a panel, that the Minister has the opportunity to put together from the nominations made to him a group of people who have expertise and a variety of talents which can be applied to the best interests of the racing industry.

I oppose the Hon. Dr Cornwall's amendment because I believe it is inappropriate for this body, just as it is inappropriate for others, where certain bodies have at least an opportunity to nominate themselves to particular councils. I also draw attention to the fact that the committee of inquiry did recommend that the membership of the board should be selected in that way: that a panel comprising three names acceptable to the body should be submitted to the Minister. The Bill as it stands is reasonable and consistent with past practice. It has the best prospect of ensuring that the industry for which the board is responsible is

administered in the best possible way, without regard to sectional interests.

The Hon. J. R. CORNWALL: I made clear that we did not want to see this amendment as setting a precedent in relation to a Minister's having or not having the opportunity to select members for boards and the like from a panel of names submitted by interested bodies. Apart from his diversion into clause 29, what the Attorney-General said largely supported the argument which I previously presented. The Attorney-General talked about providing expertise to the board.

The Hon. K. T. Griffin: As a member of the board.

The Hon. J. R. CORNWALL: Providing expertise as a member of the board. However, if he had more to do with the South Australian Breeders, Owners, Trainers and Reinsmens Association, a tightly knit body of very special people, and if he had more to do with the country trotting clubs in South Australia and with the South Australian Trotting Club he would realise that there exists, in this case, very specific reasons why they should have the opportunity of nominating their member of the board. As I said previously, the Minister already has two big bites of the cherry. He is nominating the Chairman and the Deputy Chairman of the board. All we are asking is that the S.A.T.C., BOTRA and the country trotting clubs have the right to nominate the other three people of expertise who are restrained by clause 29 (which we will most certainly support) from representing any sectional interest within those organisations and constrained to act in the best interests of the sport. Since that is provided, there seems to be no reason why these three organisations should not have the right to nominate the very best person for the job—the person who will provide the most expertise. We are not talking about the Law Society, the A.M.A. or a professional body. We are talking about these special bodies associated with the Trotting Board. I ask honourable members to support our amendment.

The Hon. R. C. DeGARIS: I spoke in the second reading stage of the Bill in relation to this matter. While I appreciate that in the case of many boards that we appoint we use the process of a panel of names from which the Minister can select, I point out that the most important point is that we are changing the control of greyhound racing and trotting from boards of six and seven, with the Minister having one nominee on those boards and those organisations having the right to nominate their nominee or nominees, to a position in which the Minister will nominate two out of five and then have the right to choose from a panel of names. That is the essential difference between this case and the cases cited by the Attorney-General.

I have been approached, as no doubt have most honourable members, by country trotting clubs and country greyhound clubs in relation to this matter. I agree with their views. I agree that there is no case that I can see why organisations, such as BOTRA, country trotting clubs, and the S.A.T.C., should not have the right to nominate three out of five on the total board. We are electing a board to administer a sport or an industry; it is not a Government body as such. I believe that where those organisations which are reasonably responsive desire one person to be nominated on that board, they should have the right to do so.

I do not accept the argument of the Hon. Mr Blevins that the view of the country trotting clubs is that they are losing representation on the board. Whilst they are losing representation, I agree with the Attorney-General that we are not looking at a representative board. We are looking at a group which is there to administer these sports. I stress that the Minister is going from a situation in which he nominated one out of six or seven to a situation in which he will nominate two out of five. For that reason, I do not support the idea.

It is interesting to make a comparison between the control of racing and the control of trotting and greyhounds in South Australia. The control of racing is in the hands of one club with no Government nomination in regard to that control. I will be supporting the amendment because I believe it is reasonable, and I know that it is the desire of the organisations that make up the industry in relation to trotting and greyhound racing in South Australia.

The Hon. K. L. MILNE: I oppose the amendment on the grounds that there seems to be a belief that if an organisation is allowed to nominate one person then he will be the best person in the club. That is by no means true, and everybody knows it. It sometimes happens that the best man is chosen, but very often the decision is made for the wrong reasons.

The Hon. Anne Levy: The best woman.

The Hon. K. L. MILNE: The best person. As the Hon. Miss Levy has mentioned that, I inform honourable members that the A.M.P. society, of which I am a policy holder, has appointed the first woman director in Australia. To get back to the Bill, it is not always the case that the best person is chosen when only one person is nominated. It depends on the calibre of the Minister, which gives me cause for concern.

The Hon. C. J. Sumner: Hear, hear!

The Hon. K. L. MILNE: I was thinking of the situation if the Government changed. I think it is wiser that the Minister should have a panel to choose from.

The Hon. K. T. GRIFFIN: I appreciate what the Hon. Lance Milne has contributed. I cannot accept that the board is totally independent of the Government. It receives a substantial amount of funding through the T.A.B. The way in which the board administers the sport is directly relevant to the way in which that money is spent, and to the public interest. So, I believe quite strongly that it is important that there be a proper mix of expertise available on that board to administer the sport, to appropriate what are, in effect, public funds in the best interests of the sport. The Minister ought to have the opportunity to select from the panel of three names from each of the three bodies making submissions the persons who collectively will make the best board available to administer the sport, not only in the interests of the bodies concerned but also in the interests of the public that contribute in one way or another to the operation of the sport. I therefore urge honourable members to reject the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), R. C. DeGaris, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. L. H. Davis.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. J. R. CORNWALL: I move:

Page 2, lines 36 and 37—Leave out 'nominated by the Minister from a panel of three persons'.

The Hon. K. T. GRIFFIN: I did not formally indicate in regard to the last amendment that I would take the decision about that amendment as an indication of the Council's view on subsequent amendments. I still oppose the subsequent amendments that are in the same form, but I indicate that, in the light of the decision on the last amendment and the result of the division, I do not propose to divide.

Amendment carried.

The Hon. J. R. CORNWALL: I move:

Page 2, lines 40 and 41—Leave out 'nominated by the Minister from a panel of three persons'.

Amendment carried; clause as amended passed.

Clauses 6 to 11 passed.

Clause 12—'Constitution of board.'

The Hon. J. R. CORNWALL: I move:

Page 3—

Lines 28 and 29—Leave out 'nominated by the Minister from a panel of three persons';

Lines 31 and 32—Leave out 'nominated by the Minister from a panel of three persons';

Lines 37 and 38—Leave out 'nominated by the Minister from a panel of three persons'.

The Hon. J. R. CORNWALL: I will not canvass this matter at great length. The reasons for my moving amendments to clause 12 are precisely the same as my reasons for moving amendments to clause 5. Again, this clause involves panels nominated by the Adelaide Greyhound Racing Club, the other registered greyhound clubs and the Greyhound Owners, Trainers and Breeders Association. The reasons I gave and the arguments that were so persuasive in regard to my amendments to clause 5 are just as pertinent and persuasive in regard to clause 12.

The Hon. K. T. GRIFFIN: The honourable member has not persuaded me or the Government. As I indicated previously, the Government is opposed to these amendments, but in the light of the earlier decision, I do not intend to divide.

Amendments carried; clause as amended passed.

Clauses 13 to 18 passed.

Clause 19—'Application of funds of the board.'

The Hon. R. C. DeGARIS: I move:

Page 4, lines 16 and 17—Leave out 'by striking out subsection (5) and substituting the following subsection:' and insert:

'—*(a)* by inserting after subsection (2) the following subsection:

(2*a*) Notwithstanding the provisions of subsection (2), the controlling authority for horse racing shall be paid in respect of each quarter an amount that is not more than seventy-two per centum nor less than sixty-five per centum of the amount referred to in paragraph *(b)* of that subsection, and, where such a maximum or minimum amount is payable to that controlling authority by virtue of this subsection, the balance of the amount referred to in that paragraph shall be divided between the other two controlling authorities in the proportions that the amounts bet with the board in relation to each of those two forms of racing (whether within or outside Australia) bears to the total amount bet with the board in relation to both of those forms of racing (whether within or outside Australia) during the quarter; and

'*(b)* by striking out subsection (5) and substituting the following subsection:'

I stated at the second reading stage that all States have different means of calculating T.A.B. surpluses on the clubs. In this State, the system has been to distribute according to a strict proportion of the amount of money invested on the various codes with the T.A.B. South Australia has not had after-race pay-outs, but we will have them when the Bill goes through. However, we do not know what effect this will have on the profitability and turnover of the T.A.B. Every State varies in its approach to distribution.

If one is looking for a thread of uniformity, it is that there are fixed allocations of percentages to each code, irrespective of the turnover on the T.A.B. South Australia relies on the proportion of the actual turnover on the T.A.B. when distributing to the three particular codes. When we have after-race pay-outs, although the Minister has the power to say when and where those pay-outs will be made, it is reasonable to assume that the pay-outs will be made only on galloping day meetings. This means quite clearly that there will be an increased turnover of money on the T.A.B. in regard to the galloping codes.

As it is reasonable to assume that there will be no after-race pay-outs in relation to greyhounds and trotting, the turnover for the galloping industry will increase because of after-race pay-outs. After-race pay-outs will also increase the cost of running the T.A.B. Therefore, the actual profit made by the T.A.B. will probably decline, whereas racing will increase its percentage take. Therefore, in two ways it is probable that the trotting and greyhound industries will suffer because of this measure. I do not think it is fair that we should allow the trotting and greyhound industries to maintain their existing positions. The existing position is 68.5 per cent to the racing industry and 31.5 per cent divided between trotting and greyhounds.

In New South Wales there is a 70 per cent maximum that can go to the galloping industry. In Western Australia the maximum is 60 per cent to the racing industry. I am suggesting that the ceiling in this State for the galloping code should be 72 per cent. A number of representatives of the galloping industry are worried that their code may suffer a decline. To cater for that I have also incorporated a floor. The distribution will be based on the proportion of money going to the T.A.B. from the various codes, but the maximum amount going to racing will be 72 per cent and the minimum 65 per cent.

The Hon. Anne Levy: The Building Act requires a greater height than that between the floor and the ceiling.

The Hon. R. C. DeGARIS: As an expert on statistics, the Hon. Miss Levy often criticises my views.

The Hon. Anne Levy: You're talking about floors and ceilings and I have said that the gap between your floor and ceiling is much less than that allowed in the Building Act.

The Hon. R. C. DeGARIS: Perhaps the Hon. Miss Levy can tell me just what is allowed under the Building Act and I may adjust my amendment. The amendment may not be approved by the Council.

The Hon. N. K. Foster: Do you suggest that we vote against it?

The Hon. R. C. DeGARIS: No, I do not. I believe that a ceiling and a floor need to be provided for the distribution of money from the T.A.B. to the various codes. The trotting and greyhound codes will place a tremendous amount of pressure on the Minister for after-race pay-outs because of the change in turnover which will favour the racing industry. Economically, from the T.A.B.'s point of view, that will be a sheer disaster. I will go even further and say that the T.A.B. should examine closing down services on many greyhound and trotting meetings. It should come to an agreement with those two codes for *ex gratia* payments. Both the racing industry and the T.A.B. would be better off if that occurred.

The Hon. N. K. Foster: Illegal bookmakers would have a ball.

The Hon. R. C. DeGARIS: I have already spoken about that. I do not believe that that would occur. I believe that pressure will be applied by those codes to maintain their position in regard to the distribution of after-race pay-outs. I believe that that would be a sheer disaster. We could close down the operation of T.A.B. agencies in the early morning and late at night if *ex gratia* payments could be made. I believe that my amendment is fair and just, and it fits in with the general approach of other States in Australia.

The Hon. J. R. CORNWALL: There is some merit in the Hon. Mr DeGaris's comments, as there often is. However, there are some very real dangers. For example, he suggested that we should reduce some of the services provided by the T.A.B. The Hon. Mr DeGaris is looking at the matter from a purely business point of view. I suggest that anything, whether it be the poor man's stock exchange—the

T.A.B.—or anything that is in the business of providing a client service, is going to operate at some hours or at some stages of service delivery at a loss. That loss must be offset against the high points, such as when there is an inter-dominion trotting carnival, a spring race meeting, or the Melbourne Cup.

If you are going to extend that argument to its logical end, you would only operate the T.A.B. on Saturday afternoons. Clearly, that is unacceptable. The T.A.B. is not only in the business of trying to make a profit, although I agree that it should be run in a businesslike manner and it should provide the ultimate in service. It is not only there to make a profit but also to provide a client service. I reject any suggestion that the service it offers should be reduced.

The Hon. R. C. DeGaris: I was referring to small country meetings.

The Hon. J. R. CORNWALL: Nonetheless, there may well be people who would want to bet on that meeting. South Australia is a small State and we are battling to make money through the T.A.B. and racing codes generally. I can recall very clearly during the sixties when it was first mooted that South Australia should introduce the T.A.B. system. It was said that it would bring us the El Dorado and untold riches that were being generated in Victoria at that time. I happened to be living at Mount Gambier at that time. The country clubs in Victoria were beginning to do very well. It was quite impossible for country clubs such as the Mount Gambier club to compete with relatively small clubs at Colac and Coleraine. Therefore, the pot of gold—the T.A.B.—was going to be introduced in South Australia. It was said that once we had the T.A.B. in South Australia all our worries would be over. At that time I was very sceptical. One did not have to be a mathematician or a genius to see that a population of about 1 200 000 would not create anything like the bonanza that occurred in Victoria, which has a population of about 4 200 000. In the event, I was absolutely right.

The T.A.B. has never been very successful in South Australia for many reasons. One disadvantage is the population. In those circumstances we certainly need to retain a great deal of flexibility. I think it would be undesirable to incorporate this amendment, which sets percentages. I am well aware of the representations that have been made by many people in the various racing codes who want to see fixed percentages written into the Act.

The Hon. R. C. DeGaris: This is not a fixed percentage.

The Hon. J. R. CORNWALL: It is the next best thing to a fixed percentage. I think it is undesirable at this time. I believe that the Minister and the Government need flexibility. If I were the Minister I certainly would not want to have fixed percentages. For that reason, although I have some sympathy with what the Hon. Mr DeGaris is attempting to do, I would have to oppose the amendment. There is one rider on that. I would like the Attorney to respond to something that I intended to raise on clause 20. That is the question of closely monitoring the effect that after-race pay-outs have on T.A.B. distribution as between the codes. There have been all sorts of projections as to how this may affect the night codes. Presumably, after-race pay-outs will have some effect and it would seem that there would be some reduction in the amount invested on the night codes.

The predictions have been bruited widely. In some cases they are as high as 25 and 30 per cent reductions for the night codes. There seems a fair consensus that the amount is more likely to be 5 per cent. If it is 5 per cent, the Government will have to not only closely monitor the effect on the night codes but it is important that it also give a fair undertaking to compensate the night codes accordingly. I think the Government should also give an undertaking that there will be retrospectivity.

I understand that the Minister gave an undertaking that this would be reviewed at the end of 12 months. It seems that there is a danger in going as far as they have to be disadvantaged for 12 months before there is a catch-up. I would like information on what effect this will have on any code, and that information would have a bearing on how I would vote on the amendment. I am inclined to vote against it but I am pragmatic and flexible, and members on this side often vote as they wish. When there is a conscience vote, we should take that luxury. Worthy though the intent of the amendment may be, I would be influenced by what the Minister said regarding the protection that the Government intends to afford to the night codes.

The Hon. N. K. FOSTER: The Hon. Mr DeGaris accused me of not knowing much about the industry. I said myself that I did not. I oppose the amendment. I think the Hon. Mr DeGaris agrees with me that those who punt think at the beginning of the day that they know what will win and at the end of the day their pocket tells them something different. The amendment is not specific as to when it should operate. Does the Hon. Mr DeGaris suggest that they should desist from taking bets on certain things?

The Hon. R. C. DeGaris: No.

The Hon. N. K. FOSTER: The member proposed that when he spoke. I put a line through it. Why does he not speak about what he proposes? When he speaks like that one becomes suspicious that he is attempting to hide something with the garble of Parliamentary Counsel, with respect to Parliamentary Counsel. Many Bills that Cabinet proposes are emasculated by Parliamentary Counsel, because they put them into a form having due regard to past laws, existing Statutes, and so on. A Minister often says—

The CHAIRMAN: Order! We cannot have a discourse on Parliamentary Counsel.

The Hon. N. K. FOSTER: I wanted to say something about Parliamentary Counsel. I could pick up cases of 'if', 'but', or 'I'. If the Hon. Mr DeGaris wants us to adopt the proposal that he says he wants, we should not have a Lotteries Commission, or something set aside as a racing fraternity, call it what you like, but we should just set up a Gambling Commission, where Peter pays Paul. The Hon. Mr DeGaris qualified it to some extent by saying that, if there was a country meeting, when dust was kicked in everyone's face—

The CHAIRMAN: Order! The Bill does not say anything about that.

The Hon. N. K. FOSTER: He said it. I am opposing what he said. The last point I want to make is that, if he proposes a form of restriction or shut-down on the T.A.B. he will have the local cockies setting up starting price bookmaking in a hotel at Naracoorte or Tantanoola.

The Hon. R. C. DeGaris: You haven't understood.

The Hon. N. K. FOSTER: I am replying to what you said.

The Hon. K. T. GRIFFIN: I cannot support the amendment but, in saying that, I want to deal with some aspects raised by the Hon. Dr Cornwall. The Minister of Recreation and Sport, in the House of Assembly, gave an undertaking that the operation of the after-race pay-out procedures would be reviewed at the end of 12 months by Mr Des Byrne, independent Chairman of the committee of inquiry. The Minister said that it would not be possible to give retrospective effect to any decision, because it would be unfair to require any of the codes to disgorge money already paid to them.

I am informed that 12 months of operation of after-race pay-outs would indicate a trend that would be taken into account in future distributions of available funds. As a result of that review, further amendments to the legislation may be required and the Minister has indicated that, if

that is so, he would consider the introduction of amending legislation to rectify any difficulties that may become obvious during the 12-month period. I think it important to recognise that the effect of after-race pay-outs is really unknown and it would be unwise to apply any floor or ceiling, or both, in this legislation without having access to historical information on which to base that decision. I understand that members of the Opposition in another place were prepared to accept the undertaking given by the Minister in that place as to a review at the end of 12 months.

The Hon. G. L. BRUCE: I understand the amendment moved by the Hon. Mr DeGaris and I also understand our reply to it. What concerns me is the 12-month delay before it is reviewed. I feel that in 12 months, with the summer season coming on and the trend that betting may take, these night codes (greyhounds and trots) could be disadvantaged. If there is to be no retrospectivity, they could be seriously disadvantaged. An assurance has been given, but I would like to see the time reduced. Can the Attorney-General gives some indication and shorten the time for the review? I think that the trend will show more quickly than in the 12 months, when these codes could be seriously disadvantaged.

At night the T.A.B. will be shut and there will be no after-race pay-outs for the trots or greyhounds. It stands to reason that they are going to be disadvantaged. In 12 months, by the time this is picked up, the damage could be done to the clubs and they will be behind the eight-ball, battling to try to get back to the *status quo* that they are enjoying now.

The Hon. J. R. CORNWALL: If I can briefly press my point again, the Attorney-General has not satisfied me in this matter any more than the Minister did with his remarks in the other place. The Government is really saying that it will allow the codes to be disadvantaged for 12 months, because it cannot see any other way to do it and, if they are clearly disadvantaged and have been through that full 12-month period, then it will act, but it is beyond the wit and will of the Government to devise some scheme where the situation can be overcome. That is why I appreciated the amendment moved by the Hon. Mr DeGaris, which was a *bona fide* attempt to overcome the problem.

The only reason I am reticent about supporting this is that I believe we need a degree of flexibility. If we are to give that degree of flexibility, surely it is within the competence of the Minister of Recreation and Sport to work out some equitable way to ensure that the night codes are not disadvantaged during that 12-month period. It is not good enough to say, 'Okay, you are going to be disadvantaged to the extent of 5 per cent, 8 per cent or 10 per cent', whatever the amount may be, 'for 12 months. We realise that that inevitably will happen and therefore we will take some action at the end of the 12 months.' What I am looking at for the night codes, and, indeed, insisting upon to the extent that it is possible for me to do so, is a guarantee that they will not be disadvantaged.

Our support for after-race pay-outs and our support for clause 20 is contingent upon getting this guarantee and, to a lesser extent, our decision as to what we do regarding the amendment to clause 19 by the Hon. Mr DeGaris is contingent upon getting a cast iron guarantee about that 12-month period.

The Hon. K. T. GRIFFIN: There cannot be a cast iron guarantee. The amendment by the honourable member and the comments by the Hon. Dr Cornwall are based upon a presumption that the codes will be disadvantaged. There is no basis for that presumption. It is possible that percentages will fall. One has to recognise that there could be more money available on current projections. While percentages may be reduced, the information available to the department suggests that the amount of money will certainly not be less than what is currently available, and it is expected to be more. It is not possible to give a cast iron guarantee.

One has to remember that the moneys that come in to be distributed, are distributed. If the moneys are distributed on the basis of percentages calculated in accordance with retrospectivity, you cannot require the particular codes to disgorge funds.

The Hon. J. R. Cornwall: I do not understand. Would you like to adjourn—

The Hon. K. T. GRIFFIN: No, I am not going to adjourn; I am going on with it.

The Hon. J. R. Cornwall: It is a pity that you do not know what you are talking about.

The Hon. K. T. GRIFFIN: That is your failing, not mine. The Minister will certainly undertake to review the matter within 12 months and, undoubtedly, in the light of what has been said and representations made by clubs and other bodies, will constantly monitor the trend. You cannot expect the Minister to be tied down to a minimum and maximum percentage, or to give cast iron guarantees based upon the most gloomy prospects upon which the honourable member is basing his amendment.

The Hon. R. C. DeGaris: The Minister is tied to a fixed percentage in all other States.

The Hon. K. T. GRIFFIN: If you use that argument in relation to all other States, when we get to the clause which relates to the recoverability of gambling debts, the same principle ought to be applied.

The Hon. J. R. CORNWALL: The Attorney clearly does not understand. I am not asking that the Government be tied to minimum or maximum percentage. What I am asking it to do is maintain the position of the night codes. Whatever amount they are currently getting, with inflation running at 10 per cent or 12 per cent, I am asking that the Government guarantee that they will continue to receive that amount of money in the first 12 months, and not to let 12 months go by, let the codes be disadvantaged to the extent of 5 or 10 per cent, and then say, 'Well, we realise you have been through a bad patch. I am sorry you have lost that. It's all gone. We couldn't do anything about retrospectivity and disgorge funds', as the Attorney calls it, 'and we will now do something about it.' In that situation, they have already lost it in that 12 months period. The Minister says it is anticipated that there will be more money available because there will be an increased turnover on the T.A.B. What the Minister is saying in effect is that all of that money which may or may not be available, but we presume will be available, will be used to put the S.A.J.C. at a distinct advantage over the other codes.

The other question the Minister is clearly overlooking is that the distributions to each of the codes will be paid quarterly. The trend will become obvious within that first quarter. There is really no valid reason for the Minister or the Government to wait a full 12 months. There is no reason why the night codes should be placed at a disadvantage. It is on record that, unless the Government changes that undertaking, the night codes will be disadvantaged and quite possibly severely disadvantaged. To the extent that the Government has initiated this legislation, I am not inclined to support the Hon. Mr DeGaris's amendment at this time. The Government and the Minister should be allowed a degree of flexibility. The Government surely can do better than leave the night codes stuck in a position of disadvantage for 12 months. It is well within the competence of reasonable men and women to devise a scheme whereby the night codes will not be disadvantaged. That is clearly on the record. The Government has to give an undertaking now. It has the opportunity of a last chance.

Otherwise, let it be known that it knowlingly and willingly entered into this situation in the clear knowledge that trotting and greyhound racing would be disadvantaged for a period of 12 months.

The Hon. K. T. Griffin: There is no clear knowledge of that at all.

The Hon. J. R. CORNWALL: There is absolutely clear knowledge of that: they will be disadvantaged and there will be an increased turnover on galloping meetings. The Attorney has said that himself. Somebody has told him that, somebody far more knowledgeable in this business than the Attorney himself, on his own admission. There is a consensus throughout the industry that galloping will be advantaged by after-race pay-outs. Inevitably, since there is only a fixed number of gambling dollars to go round, the night codes must be disadvantaged to some extent. The only matter of conjecture is to what extent that will be—

The Hon. R. C. DeGaris: I indicated that in my amendment.

The Hon. J. R. CORNWALL: The Hon. Mr DeGaris did, but the problem with his amendment is that it removes the flexibility from the Minister which, on mature reflection, I am not willing to take away. Billy the Goose and his punting friend know clearly that the night codes will be disadvantaged to some extent unless the Minister gives a guarantee that administratively he will do something about it. One does not have to wait 12 months—something can be done at the end of the first quarter. Please, do not force us to go out into the community and say nasty things about you.

The Hon. G. L. BRUCE: Surely, it is not beyond the realms of possibility, when in 1980 the racing codes received 73.9 per cent of the take, to ensure that the night codes are protected during the first 12 months after the Bill is passed. Any excess could be put aside and held in trust for the 12 months. Surely there must be some provision that the galloping codes do not exceed what they have previously obtained. It is not impossible to work that out. An iron-clad guarantee could be given by the Government that it will look at the matter in six or 12 months. Why would the Government not be bound by that?

The Hon. K. T. GRIFFIN: The Government will consider the matter of after-race pay-outs during the whole operation of the first 12 months, but it is not prepared to give an iron-clad guarantee, as the honourable member seeks. The Government has given a clear commitment to review the situation at the end of 12 months and also to monitor the effect of after-race pay-outs during that period. It will continue to monitor the situation after 12 months, but it is not in a position to give such a guarantee.

The Hon. J. R. CORNWALL: That does not satisfy me. We do not intend to support the Hon. Mr DeGaris's amendment because, unfortunately, in trying to achieve what he is seeking, he is taking away some flexibility from the Government which we are not prepared to support, but it is a great shame that the Government has failed to act, in the first instance, within the flexibility that we are allowing, and that ought to be on the public record. I hope it is widely reported that the Government is perfectly happy to let the night codes be disadvantaged to whatever extent that disadvantage might be for 12 months. The Government stands condemned for not doing something about it. The Government could keep the situation monitored and say that at the end of the first quarter a certain alternative could be implemented—it could give a firm undertaking, as the Hon. Mr Bruce said, that it will not allow the proportion going to galloping to exceed 73.9 per cent. That would overcome the problem. The Government should give a guarantee that it will not allow the amount to exceed 73.9 per cent. If it reviews the situation at the end of 12 months it will have the best of both worlds. The Government should not be so ridiculously inflexible.

The Hon. G. L. BRUCE: Does the Attorney not see a 'catch 22' situation for the night codes? I cannot see how the amount going to racing will not increase with after-race pay-outs. The money invested and turned over will be greater. If the night codes go down during the 12 months, they will go down with their stake money and attendance. The industry will suffer, yet at the end of 12 months there will be an argument about why they should receive a big take. The night codes will not attract people and will not receive money. Perhaps 5 or 6 per cent of turnover will go to galloping. Night codes will run down over 12 months and will have to fight to get back to the *status quo,* which reflects a 'catch 22' situation.

We merely ask that the night codes be maintained at the *status quo.* We do not want to see them disadvantaged and having to fight back to their present position. I do not agree with the Hon. Mr DeGaris's amendment because he has a 7 per cent flexibility written in. We are not asking for 7 per cent—we are merely seeking to maintain the *status quo* for the night codes to ensure that they are not disadvantaged after 12 months.

The Hon. K. L. MILNE: It seems to be assumed that, because one or two people have said so, the galloping codes will obtain more money once after-race pay-outs are implemented from the T.A.B. I have a letter from the President of the South Australian Jockey Club (Mr R. Clampett) and he does not agree with that at all. That club ought to know as well as anyone.

The Hon. J. R. Cornwall: You are misinterpreting the situation. Despite whether it goes up or down, there will be more money invested relative to gallopers than the night codes. It does not matter whether it goes up or down—there will be less money invested on other codes.

The Hon. K. L. MILNE: That is delightful information. The honourable member and his colleagues could be wrong. I was going to speak to clause 20, when the honourable member might listen better. We should not take for granted what the statisticians are saying. One statistician in this Chamber has not said a word—he is probably right. Where does one start if one sets maximums and minimums? There are ways of protecting various codes. The Government does not want to do away with or damage any particular code.

The Hon. J. R. Cornwall: You are going the right way to do that.

The Hon. K. L. MILNE: Will the honourable member please not interrupt. There is no way the Government can find the proper starting point, other than to see what happens when the new Bill is passed. I support the Government in not trying to give a guarantee in an area where it would have to make a forecast that might be wrong.

The Hon. R. C. DeGARIS: What is being overlooked by many members is that there are going to be after-race pay-outs on galloping, and none on trotting and greyhounds. Therefore, the turnover for galloping must increase and the percentage going from the T.A.B. to racing must increase.

The Hon. K. L. Milne: They are worried about attendances.

The Hon. R. C. DeGARIS: We are not talking about attendances but about pay-outs from the T.A.B. I am clear in my mind that the T.A.B. pay-out to galloping codes will improve their position at the expense of trotting and greyhounds. That is irrefutable.

The Hon. J. A. Carnie: It has nothing to do with attendances.

The Hon. R. C. DeGARIS: That is correct. My attempt is the same as that made in all other States to deal fairly with this question. I notice that there is difficulty, but this question should be discussed when this Bill is dealt with.

The only way that we can discuss the matter is to have an amendment on file. Having given it much thought, I believe that this does handle it fairly.

One question worries me. The research I did shows that T.A.B. distribution to racing is 68.5 per cent. The Hon. Mr Bruce tells me that it is 73.9 per cent. I do not know whose research is right. I think he will find that 68.5 per cent is correct. If the fears of the racing industry are justified that its distribution will fall, there is a floor below which it cannot go. If the greyhound and racing figures fall, there is a floor below which they cannot fall. The point made clearly by members is that if, after 12 months, there is a disaster, the position can be reviewed. My amendment prevents any disaster from occurring. I have spoken to people in the racing industry, in the greyhound industry, and the trotting industry. Whilst they are all concerned, after long discussion most of them agreed that this amendment was a perfectly fair and just way to handle the situation in the first 12-month period.

The Hon. J. R. Cornwall: Why didn't they speak to us?

The Hon. R. C. DeGARIS: They always choose the most intelligent to work on first.

The Hon. J. R. Cornwall: They have been talking to me for months but they haven't mentioned this.

The Hon. R. C. DeGARIS: Perhaps I made the suggestion to them and asked them for their opinion.

The Hon. K. T. Griffin: Is that a leading question?

The Hon. R. C. DeGARIS: I never lead questions—I lead only answers. A very strong lobby is concerned about what could happen with this issue. What the amendment tries to do in the first 12-month period is to prevent a tragedy occurring. It will not affect anybody. It still allows a distribution to be made on turnover within certain parameters. I do not want to go on and answer what the Hon. Norm Foster has had to say, but I will talk to him afterwards, because he did misunderstand something I said.

The Hon. N. K. Foster: You should have said what your little piece of paper was all about.

The Hon. R. C. DeGARIS: It is a complex question which I can explain better to the honourable member outside the Chamber. I find the honourable gentleman much more amenable outside the Chamber than he is in it. I am sure that he will agree that what I am saying is quite correct—it is a difficult problem. I understand the difficulty that the Government and the Opposition have had. I have tried to come down with a formula that goes some way towards preventing a tragedy that could occur if the increases in turnover on the T.A.B. and the increased costs on the clubs in relation to after-race pay-outs were to create a situation in which trotting and greyhound racing figures changed most dramatically.

Amendment negatived; clause passed.

Clause 20—'Acceptance of, and payment on, off-course totalisator bets.'

The Hon. K. L. MILNE: I must protest at the way in which the situation at the S.A.J.C. is being swept aside. I quote from a letter dated 20 August from Mr Robert Clampett, as follows:

> My Committee firmly believes we will lose a significant part of our present income through losses in on-course attendances resulting in lower admission receipts and on-course betting revenue. After a close study of T.A.B. projected additional revenue from after-race pay-out, the committee is convinced that the loss in on-course revenue will not be made up from T.A.B. returns. Further, a comprehensive analysis of T.A.B. operations to date suggests to the S.A.J.C. committee that any likely additional revenue will soon be eroded in operating expenses.

It may not be eroded completely, but there will only be a net gain after the additional expenses which the Hon. Mr DeGaris mentioned. The letter further states:

> Some advocates of after-race pay-out maintain that the horse-racing clubs are insular and short-sighted in their opposition to after-race pay-out, but the S.A.J.C. committee has, as it must as the controlling authority for the galloping code of South Australia, looked long and carefully at every aspect of the proposal and its anticipated short and long-term financial ramifications for the racing industry and it sees the introduction of after-race pay-out jeopardising the entire financial structure of racing.
>
> It is simple logic that racecourse attendances must drastically decline. The point being—why should a person travel from Semaphore to Morphettville and then pay to enter the course to place a bet when he can lodge it at a local agency with no admission charge and collect the dividend five minutes after the race is run. You can extend this reasoning to provincial clubs which rely heavily on people driving forty miles or so to attend race meetings, and furthermore in country towns people would have little incentive to pay to enter their local race track knowing that they can collect their winnings at T.A.B. immediately after each race. My committee cannot concede that any significant additional revenue will be generated in T.A.B. turnover, and furthermore we cannot see sufficient additional profit to offset the on-course loss.

That is the case the club puts; it remains to be seen whether it is right or wrong. I think that it is probably correct in its assumption, and I oppose after-race pay-outs as provided in clause 20.

The Hon. D. H. LAIDLAW: I should repeat what I said in the second reading debate, that South Australia and Victoria are the only two States which do not have off-course after-race pay-outs. I think that the experience in New South Wales provides the answer to the fear expressed by Mr Clampett. I understand that attendances did drop off after off-course after-race pay-outs were introduced, but this was more than compensated for by an increase in the shares that clubs received from the T.A.B. I doubt whether the S.A.J.C. is correct in its assertion. I support the clause.

The Hon. K. T. GRIFFIN: The Hon. Don Laidlaw has adequately dealt with this matter. It was a recommendation of the committee of inquiry into racing. The Government takes the view that to T.A.B. cash customers there are likely to be increased funds available as a result of after-race pay-outs which will more than compensate for the loss of patronage. The committee of inquiry was of the view that after-race pay-outs from the T.A.B. would make the T.A.B. more competitive with S.P. bookmakers, one of the attractions of which is immediate pay-outs.

Clause passed.

Clauses 21 to 29 passed.

Progress reported; Committee to sit again.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

The objects of this Bill are to up-date many of the provisions of the Act which have become unworkable or inapplicable due to progress made in the operations of the The Savings Bank of South Australia since their original inclusion in the Act, to provide for a Deputy Chairman of Trustees, to instigate changes to the method of appointment of officers of the bank to classified and prescribed positions within the bank and to expand the bank's power in the lending and investment field to allow the bank to compete in the market place for funds.

The up-dating amendments include the revision of the definitions of 'efficiency' and 'officer', the inclusion of definitions of 'accounts', 'accounting records', 'depositor', 'securities' and 'the union' and the repeal of the definitions of 'prescribed officer', 'the association' and 'the State'. Subsequent amendments are made to the principal Act as a result of such changes. A cut-off date which has been

long established is inserted in section 20 of the Act which relates to the provision of retiring allowances by the bank and retirement after 40 years service with the bank is allowed without the loss of benefits accrued by the particular officer pursuant to this section. Section 20a of the principal Act relating to superannuation is amended by repealing the portion thereof which has become inoperative. The provisions of section 22 are amended to give the trustees of the bank extended power to make payments in lieu of long service leave to dependants, being powers equivalent to those applicable to retirement allowances. Section 24 of the Act is repealed as being an inappropriate provision to apply to the rights of officers to leave and retiring allowances.

Reference to the Homes Act 1941 is removed from section 31 of the Act. Amendments are made to sections 47, 48, 51 and 60 of the Act to allow the trustees of the bank power to regulate the deposit of moneys, the repayment of deposits and to up-date provisions which relate to the supply of the bank's rules to depositors and to unused accounts as the existing provisions have become inappropriate in light of banking advances and procedural changes. Amendment is made to section 59 of the Act relating to accounts of deceased depositors to make the operation of the section more easily understood and to up-date the same to deal with changing circumstances. The monetary limits referred to in the section are left within the discretion of the trustees. The balance sheet provisions (Part IX) are revised whereby the Part is renamed 'Accounts and Audit' and the existing sections 61 and 62 are replaced by provisions in line with those contained in the Companies Act and modern accounting and auditing practice.

Provision is made for the appointment of a deputy Chairman of Trustees to act on behalf of the Chairman during his absence. Section 15 is amended to this purpose. Amendments are made to provisions relating to the appointment of officers to classified or prescribed positions whereby the approval of the Governor is not required for such appointment thereby relieving Treasury of unnecessary administrative work. The approval of the Governor is still required for those officers in the bank which are so designated by the Treasurer after consultation with the trustees of the bank.

The bank's powers are expanded in the field of lending whereby the existing sections 31 and 31a are repealed and replaced by a single section regulating the bank's lending. The trustees are given the power to lend the bank's funds with the restriction that at least half of the funds so lent shall be for residential purposes and further that unsecured loans shall be limited to a prescribed amount, at present $5 000. The terms and conditions relating to such loans are left to the discretion of the trustees of the bank.

Section 32 of the Act is amended by the deletion of the reference to lending thereunder, thereby specifying those areas in which the bank may make investment. The power to invest in shares or debentures of bodies corporate operating in the banking field with the Treasurer's concurrence is added to that section. In addition, the bank is given power to invest in and deal in bills of exchange or promissory notes and to issue convertible certificates of deposit by amendments to section 42 of the Act. The expansion of the bank's powers in this area allows the bank to compete on more favourable terms than are at present imposed by the existing provisions of its Act in the very competitive finance market. In particular, the powers to lend upon an expanded range of securities and to deal in the Bill market are important to the bank's operations.

I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends the headings to Parts VIII and IX of the Act. Clause 4 amends definitions of existing items in minor ways and adds definitions related to amendments to the substantive sections of the Act. Clause 5 repeals section 15 and substitutes a section providing for the appointment of a Deputy Chairman of Trustees.

Clause 6 deletes the words 'clerks or servants' from section 19. Clause 7 amends section 19a to remove the necessity for the Governor's approval for the salaries of prescribed officers. Clause 8 amends section 20 by deleting the words 'clerks or servants' and inserts a provision for retirement after 40 years of service and inserting the cut-off date for entitlements under section 20 as being 1 July 1959 (being the date of the appointment of such officers).

Clause 9 repeals section 20a (2) and (3) of the Act relating to the bank's superannuation arrangements. Clause 10 deletes the words 'clerks or servants' from section 20b. Clause 11 deletes the words 'clerks or servants' from section 21. Clause 12 deletes the words 'clerks or servants' from section 22, repeals subsection 3 and substitutes fresh provisions relating to payments in lieu of long service leave.

Clause 13 deletes the words 'clerks or servants' from section 23. Clause 14 repeals section 24. Clause 15 deletes the words 'clerks or servants' from section 26. Clause 16 repeals section 26a and substitutes a redrafted section with identical intent. Clause 17 deletes the words 'with the approval of the Governor' from section 26b.

Clause 18 deletes the words 'with the approval of the Governor' from section 26e. Clause 19 replaces the words 'the association' with 'the union' in section 26g. Clause 20 replaces the words 'the association' with 'the union' in section 26h. Clause 21 deletes the words 'with the approval of the Governor' from section 26i. Clause 22 is a formal amendment correcting section 26q. Clause 23 replaces the words 'the association' with 'the union' in section 26s. Clause 24 deletes the words 'clerks or servants' from section 27.

Clause 25—section 31 and section 31a are repealed and replaced by section 31 relating to all loans made by the bank. Clause 27—section 32 is amended by adding an additional area of investment namely certain shares or debentures in bodies corporate related to banking. The words 'invest funds of the bank' are substituted for 'invest and lend funds of the bank in or upon'. Clause 28 deletes the words 'clerks or servants' from section 35. Clause 29 deletes the words 'clerk or servant' from section 36.

Clause 30 amends the heading to Part VIII. Clause 31 amends section 42 by adding the powers to issue certain securities and to deal in bills of exchange or promissory notes. Clause 32 amends section 46 by omitting reference to section 31a and replacing it with reference to section 31. Clause 33 repeals section 47 and substitutes new provisions for the deposit of money.

Clause 34 repeals section 48 and substitutes new provisions for the availability of the bank's rules to depositors. Clause 35 repeals section 51 and substitutes new provisions for the repayment of deposits. Clause 36 repeals section 59 and substitutes new provisions for the payment of claims for the funds of deceased depositors. Clause 37 deletes reference to passbooks in section 60. Clause 38 amends the heading to Part IX. Clause 39 repeals sections 61 and 62 and substitutes sections 61, 62 and 62a providing for the preparation of the bank's accounts and the audit thereof.

The Hon. C. J. SUMNER secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 5)

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

At present, car parking on North Terrace, adjacent to Parliament House, comes under the authority of the Minister of Public Works under section 85 of the Road Traffic Act. The Constitutional Museum abuts Parliament House on the western side. However, car parking adjacent to the Constitutional Museum is presently controlled under the Local Government Act. Both areas are thus subject to entirely different administration, and the methods for prosecution of breaches and the consequent penalties vary considerably.

The Government believes that it is more appropriate for parking at both Parliament House and the Constitutional Museum to come under the one administration, and that section 85 of the Road Traffic Act (which currently regulates parking adjacent to Parliament House) should be extended to cover areas adjacent to, and within, the Constitutional Museum site. To facilitate this control, an effective system of prosecution and fines must exist. At present, the messengers of the House may be placed in a difficult or embarrassing position when issuing 'tickets' on behalf of the Minister of Public Works, as members of the public tend not to view the messengers as an appropriate authority. It is considered desirable to give authorization to the Police Force to prosecute breaches, with penalties being paid under the expiation fee (on-the-spot fines) method prescribed by the Police Offences Act. This system would enable the police officer who is stationed at Parliament House to issue expiation notices.

The sensitivity of this particular area makes it desirable that the maximum degree of flexibility is available in the administration of parking controls. Where offenders are to be proceeded against, it is also desirable that the administration of the system should be as simple as possible. In this context, the present system which requires the actual prosecution of offenders is undesirable.

The present Bill is designed to make it possible to bring areas adjacent to, or within, the site of the Constitutional Museum within the ambit of section 85 of the Road Traffic Act. Subsequent amendments of regulations and by-laws will be made to accomplish the objects set out above.

Clause 1 is formal. Clause 2 amends section 85 of the principal Act to make it possible for the Governor to bring within the ambit of that section areas adjacent to, or within, the site of the Constitutional Museum.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

ADJOURNMENT

At 6.35 the Council adjourned until Wednesday 18 November at 2.15 p.m.